

APPROVED
TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
June 13, 2016

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 Darlene Culbert, Alternate Thomas Kenney
Planning / Zoning Administrator Jennifer Hovey

ABSENT: Alternate Lance Ouellette, Alternate Pauline Guay, Alternate Kevin O'Sullivan

PLEDGE OF ALLEGIANCE

CONTINUED HEARINGS

Case #ZO2016-00012

Map 22 Lot 8-31

C & T BEAUREGARD LANDHOLDINGS, LLC - 91 Main Street – Seeking a Variance concerning Article III, Sections 307-8 & 307-12, Table I to permit a construction equipment sales business in the business zone on a lot with less than the required 60,000SF.

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.

The applicants, Chad Beauregard and Tim Beauregard came forward to discuss the variance request. They began by apologizing for the miscommunication and not being present at the previous meeting. They were seeking to run a used (construction related) equipment business at 91 Main Street.

Mr. Beauregard read aloud the variance criteria as submitted with the application.

Mr. McNamara understood most of their business was done over the internet. He asked if they would have a retail component as well. Mr. Beauregard believed 90%-95% of their business was done on-line; however, customers would pick up the equipment from the location. The lot would be used more as a storage facility than retail site.

Ms. Paliy was familiar with the property. She recalled there was a large garage and huge amount of junk cars previously on site and wanted to know if they would clean the site. Mr. Beauregard replied the previous garage was taken down. A new slab was put down and the walls were started, but the building was never completed. They had been cleaning the lot out from all the debris.

Mr. Kearney wanted to know what type of equipment would be stored and how many pieces. Mr. Beauregard believed they had approximately 20-25 pieces of equipment which varied in size. They would be keeping the property neat and respectful. He reviewed a list of the type of items they sold; most

were able to be put onto trailers of various sizes. They hoped to fence off the back of the lot for storage to keep the equipment out of sight. The electrical equipment will be stored inside.

Mr. Hennessey asked if any repair work would be done on-site. Mr. Beauregard answered no. Mr. Hennessey inquired if the lot was in the Mixed Use District. Ms. Hovey answered no; it was in the Commercial Zone.

PUBLIC INPUT

Mr. Alan Demers, 109 Main Street wanted to know if the hours of operation would be during the evening and on weekends. He was concerned with truck/trailer traffic. Mr. Beauregard stated they would abide by the Town's requirements. Mr. Hennessey noted that the Zoning Board was addressing the change of use of the land. The variance request is for the size of the lot. The Planning Board would address the site, hours of operation, shielding from the road etc.

Mr. Hennessey discussed the hearing process and changes the Board would be making.

Mr. LaFrance was not opposed to the request but felt there needed to be additional things worked out during the Site Plan review process.

Being familiar with the property and previous storage of equipment and debris. Ms. Paliy believed this was the type of case that would benefit the property and be a huge improvement.

Mr. Kenney was in favor of the lot being cleaned up.

MOTION: (McNamara/LaFrance) To close the public hearing.

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

BALLOT VOTE	Mr. Hennessey – Yes to all criteria
#ZO2016-00012:	Mr. Kearney – Yes to all criteria
	Ms. Paliy – Yes to all criteria
	Mr. McNamara – Yes to all criteria
	Mr. LaFrance - Yes to all criteria

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

VARIANCE GRANTED

HEARINGS:

Case #ZO2016-00013

Map 13 Lot 3-166-11

FOURNIER, Danial & Cynthia - Seeking a Special Exception concerning Article XII, Section 307-74 to permit an accessory dwelling unit.

Mr. McNamara stepped down for the hearing. Ms. Culbert was appointed to vote.

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.

Ms. Fournier explained that they would like to add an in-law apartment to be able to care for her mother.

Mr. Hennessey discussed the Special Exception process, which was a matter of an applicant meeting criteria for approval. He questioned if the square footage had been reviewed. Ms. Hovey told the Board the applicant had met with the Building Inspector and the square footage was correct. She believed the applicant was only waiting upon State approval of the septic design. Ms. Fournier stated she had a plan signed by the Health Department and a note from Herbert Associates indicating they had applied for the State approval. She explained they currently had a 4-bedroom system and needed to have it redesigned for 5.5 bedrooms.

Ms. Paliy questioned when the design was submitted to the State. Ms. Fournier replied they started the process at the beginning of April, but was unsure when the submission was forwarded to the State for approval. Mr. Hennessey noted that the State was backed up on all applications.

MOTION: (Kearney/LaFrance) To make the approval dependent upon receipt of State approval of Septic System Design.

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

Mr. Hennessey confirmed that the applicant understood if the Special Exception was granted, it was not for use as a rental. Ms. Fournier told the Board they understood. Mr. Hennessey questioned if the criteria for Special Exception had been met. Ms. Hovey answered yes.

PUBLIC INPUT

Mr. Jeff Boardman, 9 Longview Circle spoke on behalf of himself and his wife and told the Board they had no objection to the request and were in favor of the proposal.

MOTION: (Kearney/LaFrance) To close the public hearing.

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

BALLOT VOTE	Mr. Hennessey – Yes
#ZO2016-00013:	Mr. Kearney – Yes
	Ms. Paliy – Yes
	Mr. LaFrance - Yes
	Ms. Culbert – Yes

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

VARIANCE GRANTED

Mr. McNamara returned to the Board.

Case #ZO2016-00014
Map 31 Lot11-71

PORTANOVA, Hydee– Seeking a Variance concerning Article III, Section 307-12, Table 1 to permit an above ground pool to be placed within 5-feet of the property line to avoid any issues with the wetlands on the property

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.

Ms. Hydee Portanova and her representative Mr. Mark Croteau came forward to discuss the requested variance to construct an above ground pool. When applying for the building permit they learned of the wetland. Mr. Croteau noted there was a natural tree barrier between their lot and the abutter.

Mr. Croteau read aloud the variance criteria as submitted with the application.

Mr. Kearney asked the distance to the abutter on the side of the lot with the proposed pool. Mr. Croteau didn't have an exact distance and approximated to be 100ft-150ft. He noted there were woods located between their properties. Mr. Kearney wanted to know if the pool would have a deck or walk-around. Mr. Croteau replied they were installing the pool this year and would come back for a deck at another time. The pool itself will be five-feet of the property line and have 2.5ft of crushed stone.

Ms. Paliy questioned if the applicant had a survey of their property. Ms. Portanova explained a surveyor came to the property and staked the bounds. Mr. Croteau noted they understood they needed to be a certain distance from their leach field.

Mr. LaFrance appreciated the information provided as it showed the hardship.

Mr. Hennessey was concerned with cleaning /draining the pool and wanted to know the type of filter that would be used. Mr. Croteau explained it was a cartridge filter that didn't have back washing. He no chemicals would be released into the environment. To clean he would simply remove the filter and hose it clean.

Mr. McNamara questioned if there was any fence or foliage on the side of the property seeking relief. Mr. Croteau replied there was a thick stand of trees.

Mr. Hennessey said a new definition written by a member of the Supreme Court states when a case comes in front of a Board they need to determine if the benefit to the homeowner outweighs the 'loss of benefit' to the town. He said in this case building close to the line would protect the wetlands.

MOTION: (Kearney/McNamara) To close the public hearing.

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

BALLOT VOTE
#ZO2016-00014:
Mr. Hennessey – Yes to all criteria
Mr. Kearney – Yes to all criteria
Ms. Paliy – Yes to all criteria
Mr. McNamara – Yes to all criteria
Mr. LaFrance - Yes to all criteria

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

VARIANCE GRANTED

MINUTES REVIEW

May 9, 2016:

MOTION: (Kearney/LaFrance) To approve the May 9, 2016 meeting minutes as written.

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

ADJOURNMENT

MOTION: (LaFrance/Paliy) To adjourn the meeting.

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

The meeting was adjourned at approximately 7:55pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary