

APPROVED
TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
July 10, 2017

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,
Alternate Darlene Culbert, Alternate Heather Patterson, Alternate Deb
Ryan, Alternate Thomas Kenney, Planning Director Jeff Gowan

ABSENT: Diane Chubb, Alternate Lance Ouellette

PLEDGE OF ALLEGIANCE

CONTINUED

Case #ZO2017-00016

Map 4 Lot 9-69-48

**KNIGHT, Adam & Sarah - 15 Moeckel Avenue - Seeking a Variance concerning Article VII,
Section 307-39 – to permit a yard area located in the 50ft. buffer zone on the edge of poorly drained
soils.**

Ms. Paliy stepped down. Ms. Patterson and Ms. Ryan were appointed to vote.

Mr. Hennessey discussed the history of the case and noted the Board had held a hearing and conducted a site walk. The Board had asked for the opinion of the Conservation Commission. He noted because of meeting schedules, the Conservation Commission itself had not held a meeting to discuss the matter. The Board received three letters of opinion from individual members of the Conservation Commission: 1) Karen MacKay (in attendance of the site walk) letter dated June 27, 2017; 2) Louise Delehanty (who drove by the property) letter dated July 6, 2017; and 3) Kenneth Stanvick (no mention of reviewing the site) letter dated June 27, 2017. Mr. Hennessey read each letter aloud.

The applicants, Adam and Sarah Knight came forward to discuss their Variance request. Mr. Knight displayed a photograph of the area being discussed that showed dead trees that needed to be knocked down, which were marked with orange paint. The photographs were submitted to the file.

Mr. McNamara referenced the conditions listed in Ms. MacKay's letter and asked the applicant if they had any objection to them. Mr. Knight told the Board he was agreeable to the conditions. He noted that Ms. MacKay was the only member of the Conservation Commission who attended the site walk. He said no one had asked to come onto his lot and view the proposed area and assumed the other members had driven by.

Ms. Ryan understood that the letters submitted by members of the Conservation Commission were personal opinions and not a representation of the opinion of the Conservation Commission. Mr. Hennessey stated that was correct.

Mr. Gowan confirmed that the photographs and the letters from the Conservation Commission members were added to the file. Mr. Hennessey stated they were.

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

Mr. McNamara felt the conditions set out by Ms. MacKay gave sufficient protection to enable the applicant to do what they've requested and still protect the Wetland Conservation District. He felt the applicant had met the criteria for hardship given the shape and nature of the lot.

Mr. Hennessey addressed Ms. Delehanty's comments regarding the felled trees. He stated it was obvious that the trees had fallen prior to the applicant purchasing the property; the area was carefully reviewed during the site walk. Mr. McNamara noted the condition of the lot was not dispositive of the Board's vote. Mr. Hennessey added that a 'hardship' is not the hardship to the applicant, but rather was a hardship to the land. He felt the applicant's lot qualified for a hardship because of its shape, location and situation as to where it was.

Mr. Kearney said in addition to what the applicant wanted to do and how they wanted to go about it was in his estimation the least intrusive of options. He felt if the applicant abided by keeping the buffer and using silt fencing and/or hay bales while constructing, the impact should be very minimal, if any.

MOTION: (McNamara/Kearney) To incorporate the conditions (with the Variance) laid out in Karen MacKay's June 27, 2017 letter to the Board.

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

BALLOT VOTE Mr. Hennessey – Yes, per stipulation
#ZO2017-00016: Mr. Kearney – Yes, per stipulation
Mr. McNamara – Yes, with conditions in motion
Ms. Ryan – Yes, per stipulation in the vote
Ms. Patterson – Yes, per stipulation in motion

(5-0-0) The Variance was Granted.

VARIANCE GRANTED

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

Ms. Paliy returned to the Board.

HEARING(S)

Case #ZO2017-00019

Map 40 Lot 6-185-58

BODENRADER, Jennifer - 61 Township Road – Seeking a Special Exception concerning Article XII, Section 307-74 to permit an accessory dwelling unit addition

Ms. Culbert was appointed to vote.

Ms. 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. Hennessey asked Mr. Gowan if the request for Special Exception met all the criteria of the Town's Zoning law. Mr. Gowan answered yes and noted that the Building Inspector had also reviewed. Mr. Hennessey saw that the State had approved the individual septic system design.

The applicant's father, Richard Pelland, came forward to discuss the requested Special Exception. Mr. Hennessey confirmed that the plan was for one bedroom. Mr. Pelland answered yes. Mr. Hennessey explained if the applicant chose to have a second bedroom built they would have to have another septic system built. Mr. Pelland understood. He explained that the accessory unit would be for him and his wife.

Mr. Hennessey opened the hearing to public input. No one came forward.

BALLOT VOTE	Mr. Hennessey – Yes
#ZO2017-00019:	Ms. Paliy Yes
	Mr. Kearney - Yes
	Mr. McNamara – Yes
	Ms. Culbert - Yes

(5-0-0) The Special Exception was Granted.

SPECIAL EXCEPTION GRANTED

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

Case #ZO2017-00020

Map 39 Lot 1-49-1

BERARD, John & Paulette - 177 Mammoth Road – Seeking a Special Exception concerning Article XII, Section 307-73 & 307-74 to permit an accessory dwelling unit

Mr. Kenney was appointed to vote.

Ms. 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 applicant, Mr. John Berard came forward to discuss the requested Special Exception. He would like to construct an addition to his home for his mother.

Mr. Hennessey asked Mr. Gowan if the application had been approved by the building inspector. Mr. Gowan answered yes. Mr. Hennessey noted if the applicant expanded beyond the one bedroom they would have to put in a new septic system.

Mr. Hennessey opened the hearing to public input. No one came forward.

BALLOT VOTE	Mr. Hennessey – Yes
#ZO2017-00020:	Ms. Paliy Yes
	Mr. Kearney - Yes
	Mr. McNamara – Yes
	Mr. Kenney - Yes

(5-0-0) The Special Exception was Granted.

SPECIAL EXCEPTION GRANTED

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

MINUTES REVIEW – June 12, 2017

June 17, 2017 – Site walk meeting minutes deferred.

June 12, 2017

MOTION: (Paliy/Kearney) To approve the June 12, 2017 meeting minutes as amended.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 7:40pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary