

**APPROVED**

**TOWN OF PELHAM  
ZONING BOARD OF ADJUSTMENT MEETING  
April 11, 2022**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mr. Wing called the roll.

**PRESENT ROLL CALL:** David Hennessey  
Jim Bergeron  
David Wing  
John Westwood  
Jeff Caira  
Planning Director/Zoning Administrator Jennifer Beauregard

**ABSENT:** Alternate Shaun Hamilton  
Recording Secretary Jordyn Isabelle

**MINUTES**

**March 14, 2022**

**MOTION:** (Wing/Westwood) To approve the March 14, 2022 meeting minutes as written.

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

**ELECTION OF OFFICERS**

**Chairman**

**MOTION:** (Caira/Bergeron) To nominate David Hennessey as Chairman of the Board.

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

**Vice Chairman**

**MOTION:** (Westwood/Hennessey) To nominate Jim Bergeron as Vice Chairman of the Board.

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

**Secretary**

**MOTION:** (Caira/Bergeron) To nominate David Wing as Secretary of the Board.

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

**HEARINGS****CASE #ZO2022-00009**

**RICCIARDI, Robert & Jordan – 69 So. Shore Drive – Seeking a variance to Article III, Section 307-7, 307-8C, 307-12 Table 1, 307-14 and Article VII, Section 307-39 of the Zoning Ordinance to extend the nonconforming use on a lot by constructing a new single-family dwelling on said lot with a lot size of 12,700 sf. where 43,250 sf. is required. Also, 100' of frontage on a private road where 200' on a public road is required, and a building setback of 29.7' to a lake where 50' is required in the Residential and Wetlands Conservation Overlay Districts.**

Mr. Wing read aloud the list of abutters. There were two individuals present who were not notified that have a statutory interest in the case, as they were members of the Little Island Pond Reality Group. Mr. Hennessey asked them to register with the Planning Department. Ms. Beauregard explained that she was not sure if they could send all individual notifications, only to the association, which would meet the statutory requirements. She added that the applicants get their abutters list from the Assessing Department, so she is not sure how the Planning Department could track who is in the association. Mr. Bergeron voiced his agreement.

Ms. Julia Mawson Steed, of 17 So. Shore Drive, came forward to address the Board. She explained that there are two separate associations, one for the road and one for the reality group. She believed that the road association should register with the Town, because the road is a shared resource, meaning everyone is an abutter because of the impact to the road.

Mr. Hennessey deferred the conversation to the Planning Department. Ms. Mawson Steed thanked the Board for taking her question and stated she would follow-up with the Planning Department.

Ms. Susan MacDougall, of 71 So. Shore Drive, came forward to address the Board. She informed that she is the secretary of the Back Land Association. She explained that the treasurer and a trustee for the road was notified.

Mr. Balquist came forward to represent the applicants. He explained that the applicants wanted to redevelop their lot by removing the current 90-year-old dwelling with a constructing a new one. He informed that they had already obtained two state permits for the septic system.

Mr. Balquist read the five criteria aloud into the record.

Mr. Caira asked how many bedrooms were in the existing home. Mr. Balquist replied that there were three existing bedrooms. Mr. Caira then asked if the foundation would be dug out. Mr. Balquist replied that it would and that they would go an additional four feet into the ground, making for a total depth of eight feet.

Mr. Balquist informed that the grade of the property would be changing significantly to try and keep the leach field out of the water table to avoid polluting the groundwater and lake. He added that they would also be treating the roof runoff with a stone infiltration trench to further help avoid pollution of the lake.

Mr. Bergeron asked what the lot calculated for loading. Mr. Balquist explained that the lot was grandfathered into three bedrooms, as agreed by DES. Mr. Balquist stated that he had hard copies of the whole chain of tax cards he obtained from the Assessor's Office.

**MOTION:** (Wing/\_\_\_\_\_) That the shoreline protection and septic approvals for the plan be subject to review by the Planning Department.

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

Mr. Balquist then explained to Mr. Bergeron that the proposed changes to the lot would decrease the overall impervious area.

Mr. Hennessey asked if anyone's view of the lake would be impacted by the proposed changes. The applicants' answered that there should be no impact on neighbors, as there is only back lands behind the dwelling. Mr. Hennessey explained that there are no height restrictions in the Town and that they must rely on abutters' testimonies.

Mr. MacDougall of 71 So. Shore Drive came forward to speak in favor of the variance request. He stated that he signed off in favor of the variance request as the proposed changes to the lot would benefit the land and surrounding neighbors.

Mr. Michael McCann of 97 Jones Ave in Dracut, MA came forward to speak in favor of the variance. He stated that he believed it would be a nice project and would be a big improvement.

Julia Mawson Steed of 17 So Shore Drive came forward to address the Board. She explained that the reason she and her neighbors ask a lot of questions about these proposals is because they live on the shared resources of the private road and the pond. She asked where the waste from the excavation would go. Mr. Balquist replied that it would be trucked off site. Mr. Beauregard added that it would have to be. Ms. Steed asked how high the septic would need to be to keep it higher than the water table. Mr. Balquist replied that they would be raising the grade of the septic system by three feet. She asked what the impact of the runoff would be from the increase in grade. Mr. Balquist replied that there would be no runoff and that it would all be absorbed into the ground. Mr. Hennessey added that the Town regulates any water runoff from new construction sites should be either on site or converted to a retention area. She asked how the sediment would be contained. Mr. Balquist explained it would be contained in a silt sock or mulch to trap in the sediment to prevent any erosion from construction activity. She then asked the number of trees that would be cut down. Mr. Hennessey explained that shoreline protection sets the basal limit of vegetation on sites within shoreline protection and that this plan has already been approved.

Mr. Bergeron wanted to inform that there is a responsibility that goes along with a clean solutions system. Mr. Balquist replied that the owner hears that and that it is a part of approval. Mr. Bergeron asked what the slab grade of the floor would be. Mr. Balquist replied that he was not sure, but the basement floor elevation is 141.5 feet adding that the garage grade would most likely be around 145.5 feet.

Mr. Hennessey stated that the building inspector looks at the construction details, including the grade, final grade, and the issuance of occupancy permit only after the final grade has been fixed and approved by the building inspector. He added that he appreciated the questions being asked, but believed that this was not the proper venue for those specific questions.

**CASE #ZO2022-00009**

**ROLL CALL VOTE:** Mr. Westwood - 5 “yesses”; final vote YES  
Mr. Bergeron - 5 “yesses”; final vote YES  
Mr. Hennessey - 5 “yesses”; final vote YES  
Mr. Ciara - 5 “yesses”; final vote YES with state approval of the  
septic system  
Mr. Wing - 5 “yesses”; final vote YES with review of shoreline  
protection and septic system approval

(5-0-0) The motion carried.

**VARIANCE GRANTED.**

Mr. Hennessey explained that the variance was granted with the specified conditions and that there is a 30 day right to appeal the decision.

**NON-PUBLIC SESSION**

Not requested.

**ADJOURNMENT**

**MOTION:** (Wing/Bergeron) To adjourn the meeting.

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