

**APPROVED**

**TOWN OF PELHAM  
ZONING BOARD OF ADJUSTMENT MEETING  
May 11, 2015**

The Chairman David Hennessey called the meeting to order at approximately 7:00 pm.

The Secretary Bill Kearney called roll:

**PRESENT:** David Hennessey, Svetlana Paliy, Bill Kearney, Peter McNamara, Chris LaFrance, Alternate Lance Ouellette, Planning Director/Zoning Administrator Jeff Gowan

**ABSENT:** Alternate Pauline Guay, Alternate Darlene Culbert, Alternate Kevin O'Sullivan

**ELECTION OF OFFICERS**

Mr. McNamara made a motion to re-appoint the existing slate of officers for the coming year. Mr. Hennessey asked that the positions be appointed by separate motions.

Mr. McNamara nominated Mr. Hennessey as Chairman. Mr. LaFrance seconded. No other nominations were made.

**MOTION:** (McNamara/LaFrance) To appoint David Hennessey as Chairman.

**VOTE:** (5-0-0) The motion carried.  
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Mr. McNamara nominated Ms. Paliy as Vice Chairwoman. Mr. Kearney seconded. No other nominations were made.

**MOTION:** (McNamara/Kearney) To appoint Svetlana Paliy as Vice Chairwoman.

**VOTE:** (5-0-0) The motion carried.  
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Mr. McNamara nominated Mr. Kearney as Secretary. Mr. LaFrance seconded. No other nominations were made.

**MOTION:** (McNamara/LaFrance) To appoint Bill Kearney as Secretary.

**VOTE:** (5-0-0) The motion carried.

**HEARING**

**Case #ZO2015-00006**  
**Map 7 Lot 4-181**

**BENOIT, Bruce & Patricia - 937 Mammoth Road - Seeking a Variance concerning Article III, Sections 307-7 &307-12 to permit an addition on an existing home on a pre-existing lot of record that does not meet the minimum square footage; the lot is 30,900SF where 43,560SF is required.**

Mr. Kearney read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Shayne Gendron of Herbert Associates, representing the applicant, came forward to discuss the variance request. He explained that the lot was a pre-existing lot of record that is undersized. The applicant would like to put an addition onto the existing home that would allow for Mrs. Benoit, who has had health problems, to move back into the home and have one-story living. No other zoning relief is being requested, other than the lot is undersized. The proposed addition will be 12ft.x16ft (192SF). A rendition of a possible floor plan was provided to the Board; it may shift slightly, but will meet the zoning setback requirements.

Mr. Gendron read aloud the variance criteria as submitted with the application for variance request.

Mr. McNamara inquired where the addition would be located on the existing home. Mr. Gendron replied on the side and provided a copy of the plot plan included with the application. Mr. McNamara confirmed the side setback would be met. Mr. Gendron replied they showed a side setback of 31ft. Mr. McNamara wanted to know how close the nearest house was to the proposed addition. Mr. Gendron believed the abutting lot owned a small strip of land that ran along Benoit Avenue between the abutter's lot and Mammoth Road; with their house sitting behind the applicant's home. Mr. Gowan confirmed Mr. Gendron's statement to be accurate.

Mr. Ouellette asked how many bedrooms were currently in the existing home. Mr. Gendron replied there were three existing bedrooms. The proposed addition included a bedroom, bringing the total to four bedrooms. Mr. Ouellette wanted to know if the septic system was designed for four bedrooms. The applicant (seated in the audience) indicated the septic was designed for five bedrooms. Mr. Gendron believed if there was an issue the Building Inspector would bring it up prior to an occupancy permit being issued.

Ms. Paliy reviewed the information provided to the Board with the application and during the meeting. She questioned why the floor plans didn't match. Mr. Gendron replied that the floor plan showed a 2ft. jog, whereas the plot plan showed the addition even with the back property. He commented that the variance request was for the shortage of lot acreage, they were not requesting a variance for the setback.

Mr. Gowan told the Board the septic design capacity would be reviewed during the inspection process for the occupancy permit.

#### PUBLIC INPUT

Ms. Susan Anderson of 917 Mammoth Road was concerned about environmental impacts to the stream that ran between the properties given that her water supply came from an underground portion of that stream. She has a new artesian well (205ft. deep). She reiterated her concern that the proposed addition would impact the stream.

Mr. Hennessey noted that the Town would review the septic capacity prior to issuing a building permit. He asked Mr. Gendron if the applicant's lot was close to a wetland. Mr. Gendron was not aware of any wetland in the proximity of the proposed addition. He noted the variance was to put an addition on an undersized lot. If a septic design was needed, they would provide one.

Ms. Anderson was under the impression there was a wetland area behind her house. Mr. Hennessey wanted to know the distance between the wetland and the proposed addition. Ms. Anderson believed it may be a half mile away. Mr. Hennessey replied under the guidelines, the setback was well under that distance and didn't feel there should be an affect. He noted prior to a building permit being issued, the applicant is warned there should be no additional runoff from the property based on the proposed construction. Mr. Gowan believed the small addition would have an immeasurable affect. He noted no portion of the existing septic system could be within 75ft. of the applicant's well or a neighboring well; this would be easily verified. He didn't feel there would be a negative impact from the proposed modest addition.

Ms. Anderson told the Board she decided to sell home within the next couple months and was concerned about construction noise impacting potential buyers. Mr. Gendron replied the applicant was interested in having a quick construction time frame; possibly in a few months. Mr. Hennessey added that the construction would probably be done by the time Ms. Anderson placed her home on the market.

Mr. Ouellette questioned what would happen if a variance was granted and the addition was later found to be within a Wetland Conservation District ('WCD') area. Mr. Gowan replied the variance is in relation to the expansion of the lot. He said an expansion into a WCD would be a different variance that would require the owner to come back in front of the Board. Mr. Ouellette questioned what would occur if a WCD was discovered. Mr. Hennessey replied the applicant would need an additional variance prior to construction. Mr. Gendron told the Board they had a surveyor had surveyed the property and provided a certified plot plan. He trusted the surveyor's expertise of locating a WCD and showing it on the plan if one existed.

**BALLOT VOTE**                      Mr. Hennessey – Yes to all criteria  
**#ZO2015-00006:**                      Ms. Paliy – Yes to all criteria  
   Mr. Kearney – Yes to all criteria  
   Mr. LaFrance – Yes to all criteria  
   Mr. McNamara – Yes to all criteria

**VOTE:**                                      (5-0-0) The motion carried.

**VARIANCE GRANTED**



**MINUTES REVIEW**

**March 9, 2015:**

**MOTION:**    ( ) To approve the March 9, 2015 meeting minutes as written.

**VOTE:**                      (5-0-0) The motion carried.

**DISCUSSION**

Mr. McNamara indicated that the Planning Board was in the process of establishing three subcommittees and in need of volunteer for: 1) Master Plan; 2) Capital Improvement Plan; and 3) Zoning. Mr. Hennessey noted he had volunteered to be on the Zoning subcommittee.

Anyone interested in volunteering should contact Mr. Gowan at the Planning Department.

Mr. McNamara then discussed points of interest that came out during the annual Planning/Zoning conference held in Concord. 1) pending Bill that would allow a 2-1 vote to carry a variance; and 2) a Bill that would allow an accessory dwelling unit in any residential structure (without limiting to a family member).

### **ADJOURNMENT**

**MOTION:** (LaFrance/Kearney) To adjourn the meeting.

**VOTE:** (5-0-0) The motion carried.

The meeting was adjourned at approximately 7:35pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary