

APPROVED
TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
May 8, 2017

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

The Secretary Bill Kearney called roll:

PRESENT: David Hennessey, Bill Kearney, Peter McNamara, Alternate Lance Ouellette, Alternate Darlene Culbert, Alternate Diane Chubb, Planner/Zoning Administrator Jennifer Hovey

ABSENT: Svetlana Paliy, Alternate Thomas Kenney, Alternate Pauline Guay, Alternate Kevin O'Sullivan

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

Mr. Hennessey pointed out that the Election of Officers is mandated in the Zoning Board's ByLaws to take place in April; unfortunately, the Board had a vacant seat for a full-time member and the Vice Chair was absent. He recommended that the Board first waive the By Laws that called for the Election of Officers in April and second he asked for a motion to defer action until their next meeting.

MOTION: (McNamara/Kearney) To waive the section in the By Laws that calls for an Election of Officers in April.

VOTE: (3-0-0) The motion carried.

MOTION: (McNamara/Kearney) To defer the Election of Officers until the next Board meeting in June.

VOTE: (3-0-0) The motion carried.

CONTINUED

Case #ZO2017-00012

Map 7 Lot 9-136-5

MENDES, David 99 Simpson Road - Seeking a Variance concerning Article IX, Section 307-52 (A) to permit a senior housing development on a site containing more than 8 acres.

Mr. Ouellette and Ms. Culbert were appointed to vote.

Mr. Hennessey read aloud a letter dated May 8, 2017 from Peter Zohdi of Herbert Associates, on behalf of their client David Mendes, requesting to withdraw without prejudice the application for the above referenced site.

MOTION: (Kearney/McNamara) To accept the letter (dated May 8, 2017) to withdraw.

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

HEARING(S)

Case #ZO2017-00013

Map 24 Lot 12-203-10

NEWTON, Eric & Natalie - 3 Harley Road – Seeking a Special Exception concerning Article XII, Section 307-74 to permit an accessory dwelling unit.

Ms. Culbert and Ms. Chubb were appointed to vote.

The applicants had submitted a letter dated April 27, 2017 requesting that their application be withdrawn. Subsequently, they submitted a letter dated May 5, 2017 informing the Board they no longer wanted to withdraw and instead requested a continuance to the June 12, 2017 meeting.

Mr. Hennessey read aloud the applicant's letter dated May 5, 2017 informing the Board that they no longer wanted to withdraw their application, and were instead requesting a continuance to the June 12, 2017 meeting. The applicant indicated their septic design was in process and would be submitted as soon as it was ready and anticipated completion by June 5th.

Mr. McNamara made a motion to continue the case to the June 12th hearing. Mr. Kearney seconded. Mr. McNamara asked if abutters had been notified. Ms. Hovey replied abutters had been notified of the current hearing, not the withdrawal request (dated April 27th). Mr. McNamara questioned if the abutters would have notice of the hearing in June. Ms. Hovey replied the abutters would have the same notice, had the applicant attended the meeting. She stated the Board's action of date specifying the case was considered 'notice'. Mr. McNamara was concerned if someone had wanted to speak in opposition, but heard the case was previously withdrawn, they might not know of the continuance. Ms. Hovey explained that the withdrawal request had not been advertised. The advertisement/abutter notification listed the present meeting; the vote to continue (date specify) met the notification requirements.

Mr. Kearney pointed out that the request was for a Special Exception, and if an application met the criteria, it would be granted. Mr. McNamara replied abutters still had the opportunity to be heard. He understood for the case to be continued it would need to be opened and the abutter's list read aloud.

MOTION: (McNamara/Kearney) To continue the Case to the June 12, 2017.

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

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 Case was date specified to June 12, 2017.

Case #ZO2017-00014

STUPACK, Gregory - 22 Berthel Lane - Seeking a Variance concerning Article III, Section 307-8 to permit a second-floor expansion which would raise the roofline up by approximately 5 feet 3 inches.

Mr. Ouellette and Ms. Culbert were 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.

Mr. Stupack told the Board he had owned the property for approximately twenty-six years and was applying to permit a second floor expansion that would raise his roofline up by approximately 5ft.3in.

Mr. Stupack read aloud the responses to the variance criteria as submitted with the application. He displayed photographs showing the view of the pond and structure from different vantage points. Mr. Stupack told the Board he had only requested (and was granted) one previous variance for the property to build the garage, which at that time they installed a State approved septic system for a 3-bedroom dwelling. The expansion will continue to be three bedrooms. He noted that he had reviewed and discussed his request with three of his direct abutters, who had no objections.

Mr. Kearney asked if there was a house directly behind Mr. Stupack. Mr. Stupack replied the house behind was owned by the Paquette family. Mr. Kearney understood the proposal was to increase the height by 5ft.3in. and asked about the expansion of the house width. Mr. Stupack replied the house would be wider by 7ft.6in. and stay within the existing footprint.

Mr. McNamara asked Mr. Stupack if he had requested the original variance to build the garage, which had a height stipulation of 16ft. Mr. Stupack answered yes. Mr. McNamara asked the Board if they recalled the reason the Board included the height stipulation. Mr. Hennessey stated the Board was making that restriction at the time, but had moved on since then. Mr. McNamara wanted to know the purpose of the expansion. Mr. Stupack replied they were adding a bathroom and some of the other rooms would be slightly altered.

Mr. Hennessey opened discussion to public input. No one came forward.

Mr. McNamara understood the proposed was a relatively minor addition. He was concerned about blocking the view. Mr. Stupack told the Board that he had a letter signed by three of his four direct abutters. The fourth he simply had trouble connecting with. He submitted the letter, which had been signed by the neighbor whose house was shown in the photographs. Mr. Hennessey read aloud the letter indicating that the abutters had no issues with the applicant's request. The letter was signed by: Robert & Cynthia Roy, William Pultar and Joseph & Lisa Paquette.

Mr. Kearney felt the request was reasonable, fair and equitable with the biggest obstruction being the garage.

**BALLOT VOTE
#ZO2017-00014:**

Mr. Hennessey – Yes to all criteria
Mr. McNamara – Yes to all criteria
Mr. Kearney – Yes to all criteria
Mr. Ouellette – Yes to all criteria
Ms. Culbert – Yes to all criteria

(5-0-0) Variance Granted.

VARIANCE GRANTED

Mr. Hennessey noted there was a 30-day right of appeal.

DATE SPECIFIED CASE

Case #ZO2017-00013 - Map 24 Lot 12-203-10 - NEWTON, Eric & Natalie - 3 Harley Road

MINUTES REVIEW

February 23, 2017 (Joint hearing with Planning Board)

Mr. Kearney was not present for the meeting and did not vote. Mr. Ouellette and Ms. Culbert were appointed to vote as they were present for the meeting.

MOTION: (McNamara/Culbert) To approve the (Zoning Board of Adjustment portion of the) meeting minutes of February 23, 2017 as amended.

VOTE: (4-0-0) The motion carried.

March 13, 2017

Ms. Culbert was appointed to vote as she was present for the meeting.

MOTION: (Kearney/McNamara) To approve the meeting minutes of March 13, 2017 as amended.

VOTE: (4-0-0) The motion carried.

April 10, 2017

Mr. Ouellette and Ms. Chubb were appointed to vote as they were present for the meeting.

MOTION: (McNamara/Kearney) To approve the meeting minutes of April 10, 2017 as amended.

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

There was a brief discussion regarding the discussions during the recent planning sessions and the possibility of the State changing the way the Board votes on variances. There is a pending bill that would require Zoning Boards to vote individually on each variance criteria.

ADJOURNMENT

MOTION: (McNamara/Kearney) To adjourn the meeting.

VOTE: (3-0-0) The motion carried.

The meeting was adjourned at approximately 7:32pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary