

**APPROVED**

**TOWN OF PELHAM  
ZONING BOARD OF ADJUSTMENT MEETING  
July 14, 2014**

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 Pauline Guay, Alternate Darlene Culbert,  
Planning Director/Zoning Administrator Jeff Gowan

**ABSENT:** Alternate Lance Ouellette, Alternate Kevin O'Sullivan

**CONTINUED**

**Case #ZO2014-00002**

**HARRIS, George III & John - Off Shelly Drive - Map 3 Lot 5-174 - Seeking a Variance concerning Article III, Sections 307-7, 307-12 & 307-14 to permit construction of a single family or duplex home on a lot containing approximately 7.5 acres but having less than 200 feet of frontage of a Town Road.**

Mr. LaFrance stepped down. Mr. Hennessey appointed Ms. Guay to vote.

Mr. Hennessey commented that the case had been continued from the Board's previous meeting and the Board has since conducted a site walk.

Attorney David Groff, representing the applicants, came forward to discuss the requested variance. He said during the previous meeting he reviewed the variance information and discussed the Fire Chief's recommendation with the Board.

Mr. Kearney commented that there were noteworthy items raised during the site walk, such as 1) concerns from the neighbors, 2) repair of the existing driveway, 3) upkeep of the driveway, 4) drainage coming off the property (moving south). Mr. Hennessey questioned if the concerns pertained to the private road, or the driveway coming into the lot from the private road. Mr. Kearney said the concerns were in reference to the existing private road. He said there was mention regarding Shelly Drive being limited to single family homes and an agreement regarding such. The applicant (at the site walk) provided input that the road patching in compliance with the Fire Department will be done. It was noted that the home would be approximately 200ft. from wetlands. Comment during site walk that the cost to create a road to support more than one house wasn't feasible. It was also mentioned if needed a detention area would be added to keep water off other lots.

Mr. Hennessey asked for comment regarding the private road. Attorney Groff explained that the private road came off Shelly Drive and serviced two different homes; the McColgan home (located in the vicinity of where the driveway right-of-way will go into the woods) and the Peterson home (located in Windham, NH). He understood there was some agreement for handling road maintenance. He said it would be possible to have a private road agreement; however, that aspect was separate from the Board's consideration because the Town had no jurisdiction over private roads. Attorney Groff said if a home

was built on the property (regardless of size) it would have to meet current regulations and have drainage calculations done. To address the question of single family versus duplex, Attorney Groff noted that there were covenants in the subdivision that only pertained to the subdivision. The proposed lot was not part of the subdivision and not included in the covenant done in May, 1987. It was also not included as part of the Planning Board's approval or part of the other subdivision (Dogwood Circle formerly Buonerosa). The covenant only related to the houses on Shelly Drive. Attorney Groff told the Board that test pits had been done, but he didn't know the results. A determination as to whether the lot could support more than one house would be answered after site work was conducted.

Mr. McNamara confirmed there would only be one building on the property, whether it be a single-family or duplex. As far as Attorney Groff knew, that was correct. Mr. McNamara questioned if there was intent to further subdivide. Attorney Groff answered no; he didn't think it could be.

#### PUBLIC INPUT

Mr. James Gendreau, 8 Shelly Drive said he attended the site walk with the Board. He wasn't in favor of the request. He said if it went through, the covenant from Shelly Drive would be used to build on the new property and felt it should all fall into the same category. He explained the access for the new property would come from the subdivision.

Mr. Phil McColgan, 7 Shelly Drive understood there was a right-of-way. He questioned the restrictive covenant on Shelly Drive; the new lot would have a Shelly Drive address and be part of the neighborhood. The covenant was for single family homes, not duplexes, therefore if the Board passes the variance he ask that it be for a single-family home. Mr. McColgan said he would be directly impacted by the driveway and would experience twice as much traffic. He heard comment of a possible maintenance agreement between the three neighbors and being one of the neighbors, told the Board he would sign an agreement. He explained the driveway was 800ft. in length of which he shared the first 450ft. with Bob Peterson. He said there were no problems; he would snow blow the driveway, or Mr. Peterson would plow it. Mr. McColgan said if he was to get into a maintenance agreement he would then be responsible for the entire 800ft. as well as the additional proposed driveway. He didn't like the idea of having an agreement. Mr. McColgan told the Board he had no problem with allowing a single-family home, but would have a problem with a duplex and the additional traffic it would generate.

Mr. Hennessey noted the applicant had a right under the zoning laws to build a single-family or a duplex. He said if the existing covenant didn't include the 50ft. right-of-way, he was unsure why the Board should restrict the applicant to a single-family when zoning allows a two-family. Mr. McColgan replied that the character of the neighborhood was single-family homes and had been for twenty years. Mr. Hennessey said Attorney Groff has testified that the covenant didn't include the proposed lot. He said if there was information to the contrary, the Board would be open to hearing it. He noted it is the residents who enforce the covenant, not the Town. If the residents felt that the applicant's parcel was included, they should speak to an attorney. Mr. McColgan said he simply wanted to protect his property and the values of the surrounding homes. He didn't want the proposal to adversely affect the neighborhood.

Mr. Sal Perruccio, 34A Tallant Road, noted the lot didn't have the frontage to build a duplex. It was up to the Board whether a variance would be granted to allow a duplex without the required frontage. He stated the character of the neighborhood was based on the covenants. He noted that the right-of-way was granted as part of the development and if a house was going to be built it should follow the covenant that the rest of the neighborhood follows.

Mr. Matt Hedglin, 12 Shelly Drive told the Board he was in favor of a single-family home, and against a duplex. Being a direct abutter, he was concerned for his privacy due to clearing and the manner that the proposed home would be positioned. Also, because of all the young children in the neighborhood, he was concerned for their safety while construction vehicles were accessing the neighborhood and the amount of increased traffic. Mr. Hennessey recalled during the site walk there was a small wetlands crossing that would require the proposed home to be set back.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward. He displayed a plan showing the location of the proposed lot. He indicated that the proposed driveway was approximately 300ft from the road easement to the stone wall behind the property and would extend an additional 300ft to the new house. He noted they would need to obtain a State permit to cross a Wetland Conservation District ('WCD'); that WCD required a 50ft. buffer on both sides.

Mr. Hedglin asked the Board if the lot could contain either a single-family home or a duplex. Mr. Hennessey explained that the Town permitted duplexes as long as a lot met frontage and lot size requirements. He said the applicant was in front of the Board for a variance because the lot had no frontage. He said the previous abutter was asserting that the Board should restrict the proposed home to a single-family. He noted if the lot didn't need a variance, the owner had an absolute right to put a duplex on the property if they had sufficient frontage.

Mr. Gowan felt it was important to mention that the Highway Safety Committee ('HSC') was involved in an address change project. He noted any driveway serving three or more dwelling units must be a named private driveway under E-911. He said it would go through the voluntary address change process. Mr. Gowan said if the Board was inclined to grant a variance, there should be some sort of condition that whatever access would need to 'pass muster' with the Fire Department. The term 'access' covers either a driveway or private road.

Mr. Kearney questioned if the proposed lot had any relevance with the covenant. In the absence of legal advice, Mr. McNamara didn't feel the Board had sufficient information to render a decision. He also felt it was beside the point of the variance. Mr. Kearney felt the covenant spoke to the character of the neighborhood of Shelly Drive having single-family homes. However, he would yield that opinion if the covenant wasn't germane. Mr. McNamara replied there were different views as to whether the covenant covered the proposed property. He didn't feel the Board was equipped or competent to make that decision; the parties needed to make that decision. He felt Mr. Kearney made a good point about the 'character' of the neighborhood. However, he felt the applicant had made the case for the variance based on the criteria. He said it was a landlocked parcel that was large enough to accommodate either a single family or a duplex if the engineering worked. It was Mr. McNamara's opinion if the applicant met the criteria, the Board didn't have the power to tell the applicant they couldn't build a duplex.

There was a brief discussion regarding the requirements for a duplex lot. Mr. Gowan explained 200ft. of frontage was required for either a single-family or duplex lot; however, a duplex lot was required to have a minimum of two acres (new subdivisions have additional stipulations).

Mr. McNamara said if the Board didn't allow a duplex to be built, they would essentially be denying the applicant any access to their property. Mr. Hennessey noted even if the lot was included in the covenant at the time of the subdivision, the Board still wouldn't address it because it would be a civil matter between the people signed onto it. Mr. McNamara said if the Town was covered by the covenant, it might give jurisdiction, but in this case it was private.

Ms. Guay believed at the time of the 1987 subdivision there was some thought about the lot being built, because the right-of-way was provided. She said had the property been built at that time, it would probably have been a single-family home. With regard to the wetlands, Ms. Guay asked how vehicles would access the lot. Mr. Maynard said in general the State didn't prevent crossing wetlands to access a lot, although they had conditions that had to be followed, such as crossing at the narrowest portion (in this case approximately 25ft wide). To obtain a permit, the applicant had to apply to the State of New Hampshire Wetlands Bureau. The Town's Conservation Commission would provide comment and a Special Permit would need to be granted by the Planning Board.

Mr. Hennessey felt Ms. Guay made a good point that right-of-way was laid out in the plans, which seemed to imply access to potential purchases. He entertained a motion regarding the access being subject to the Fire Chief's approval.

**MOTION:** (McNamara/Kearney) To access to the lot shall be subject to the Fire Chief's approval.

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

Mr. Hennessey felt this was a case where prong 5B applied and read the language aloud. He said he would be using that 5B prong when casting his vote.

**BALLOT VOTE** Mr. Hennessey – Yes to all criteria (2<sup>nd</sup> prong -5b used)  
**#ZO2014-00002:** Ms. Paliy – Yes to all criteria  
 Mr. Kearney – Yes to all criteria  
 Mr. McNamara – Yes to all criteria – with condition contained  
 in motion  
 Ms. Guay – 1) Yes; 2) Yes; 3) No; 4) No; 5) No

**VOTE:** (4-1-0) The motion carried. Ms. Guay voted no.

## **VARIANCE GRANTED**

Mr. LaFrance returned to the Board.

## **HEARINGS**

### **Case #ZO2014-00014**

**Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street – Seeking a Variance concerning Article III, Sections 307-12, Table I, 307-14 & 307-1-6 to permit the existing 3-family building to remain on a lot size of approximately 1.35 acres with approximately 175ft. of frontage on NH Route 38 and three additional lots to be subdivided off on a private driveway with a private road easement as part of a modified conservation subdivision where the three new lots will be subdivided on a private driveway meeting the Town's driveway regulations and not constructing the road to a Town standard and therefore the 3 new lots will not have frontage on anything other than the private driveway. If this Variance fails applicant seeks case #ZO2014-00015.**

Mr. LaFrance told the Board in the past he had done some septic work for Mr. Augenstine. He didn't feel there was a conflict, but would step down if anyone felt he should. There was no objection by the Board members or applicant for Mr. LaFrance to remain seated.

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. Hennessey noted that the abutter list would be the same for Case #ZO2014-00014

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant came forward to discuss the variance request. He said the lot was located across from St. Margaret's Drive and contained an existing three-family home. The house received a variance in 2010 to allow three residential units within the structure's footprint. Since that time EAH Realty had come to Mr. Maynard to review developing the lot both as a conventional and as a conservation subdivision; the applicant has had discussions with the Planning Board regarding such. The applicant would rather reduce the overall density of the property and not request as many lots as was allowed under the yield plan in order to maintain the existing three-family structure on the lot.

Mr. Maynard explained there were some complications with being able to keep the three-family structure, being that the previous variance granted the three-family on the parcel as a whole. He said Pelham's zoning requires roughly three acres of land in order to sustain itself. He told the Board they felt doing a conservation subdivision and reducing the yield to offset the multi-family use they could still achieve a subdivision and maintain the property. Mr. Maynard discussed how they determined the yield and used the State's lot loading criteria. He said in order for the lot to meet the approximate three-acre requirement, he noted the property was roughly 225ft. wide (that ballooned out), they would leave a 50-foot right-of-way and 175feet with the house; however, the lot would then be 750ft. deep to achieve the three-acres to go along with the multi-family use. If they followed that, all development would have to be at the rear of the site, which was of concern to the abutters.

Mr. Maynard told the Board he had two separate variance requests in front of the Board. He said the first plan restricted them to three additional new lots on a private driveway. He said there had been conversations with the Planning Board that seemed to head in a different direction of building a road to Town standards if they were to request five lots with density offset of six lots. The first variance was to create the three additional new lots on only the 50-foot frontage that would exist on the main road. In essence the subdivision would be done under the conservation subdivision rules and under the ordinance they would have more than the required 40% open space at the rear of the site. They wouldn't have a problem offsetting it because the density would be toward the front of the property. Mr. Maynard said the reason for requesting the three lots was in part because of the infrastructure cost of constructing the driveway and that they would need to do a cistern for the three lots.

The second variance request was to create the 1.35 acre lot for the existing house and build the conservation subdivision to contain roughly five lots. In general they would still reduce the overall yield from what they could have and at the same time be able to offset the multi-family use and proceed to the Planning Board in the conceptual stage.

Mr. Hennessey asked if there was such a thing as a modified conservation plan. Mr. Maynard replied that they met the rules. He said he broke out the zoning and subdivision ordinances and reviewed the zoning written for the conservation subdivision (307-106) outlined the applicable road requirements. He read aloud a portion of the language and how they would remain in compliance except with the frontage and discussed the items that had been reviewed at the Planning Board. He felt the proposal was a 'happy medium' to the discussions.

Mr. McNamara commented if the Board were to approve the first request, the applicant will still need to meet certain road standards to comply with Fire Department requirements. Mr. Maynard said he would meet the Town's requirement for more than one home on a private driveway. Mr. McNamara saw that

lot three had a very small frontage on the cul-de-sac and wanted to know the footage. Mr. Maynard said it had 50 feet of frontage. He defined it as a roadway/driveway easement. He said he had enough road to put a full turn around, but put the roundabout to try and keep the road at a driveway standard. He said there wouldn't be a lot of increased traffic, possibly just thirty car trips per day. He noted the Federal standard was an 18ft. road width. He said the discussion at the Planning Board seemed to lead in the direction of him looking at a 22ft. wide road with the subdivision. He said if they had to build to a Town standard it wouldn't be a private road. He said they had reduced the proposal to try and achieve a viable/marketing project that would work within the requirement parameters.

Mr. Gowan understood what the applicant was trying to achieve. He cautioned the Board not to tie the Planning Board's hands and also noted that the Fire Chief had jurisdiction on driveways. He said idea of the regulation was to give the Planning Board the widest discretion when approving a plan. The Planning Board always wanted the Highway Safety Committee comment regarding road width. He said the intent wasn't to create private driveways, it was to create roads that could be private, but still built to some kind of road standard. He noted all it took to request that a road become a Town road twenty-five signatures on the ballot. Mr. Gowan asked as the Board considered the variance request that they understand even if the variance was granted, the road may be required to be built to Town standards. He said the road width was outside the Board's purview.

Mr. Hennessey suggested that the Board conduct a joint meeting with the Planning Board given the applicant had already met with the Planning Board and received their input. He would like to hear the Planning Board's comments. He felt the spirit of the ordinance had been incorporated into the proposal.

Mr. McNamara recalled that the plan had gone to the Planning Board on a conceptual basis. Mr. Maynard said any conservation subdivision had to go to the Planning Board conceptually to get the yield and other things approved before moving forward. Originally the applicant was going to do away with the three-family use, but after some contemplation would like to be able to keep that use because they enjoyed living there and they liked the tenants. Mr. Maynard said to keep the use and somehow reduce the density, the balance came with determining what infrastructure would be needed to build out the project.

Mr. Kearney seemed to recall that one of the Board's considerations for the previous variance of the three-family was the total size of the lot. He said reducing the size of the lot (to 1.3 acres) and maintaining the three-family seemed to fly in the face of what he thought the Board's reasons for voting in the positive. He believed they voted in favor of the variance for the three-family dwelling because of the size of the property. Mr. Maynard said even in a developed state, they were looking to reduce their overall yield by roughly three lots to offset the present requests. Mr. Kearney asked for the total lot size. Mr. Maynard said there was approximately ten acres; within the lot was approximately one acre of wetland which had an associated Wetland Conservation District ('WCD') that increased the wet area to a total of approximately two acres in size. He explained that the difficulty with the property was the shape being long and narrow and the wetland (and buffer) being located in the middle. He said to develop the lot conventionally would push the building to the rear of the parcel.

Mr. Hennessey asked if the existing three-family would be included in the home association with the other lots. Mr. Maynard said he would like to leave the home aside from it since it had its own entrance, septic and its own existing utilities. He hoped the three new lots would be on their own.

Mr. McNamara questioned if there had been a condition for no further subdivision when the variance was granted. Mr. Gowan was not aware of that condition. Mr. Maynard said he read the variance and there was no condition. Mr. McNamara recalled a concern being raised during the Planning Board discussions

about a proposed driveway being aligned across the street from St. Margaret's Drive. Mr. Gowan noted it was ideal to have roads lined up across from each other; however, in this case the driveway would be on a State road and require their approval. Mr. Maynard said sight distance was good at the proposed location. He said the question to the Highway Safety Committee ('HCS') wasn't with regard to a 'T' intersection, but rather if they wanted to see the proposed road as a through road with a connection to other roads. It was his understanding that they didn't think so. Mr. Gowan concurred that the Planning Board discussed connectivity, but it didn't carry any weight with HSC. Mr. Hennessey reviewed the sight lines and felt they were good.

Mr. Hennessey said he liked the proposal and reiterated his feeling that they should conduct a joint hearing with the Planning Board. He felt the Conservation Commission should also provide comment. Mr. Maynard understood the complexity of the proposal because the applicant wanted to retain some uses and there was also development potential.

Mr. LaFrance said considering the options, felt the proposal was a good option. He said he lived in a similar situation and felt it was a 'win-win' given the circumstances. He told the Board the area was wet and believed building a road to Town standards would be drastic on that area. He felt from a maintenance standpoint it was a good proposal.

Ms. Paliy believed adding additional lots to the rear of the property would overcrowd that portion of the lot. Mr. Hennessey noted that conservation subdivisions require buffering. Ms. Paliy reiterated her concern for overcrowding and didn't see how they would create a buffer.

In looking at the proposed locations for the homes, Mr. LaFrance said there seemed to be a buffer in place. Mr. McNamara said one of the trade-offs of having a conservation subdivision was having smaller lots with houses placed closer together so open space is preserved. Mr. Hennessey felt the proposal abided by the spirit of the ordinance in terms of conservation.

There was a discussion how to proceed. Mr. Maynard was open to having a joint meeting between the Planning and Zoning Boards. He noted they were already schedule to go in front of the Planning Board on August 18, 2014 (through a previous request for continuance). The Board agreed to conduct a joint hearing. Mr. Gowan noted that the Planning Board could discuss the case, but would not be able to take action until the Zoning Board made a decision regarding the case.

**MOTION:** (LaFrance/McNamara) To adjourn the hearing, with the concurrence of the applicant, until the Planning Board meeting of August 18, 2014.

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

Mr. Hennessey allowed public input even though the variance criteria had not been read into the records. No one came forward to speak.

Mr. Hennessey asked if the applicant agreed to allow the Board to go beyond the thirty day time frame. Mr. Maynard had no objection.

**Case #ZO2014-00015**

**Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street - Seeking a Variance concerning Article III, Sections 307-12, Table I & 307-14 to permit the existing 3-family building to remain on a lot size of approximately 1.35 acres as part of a conservation subdivision with 175ft. of**

**frontage on Bridge Street and the remainder of frontage on a road to be constructed as part of the development.** (\* See discussion above – Case #ZO2014-00014)

**Case #ZO2014-00016**

**Map 34 Lot 6-11 – ROY, Richard & Stephanie - 3 Daniel Drive - Seeking a Variance concerning Articles III & VII, Sections 307-12 & 307-41B to permit an above ground swimming pool not meeting setback requirements and within wetland conservation district.**

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. Jay Henshall, representing the applicants, came forward to discuss the variance request. Ms. Stephanie Roy also came forward. Mr. Henshall said the applicant would like to assemble an above-ground swimming pool on a flat established lawn area. He noted that the lot was located on the corner of Daniel Drive and Lorraine Avenue; they were unable to conform to either of the street setbacks. Also, because the property was in the midst of conservation and wetlands, there was virtually no area they could conform. Mr. Henshall explained they had previously submitted an application showing the pool on the opposite site of the lot, but had been informed that area was directly within the wetland. The present application showed the pool location as being in the wetland buffer, approximately 12ft. from the edge of wetlands.

Mr. Gowan commented that the proposal showed the best location. Mr. Henshall explained to the Board that there was an issue/confusion as to where the wetlands were located because the property had been re-delineated and showed the wetland in a different place than what the plan showed.

Ms. Roy explained she purchased the property last August and were told they had wetlands behind the house. However, when they had the wetlands marked she learned they were beyond the location shown on the septic plan done prior to her ownership. She said there was also no plot plan on file with the Town.

Mr. Henshall read aloud the variance criteria as submitted with the application. Ms. Roy told the Board if she had known all the information she wouldn't have purchased the property.

Mr. McNamara understood the above-ground pool was 24ftx16ft. and questioned if it would be entirely within the Wetland Conservation District ('WCD'). Mr. Henshall answered yes. Mr. McNamara asked if any portion entered into the wetlands. Mr. Henshall answered no. Mr. McNamara understood the applicant was requesting relief from side setbacks. Mr. Henshall replied because it was a corner lot they had two front setbacks; 20ft. from Daniel Drive, and 5ft. from Lorraine Avenue. Ms. Roy commented that the setback wasn't to the actual road; the property marker shown on the plot plan was in the middle of the side yard. Mr. Henshall said the property line was approximately 20ft. from the road. Mr. Gowan said corner lots were always tricky. He said 'frontage' was considered where a lot is accessed by a driveway. The applicant's access was on Daniel Drive, which he considered the front setback and the Lorraine Avenue section he considered to be the side setback. The applicant was requesting a 5ft. setback to the side.

Mr. Hennessey asked if the 'tongue' of land on the abutting lot could be built upon. Ms. Roy didn't feel it could be. Mr. Hennessey didn't want to create a future situation for an abutter. Mr. Henshall believed the area to be common land. Mr. Gowan didn't believe there was enough depth in that side area to have a residential structure.



Mr. McNamara asked if the details of the wetland were known. Mr. LaFrance said he was trying to determine the WCD in relation to the pool location. Ms. Roy said the plot plan had been done for the septic; the wetlands started to be noted, but didn't show the complete area. She said the plot plan conflicted with the information they learned when the wetlands were marked at the time she purchased the property. She clarified that the plot plan was done for the septic prior to purchasing the home. She asked the company that marked the wetlands to provide her with a copy of the plan; however, they were unable to because there weren't sufficient boundary markings. Mr. Henshall said the wetland lines seemed to go along the flood zone line, so that's what he used to determine the pool placement.

There was no public input.

Ms. Roy reiterated that she wished she hadn't purchased the property. She said the area of the proposed pool was grassed.

Mr. LaFrance felt there was a hardship due to the corner lot. He said there was definitely a far side setback because of the road and the pool would be placed on a grassed area. He noted they wouldn't be cutting vegetation or changing grading. He didn't see a problem with granting the variance. Mr. Hennessey agreed. He said the common land was so narrow it probably couldn't be used for another use. Mr. McNamara understood the concerns, but reiterated that the pool would be located entirely within a WCD, although it may not be a functioning wetland, there would be some traffic on the area. He also understood it was a grassed area, but didn't know how extensive the wetland area was. Ms. Roy said there wasn't any water in the area. Mr. Hennessey noted the soil type was Hydric A. Mr. LaFrance said there wasn't a clear indication of where the setback was. Mr. Hennessey believed there was a hardship. Mr. Kearney was uncertain about the definitive location of the wetlands. He didn't feel a site walk would provide that information. He was uncomfortable voting for something that he couldn't see. Mr. McNamara agreed. Mr. Hennessey said he was looking at the fact that applicant had a corner lot and the proposed location for the pool was the best location. It seemed to him that the effect was minimal based on the information submitted to the Board and the testimony provided. He reiterated his feeling that the applicant had a case for a true hardship. Mr. Kearney agreed with the hardship, but was unclear where the wetland delineation was located.

Mr. LaFrance questioned if the Board should vote whether or not to have a site walk. Mr. Hennessey said if the Board felt conducting a site walk would affect their vote the motion should be made. No motion was made.

**BALLOT VOTE**  
**#ZO2014-00016:**

Mr. Hennessey – Yes to all criteria  
Ms. Paliy – Yes to all criteria  
Mr. Kearney – 1) No; 2) Yes; 3) Yes; 4) Yes; 5) No  
Mr. LaFrance – Yes to all criteria  
Mr. McNamara – No to all criteria

**VOTE:** (3-2-0) The motion carried. Mr. McNamara and Mr. Kearney voted no.

**VARIANCE GRANTED**

**DATE SPECIFIED CASES**

Case #ZO2014-00014 & Case #ZO2014-00015 - Map 17 Lot 12-180 - EAH REALTY TRUST - 956 Bridge Street

**MINUTES REVIEW**

**June 9, 2014:**

**MOTION:** (Kearney/LaFrance) To approve the June 9, 2014 site walk minutes as written.

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

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 8:42 pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary