APPROVED

TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
December 11, 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, Diane Chubb, Alternate Deb Ryan, Alternate Darlene Culbert, Planner/Zoning Administrator Jennifer Beauregard

ABSENT: Alternate Heather Patterson, Alternate Lance Ouellette, Alternate Thomas Kenney

PLEDGE OF ALLEGIANCE

CONTINUED

Case #ZO2017-00033
Map 40 Lot 6-159
SZCZECHURA, Stephen - Land off Hildreth Street – Seeking a Variance concerning Articles V & III, Sections 307-18 & 307-14 to permit the construction of a duplex on a lot with no frontage on a public way in the Industrially-zoned area.

Attorney Bernard Campbell of Beaumont & Campbell Professional Association came forward to represent the applicant Stephen Szczechura. He began by providing an overview of the project. The parcel contains approximately 10acres and is surrounded on two sides by Town owned conservation land and is accessed through Dracut, MA. in the Hildreth Street area. He spoke about a variance that was granted to another applicant (Paquette) on an adjacent property (Lot 6-160-1) for similar relief. He noted the applicant's lot was sort of the last lot given that the Town conservation land surrounded the parcel and the only other abutter was to the east with a property that ran toward Route 38. Attorney Campbell told the Board they provided a proposed access easement document and signed letter of intent from the owners of the property (for the easement). They also provided an agreement and release form, similar in content with the form required of the applicant (Paquette) who owns Lot 6-160-1. He has met with the Highway Safety Committee ('HSC') and there were no substantive concerns raised; Mr. Gowan was to send a letter to the Board indicating this fact. Attorney Campbell noted that the Fire Chief informed him when the document went out for final review, the Fire Department may want another paragraph added that referenced there would be extended response times to the particular lot.

Attorney Campbell indicated there were two variances needed: 1) area is zoned Industrial – the use will be Residential, and 2) relating to access because the lot doesn't have frontage on a Class V or better highway within the Town. He reviewed the variance criteria as submitted with the application *(full responses are included on the application contained in Zoning file at the Planning Department).*

Mr. McNamara understood the parcel contained approximately 10 acres and wanted to know if the applicant would be amenable to a restriction on further development of the parcel. Other than allowing the duplex, Mr. Szczechura said he would be amenable. Attorney Campbell stated they inquired (of the Conservation

Commission) if there were any trails in the back of the parcel the Town may be interested in. He noted they didn't have the ability to grant public access because of the Hildreth Street limitation; however, if there were trails that cut through the rear the applicant has indicated they would be willing to not interrupt them if they currently existed. Mr. McNamara inquired if the HSC submitted anything in writing. Ms. Hovey replied she had not received anything. Mr. Hennessey suggested any variance be subject to receipt of a HSC letter. Attorney Campbell didn't object. He reiterated that he attended the HSC meeting along with Planning Director Jeff Gowan, Highway Agent and representatives from the Fire Department, Police Department and Assessor's office. He understood a memo would be written as a result of the meeting, but hadn't received a copy.

Mr. Hennessey said any variance would include the following stipulations: 1) no further building, and 2) receipt of letter from the HSC.

Ms. Paliy wanted to know how much of the parcel was high and dry. Attorney Campbell replied they haven't invested in a full survey, but based on the Town tax map (provided to the Board), there was a notation of a wetland in the northwest corner of the area. Using the tax map, he said the wetlands impact approximately 20% of the property. Ms. Paliy asked if there was at least two acres of contiguous high and dry land. Attorney Campbell answered yes. Mr. Hennessey stated he didn't see anything from the Conservation Commission. Attorney Campbell replied they hadn't appeared in front of the commission because there was no anticipation of needing anything from them. He didn't expect there to be any impact to wetlands. He said they sent the commission an inquiry about trails. He noted there hadn't been a lot of engineering done on the proposal, but didn't anticipate needing any relief. Ms. Paliy asked for clarification of where the lot and its access were located. Contained with the information provided to the Board, Attorney Campbell referenced a subdivision plan (#38303) or Lot 6-160-1 (Paquette) that was a result of the previous action by the Board. He displayed a copy for the public and pointed the location of the applicant's parcel and the proposed access for such. Ms. Paliy asked for the width of the access road. Attorney Campbell believed the plan showed it as 40ft.

PUBLIC INPUT

Conservation Commission member Karen MacKay came forward and told the Board that the applicant had spoken about trails possibly going through the property. She understood the topic might be for the Planning Board to discuss, but wanted it known that the Conservation Commission was always open to discussion and didn't want parcels to be cut off or not have access. Mr. Hennessey was unsure if the Board could address the subject since they hadn't received anything specific from the commission or the applicant. That type of discussion is better suited for the Planning Board.

Ms. Chubb saw on one of the agreements that the applicant would be responsible for transporting children to the nearest bus stop. She asked where it would located. Mr. Szczechura replied his children were in their thirties. Ms. Chubb questioned if the proposed house would be for his children. Mr. Szczechura stated he would reside in one side and his parents would reside in the other side.

MOTION: (McNamara/Kearney) Variance subject to a restriction of no further development, other than the duplex.

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

MOTION: (McNamara/Kearney) Variance subject to receipt of letter from Highway Safety Committee approving the proposal and offering any suggestions.

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

BALLOT VOTE #ZO2017-00033:

Mr. Hennessey – Yes to all criteria – subject to stipulations.
Ms. Paliy –Yes to all criteria
Mr. Kearney – Yes to all criteria
Mr. McNamara – Yes to all criteria – conditions in two motions.
Ms. Chubb – Yes to all criteria

(5-0-0) The Variance was Granted

VARIANCE GRANTED

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

Case #ZO2017-00029
Map 31 Lot 11-33
KLECZKOWSKI, Charles Jr. Spring Street Off - seeking a Variance concerning Articles X, XIII, III & XV Sections 307-58 (B) (3), 307-83 (C), 307-84, 307-86, 307-87 (C), 307-88 (A) (2a), 307-12, Table 1, 307-14 & 307-100 to permit the construction, operation and maintenance of a Wireless Communication Facility.

Mr. Hennessey stated the Board had previously conducted a hearing and site walk. The current meeting is a continuation of those two meetings.

Attorney Ed Pare of Brown Rudnick came forward to represent the applicant 'American Tower'. Joining him was Ryan DeRamos, Radio Frequency Engineer for T-Mobile. Attorney Pare stated they had conducted a balloon test on December 2nd provided the Board with photos and results from that test. He said there were questions raised at the last hearing whether alternative site locations would work. They've had radio frequency plot maps run for those locations; copies were provided to the Board. During the site walk a question was raised about a flag-pole type location in Methuen, MA (West Street), therefore they had coverage plots run for that site.

Based on the balloon test, Attorney Pare stated photo simulations were produced. These simulations were given to their real estate expert who would review and provide a report. With regard to timing, he said they are continuing to review the alternate location with a balloon flying, although they had no plans at this point. He noted the end result of the current hearing would be to request continuance to the Board's meeting in February, at which they will know definitively whether the alternative location will work for T-Mobile, public safety and the landlord. If it does, they hope to have plans prepared and expected to submit a separate application for that location and will withdraw the current application. If the alternate location doesn't work, they will proceed with the current application. He brought an agreement (for signature) that would mutually extend all required timeframes and FCC shot clock of 150 days; the proposal was to extend it out to March 30, 2018.

Mr. Hennessey understood that the applicant was looking to change the location of the pole to where the second balloon was flown. Attorney Pare explained that they were speaking to another property owner, but would need T-Mobile's sign-off. He said public safety would also be involved. If they are able to move forward with the alternate site, everything would be contained in Pelham and the access would be through Blueberry Lane. Attorney Pare explained they didn't have all the information for the alternate site, but were confident they'd have it by the meeting in February.

Attorney Pare displayed photographs from various vantage points of the subject location off Ruby Road with the balloon flying at 150ft.

- View #1 /Page V-1E – Existing view from the east on subject property (test balloon at the end of Ruby Road)
- View #1 /Page V-1P- Proposed view from the east on subject property (proposed 150ft. monopole off Ruby Road)
- View #2 /Page V-2E – Existing view from the east on Ruby Road (test balloon)
- View #2 /Page V-2P – Proposed view from the east on Ruby Road (proposed 150ft. monopole)
- View #3 /Page V-3E – Existing view from the east on Ruby Road (test balloon)
- View #3 /Page V-3P – Proposed view from the east on Ruby Road (proposed 150ft. monopole)
- View #4 /Page V-4E – Existing view from the south on Coral Drive (test balloon)
- View #4 /Page V-4P – Proposed view from the south on Coral Drive (proposed 150ft. monopole)
- View #5 /Page V-5E – Existing view from the west Blueberry Lane East (test balloon)
- View #5 /Page V-5P – Proposed view from the west Blueberry Lane East (proposed 150ft. monopole)
- View #6 /Page V-6E – Existing view from the southeast at the intersection of Diamond Drive & Blueberry Lane East (test balloon not visible)
- View #7 /Page V-7E – Existing view from the west at the intersection of Falcon Drive & Blueberry Lane East (test balloon not visible)
- View #8 /Page V-8E – Existing view from the north on Spring Street (test balloon not visible)

Attorney Pare referenced the coverage maps he provided to the Board (Proposed LTE 2100MHz).
1) Coverage with primary candidate at Spring Street Off, Pelham, NH at height of 120ft. – showed coverage they would attain;
2) Coverage with alternate candidate at McGrath Rd. at height of 120ft – simulation of coverage;
3) Coverage with alternate candidate at McGrath Rd. at height of 199ft – simulation of coverage;
4) Coverage with alternate candidate Off Bridge St. at height of 120ft. – simulation of coverage;
5) Coverage with alternate candidate Off Bridge St. at height of 199ft – simulation of coverage;
6) Coverage with proposed site (flag pole in Methuen, MA) – simulation of coverage – targeted area (4BZ0215A) and existing site in Methuen (4BZ0030A);
7) Coverage with proposed site (Methuen, MA) if co-locate on site 4BZ0030A.

Mr. Kearney wanted to know what made the proposed site 'targeted' and what benefit it had to T-Mobile. Mr. DeRamos replied they conduct studies to choose target areas. First they look at heat maps to show where subscribers are located that T-Mobile is having issues with. The idea is to have contiguous coverage (in car or in building) where sites can communicate with one another seamlessly. Mr. Kearney questioned if they had any feel for the number of customers they could reach with the proposed target area. Mr. DeRamos stated they couldn't quantify it and didn't have definitive information because of confidentiality. They have samples of signals coming from T-Mobile customers using a heat map.

PUBLIC INPUT

Mr. Ron Hadley, 166 Ruby Road referenced the photograph view #2 and #3 and didn't feel it was possible that they were showing the same balloon. He said or the balloon was blown by the wind significantly out of position. The photographs in question were displayed for review. Attorney Pare replied he would have to inquire.

Mr. Jim Bundock, 20 Scenic View Drive stated he had 'standing' in light of the fact that the entire State of New Hampshire was notified. Mr. Hennessey replied that wasn't 'standing'. Mr. Bundock stated he lived in a view shed. Mr. Hennessey understood and reiterated it didn't give him 'standing' under the Town's Zoning laws. He welcomed Mr. Bundock to speak. Mr. Bundock said given that the applicant was seeking

relief from the fall zone and stated that their purpose was for further development, he found it to be incongruous to the idea that there was a hardship to the land. By the applicant's own testimony, he said the land could be developed.

Mr. Bundock told the Board there was a precedent for a tower landlord seeking rent space for tenants. He spoke about the Second Generation versus Town of Pelham with intervenor James Bundock. He pointed out in that case the ruling of the Board of Adjustment was upheld all the way to the First Circuit Court of Appeals. He believed the similarities in the case were striking in that the applicant needs to prove that the height they need is required and that no co-location in the telecom overlay district was able to fulfill the requirements of the applicant. Mr. Bundock said the main thing was if the Town were to reject the application they would be on firm ground given that Article X addressed the needs of personal wireless services. He said the Town would not be prohibiting (or effectively prohibiting) the implementation of personal wireless services. He had questions about the coverage studies because he had a copy of the coverage map from Verizon Wireless, which provides seamless coverage for the entire area by (apparently) using the Town of Dracut's towers and the telecom overlay district. There was also an example of where they don't cover in certain other areas. He believed that was ample evidence that coverage was feasible. In speaking about frequency tests, Mr. Bundock said if he so decided to choose a power level, he could choose it low enough to induce gaps in coverage for the 'in building' service, which would address a very small number residents. He noted in the case that was affirmed to the Supreme Court, Second Generation cited gaps in coverage by multiple carriers. He stated the threshold wasn't to provide perfect coverage to every single unit everywhere; it's whether you prohibit, or effectively prohibit personal wireless services. He believed by using a model with increased power levels the gap probably would be covered. He said that's probably why the Verizon coverage map covered the entire area. He believed it was also possible to specifically cover in-building through working with a piconet (i.e. Comcast). He said if they secured an agreement with them every house in the area could be covered. In offering empirical data to the Board, Mr. Bundock commented that he uses a Republic Wireless phone with Sprint and is able to pick up a Comcast signal. He said he saw no gap in coverage in the affected area, although perfect coverage was not the standard.

For future reference, Mr. Bundock felt the Chairman correctly asserted that the supremacy clause in the previous meeting required the Board to consider the US Telecom Act provisions in favor of any State laws. He knew in the record the Board would not consider any EMF (electromagnetic field) concerns. However, he believed there were environmental things to consider, for example the area being sensitive to wildlife such as birds. He said bird strikes to towers and guywires could be considered by the Board. He noted there was another route to 'in building' coverage which didn't need a tower; they could go through a cable television system and easily reach band width. In summary, Mr. Bundock said it was a commercial operation in a residential zone where the applicant (or the agent) referred to 'further development', which basically says there's no hardship. In his opinion, the applicant wasn't a personal wireless carrier showing a need, but was rather a rent seeker. He respectfully requested that the Board reject the application, and respect the precedent, and not grant an exception for the application. He asked that the Board review the Second Generation versus the Town of Pelham case as the ruling offers concise and logical guidance.

Attorney Pare explained the only reason they asked for a waiver from future development was they were informed that any future development of the site would be limited by the fall zone of the tower. His contention was that the facility is loaded with wetlands, and sought clarification whether the fall zone was prospective as well as staying away from any existing development. He saw no reason not to request the waiver. He said there were no plans for development or a higher tower. There are no buildings or residences currently within the fall zone. He said if the property owner wanted to construct a shed it would be considered 'development'. Also, if someone was willing to build next to a tower he saw no reason not to.

Attorney Pare spoke to the comments about coverage and noted Mr. Bundock had referenced Verizon Wireless and Comcast, which were both competitors. He said it was a competitive business and a service

that residents wanted. He said if there wasn't a demand, the carriers wouldn't be driving to provide service. With regard to the environmental comments, Attorney Pare said the tower wasn't proposed to have guywires, and the height was driven by public safety. In all the materials they've indicated that T-Mobile needs a centerline height of 120ft, but the height was raised for the agencies (Pelham and Dracut) to come on board.

Mr. Bundock submitted the (Verizon) coverage map into the record. He noted for the record that no power levels were given, no power levels or thresholds or industry standards were discussed. He said the applicant provided colored maps with an opinion that was not supported by fact. Attorney Pare replied they had provided a report from the radio frequency engineer (T-Mobile). He objected to Verizon coverage plots being introduced given Verizon was not part of the application. He stated it was a T-Mobile / American Tower application.

Ms. Ada Peters, 167 Ruby Road, Dracut, MA came forward. She stated that the application currently in front of the Board showed access coming through her property. She understood the applicant put up a second balloon, but that wasn't the application in front of the Board. She told the Board her attorney sent a letter to Mr. Fayden, the attorney for Mr. Kleczkowski, with a carbon copy to Attorney Pare as well as the attorney for Pelham and the attorney for Dracut. The letter speaks to the use of the easement and cites case law. Attorney Pare stated he received a copy of the letter. Mr. Hennessey replied the topic was raised during the site walk and he stated the Board wouldn't get into those issues. He said Ms. Peters did the appropriate thing by speaking to a lawyer and sending a letter to the applicant. Ms. Peters felt the topic should be in front of the Board because they were looking at giving the applicant permission to use her land. Mr. Hennessey replied the Board was not giving permission. He said the applicant was saying they had a legal right to use it; if there is a disagreement, the parties have to work it out. Ms. Peters said it seemed like a double standard if the Board was taking the applicant's word that it was okay. Mr. Hennessey replied this was not the place to decide the issue. Ms. Peters wanted the Board to have a copy of the letter. Mr. Hennessey replied it would not be entered into evidence, as it had nothing to do with the case.

Ms. Peters spoke about the application and stated it was not complete. She said they show Article X as part of the application process, but are missing and don't address Section 307-58(A). She saw the applicant listed Article XV, Section 307-100 (conservation subdivisions), and didn't know what that had to do with cell towers. For those reasons alone, she felt the application shouldn't be considered. Ms. Peters said during the first hearing she discussed property values and hoped that everyone saw at the site walk, and through the photos submitted by the applicant, that her statement about the significant impact to her property value was affirmed. She said they would be able to see the cell tower from every window on the front side and driveway side of their home, and from just about every location in their yard. She said that was not consistent with the ByLaws of the Town of Pelham. Mr. Hennessey replied he was interested in that argument. He said during the site walk it was discussed that the applicant should speak to realtors and get letters. Given that they were 'in limbo', Mr. Hennessey suggested the applicant zero in on the effect of the tower on the property. He didn't see much in the application to dispute the facts about property value. Ms. Peters understood that a real estate broker or agent was not qualified to give that kind of testimony; it had to be a real estate appraiser. Mr. Hennessey respectfully disagreed. He's been a real estate broker for forty-three years and would be interested in the arguments of his peers regarding property value. He said it was just a suggestion. Attorney Pare noted they refrained from filing a report because in his practice he wanted the balloon test to be floated so a real estate appraiser/expert could absolutely testify that they saw the balloon and the proximity, rather than a hypothetical opinion. Mr. Hennessey felt both sides should be ready at the next hearing to argue regarding the effect on property value.

Mr. Hennessey suggested they cut the hearing short because they would have to re-litigate the issues as soon as they 'pin down' where the location will be. He stated there were a lot of items they needed to address based on where the tower would be located.

Ms. Peters discussed the photographs submitted of the balloon test because the balloon had been taken down and relaunched to be closer to the actual site. She was unclear about where the balloon was shown in the photographs because it looks like some of the trees had been edited out. She was concerned that additional trees would be removed for the tower footprint. The applicant had already cleared approximately two acres for something they had no permission to do. Mr. Hennessey replied an owner had a right to clear their land. Attorney Pare stated they had not cleared the space; it was not done for them, or at their direction. With respect to the tree removal at the compound, he said they were specifically asked by at least one Town official, and everyone agreed as they stood around to take the trees out of the compound. Mr. Hennessey understood that the land was in current use and depending on the application the owner was required to do tree farming on the parcel.

Attorney Pare requested that the case be moved to the February 12, 2018 meeting. He stated he had an agreement to extend the time frames for the Chairman to review.

Attorney Pare told the Board if the tower location was moved to the second balloon location their relief would change. He felt the best/cleanest procedural approach would be to file a whole new application and suspend the current application while the new one is considered. He didn't feel they could amend the current application to make it work.

Mr. Hennessey explained to the public that they were kind of between two applications and consideration was given to have access through another road. He felt they needed to know where the balloon would be located, possibly not through an additional site walk, but by having it put in by Photoshop. Attorney Pare noted he would leave photographs of the second balloon float, although it wasn't part of their evidence.

Mr. Hennessey commented that this was the third hearing and hoped the case could be resolved (date certain) as soon as possible. He respectfully requested they conduct joint hearings if the application was resubmitted.

Ms. Peters questioned why the Board was considering the case if the application wasn't complete. Mr. Hennessey said the Board was considering the case because under the Telecommunications Act they have 150 days to act on the request. The time clock started as soon as the Town received the letter. He said Attorney Pare's request for extension was actually good for everyone. He said if they let the date slip the application would be approved. Attorney Pare noted that the date would be extended to March 30, 2018, at which time a decision would have to be rendered. Ms. Peters wanted to know the timeframe for appeal if the application was approved. Mr. Hennessey believed in this case the appeal would have to go to the courts.

MOTION: To move the case to the February 12, 2018 meeting.

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

Attorney Pare provided the Board with two copies of the extension agreement. He said it was preferable to have the signature be someone representing the Board. He explained the federal regulation allowed 150 days unless they mutually agree to extend the date. The only way to extend that date is to sign a document.

MOTION: (McNamara/Kearney) To move the shot clock back to March 30, 2018.

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

Mr. Hennessey signed two copies of the document on behalf of the Board. Attorney Pare signed the document and provided a fully executed copy to the Board.

The case was moved to the February 12, 2018 meeting.

Case #ZO2017-00034
Map 24 Lot 12-149
MARTAKOS, Paul & Julie - 1 Regis Drive - Seeking an Equitable Waiver concerning Article III, Section 307-12 (E) to permit a garage constructed on or about 1981 to remain in place when the northeasterly corner is located 5ft6in. from the lot line

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.

Representing the applicant was Attorney Patricia Panciocco, who came forward with Paul and Julie Martakos, owners of 1 Regis Drive. She explained they've requested an equitable waiver relating to the northeast corner of their existing detached garage. She displayed photographs, one of the existing single-family home and the other of the detached garage; both were located on a one acre lot. Included in the packet provided to the Board was an abbreviated survey of the property showing the corner of the garage that was located 5ft 6in. from the property line shared with the neighbor. She displayed another drawing that showed the applicant's property and the abutting property that was recently subdivided. She explained when the subdivision was submitted to the Town her client requested that the boundary be staked; when it was staked they were surprised to see how close the pins were to the corner of the garage. Her client then hired their own surveyor (Meridian Land Services) and concurred with the surveyor's finding of the property line. As previously stated her client had no idea (about the distance of the garage to the property line) when they purchased the property in 1997; the surrounding area was woods and didn't feel a survey was needed. The situation came up when the abutting property was subdivided in 2012. Attorney Panciocco pointed out an area abutting the shed and told the Board it was a deeded no-cut buffer and further up near the existing house is a wooded open space lot that can't be developed.

Attorney Panciocco stated under Section 674-33,a (honest mistake statute) allows for dimensional relief only. She discussed how a structure could qualify for such. In this case the owner had no idea of the violation. The garage was believed to have been constructed approximately one year after the home was built in 1981. She noted that her client didn't own the property when the garage was built. The shed is 5ft.6in from a property line abutting a 30ft. no-cut buffer. She was unsure if meeting a setback thirty-five years after construction warranted having the garage removed. She informed the Board that Code Enforcement found no record of a violation notice in the Town's file being sent to her client. Ms. Hovey confirmed that there was nothing in the file.

PUBLIC INPUT

Mr. William Perron, 26 Wellesley Drive told the Board he didn't oppose the applicant's request. He informed that a notification was made to 24 Wellesley Drive to Pinewood Estates, which was an open space lot and had no mailbox. He said the association that owns the conservation subdivision was not properly notified. He found this out when he went to the post office to pick up his notification. Mr. Perron told the Board that there had been significant flooding and watershed in the space; there were a lot of variable factors. The situation has been brought to Planning Director Jeff Gowan and Town Administrator Brian McCarthy and there have been a lot of discussions regarding such. He said he didn't know if the roof watershed contributes, but it was close to the area. He understood that he legally wasn't allowed to contest the application, but wanted to point out the factors.

Mr. Hennessey asked if there were gutters on the garage. Ms. Panciocco answered no.

There was a discussion regarding notification, Mr. Kearney saw that the notification to Pineridge Estate Homeowner's Association, 24 Wellesley Drive, which was the owner of record. Ms. Panciocco stated they

notified the owner of record. Ms. Hovey stated the applicant was bound to notify the entity listed with the Town's assessment records.

Mr. Hennessey asked if there was any evidence that rain or snow coming off the garage has negatively impacted the area. Mr. Perron replied an official study/analysis had not been done, although photographs have been taken to show flooding in the spring. Attorney Panciocco stated she was involved with the planning process and told the Board there were some natural streams that come downhill from Wellesley Drive. She said Mr. Perron was correct, the water collected in the crevice area. Mr. Hennessey suggested that the applicant be neighborly and consider putting gutters on the garage, although the Board couldn't make it a requirement.

BALLOT VOTE #ZO2017-00034:
Mr. Hennessey – Yes
Ms. Paliy –Yes
Mr. Kearney – Yes
Mr. McNamara – Yes
Ms. Chubb – Yes

(5-0-0) The Equitable Waiver was Granted

EQUITABLE WAIVER GRANTED

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

DATE SPECIFIED CASE(S)- February 12, 2018

Case #ZO2017-00029 - Map 31 Lot 11-33 - KLECZKOWSKI, Charles Jr. Spring Street Off

MINUTES REVIEW

November 13, 2017

MOTION: (Chubb/McNamara) To approve the November 13, 2017 meeting minutes as amended.

VOTE: (4-0-1) The motion carried. Mr. Kearney abstained.

December 2, 2017 – Site Walk

MOTION: (McNamara/Chubb) To approve the December 2, 2017 meeting minutes as amended.

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

DISCUSSION

Ms. Hovey spoke to the Board regarding the submittal date for applications. She explained that the Board's By-Laws indicate applications need to be submitted 15 days prior to a hearing; however, the RSA indicates submissions are to be 21 days prior to a hearing. The Board will need to amend their By-Laws to be in accordance with RSA. Mr. Hennessey stated the Board would hold a public hearing at the beginning of their next two meetings (to review/vote to change) the By-Laws.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:41pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary