

APPROVED
TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
May 9, 2016

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 Lance Ouellette, Planning / Zoning Administrator
Jennifer Hovey

ABSENT: Alternate Darlene Culbert, Alternate Pauline Guay, Alternate Kevin O'Sullivan

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

MOTION: (McNamara/LaFrance) To appoint David Hennessey as Chairman.

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

MOTION: (McNamara/Kearney) To appoint Svetlana Paliy as Vice Chairman.

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

MOTION: (McNamara/LaFrance) To appoint Bill Kearney as Secretary.

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

HEARINGS:

Case #ZO2016-00011

Map 30 Lot 11-169

PATTERSON, John - 14 Campbell Road - Seeking a Variance concerning Article III, Sections 307-12 & 307-13-B-1 to permit the construction of a single family dwelling on a lot having a lot size of 10,733SF, single road frontage of 159.64ft. on an unaccepted road, front setback of 12ft. and rear setback of 11.4ft. where a lot size of 43,560ft, frontage of 200ft. on an accepted road, front setback of 30ft and rear setback of 15ft is required.

Mr. Ouellette recused himself.

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. Robert Balquist of Meisner Brem, representing the applicant, came forward to discuss the Variance request. The applicant is seeking conversion of a seasonal dwelling to a year-round dwelling, which requires three variances: 1) lot size, 2) frontage onto an accepted and unaccepted road, 3) setback requirements. The property is near Little Island Pond, located approximately 400ft-500ft from it, so a Shore Land Permit is not required. The owner has received a State approved Septic Design Plan. Mr. Balquist told the Board that the existing dwelling was not up to code and would be demolished, with the intention of replacing it with a year-round dwelling with no more than two bedrooms.

Mr. Balquist read aloud the Variance criteria as submitted with the application.

Mr. McNamara questioned if the proposed dwelling would be a two-story structure and have a garage. Mr. Balquist replied the dwelling would be either a one and a half or two-story, but not have a garage, but they would be keeping the existing garage. Mr. McNamara saw that the existing footprint was approximately 900SF. Mr. Balquist noted that the proposed dwelling wouldn't block anyone's view of the pond. He described the surrounding homes, which indicated the proposal would fit the character of the neighborhood.

Mr. Hennessey asked if a ruler or transit had been used to draw the well radius. Mr. Balquist told the Board that the septic design had been done by another engineering company approximately two years ago. He believed it was drawn free-hand. Mr. Hennessey questioned if anyone had certified the well radius. Mr. Balquist replied the State of New Hampshire and the Pelham Health Department had. Mr. Hennessey said the well radius was as tight as he'd ever seen to the leach bed. Mr. Balquist replied the applicant was a little constricted because of the location of the shed, but the radius met the minimum requirement. Mr. LaFrance noted the septic plan had been stamped by the State. Mr. Balquist noted it was also stamped by the septic designer Lee Cavanaugh. Mr. Hennessey reiterated that it was a very tight lot. Mr. LaFrance cautioned about overstepping the Board's role, given that the State had stamped the plan. Mr. Balquist stated it was not uncommon to hand draw radiuses.

PUBLIC INPUT

Mr. Lance Ouellette, 13 Gaston Road stated the applicant submitted a certified plot plan, stamped by an engineer, which was not hand drawn, and showed more area on the lot than the septic plan. He noted the Board had recently approved cases with similar lot sizes on South Shore Drive and Andover Street. He said the pond neighborhood had a lot of upgrades (seasonal to year-round) over the past few years. Mr. Ouellette felt the proposed upgrade and limitation of a two-bedroom home would be wonderful for the neighborhood.

Mr. Ray Gladu, 9 Campbell Road told the Board that the proposal would be a definite improvement to the neighborhood.

Mr. Nicholas Boucher, representing Elizabeth Mackey of 8 Methuen Road, told the Board Ms. Mackey was concerned about her hand-dug well (located 13ft from the lot line) in regard to the applicant's foundation and potential leaching into her well. Mr. Hennessey replied a copy of the plan was on file with the Planning Department. He noted there were some recent changes with FHA with regard to hand-dug wells that Ms. Mackey should speak with her lender. Mr. Boucher told the Board they were in opposition to the proposal until their questions could be answered.

Ms. Kim Sargent 12 Campbell Road told the Board she was in favor of improving the neighborhood, but wanted to make sure the criteria was being met with the applicant's septic and her well. She explained that there was a natural spring that ran under her home and was concerned about water contamination.

Mr. Hennessey replied a copy of the septic was on file in the Planning Department. He suggested she have her water tested.

Mr. McNamara asked Mr. Balquist and Zoning Administrator Hovey if they were aware of any prior Variance requests on the property. Mr. Balquist answered no; he checked the Town's building file prior to submitting the request. Ms. Hovey was not aware of any requests.

Mr. LaFrance spoke about the difference between the case in front of the Board compared to previous cases that had been reviewed/approved. He felt the proposal offered an improvement to the neighborhood.

Mr. Hennessey said he reviewed the lot and was concerned with the shape and how tight it had been designed.

Condition for Approval – Septic System to be installed as seen on the permit. Mr. Balquist acknowledged the condition.

Mr. Paliy questioned if the Board would place a stipulation regarding the size of the house. Mr. Hennessey noted the proposed home would only have two bedrooms, and wasn't concerned with the height. Mr. Kearney agreed. Ms. Paliy suggested restricting the building to 1800SF. Mr. LaFrance believed the lot itself restricted the building. No motion was made regarding height restriction.

BALLOT VOTE Mr. Hennessey – Yes to all criteria-subject to stipulation.
#ZO2016-00011: Mr. Kearney – Yes to all criteria
 Ms. Paliy – Yes to all criteria
 Mr. McNamara – Yes to all criteria
 Mr. LaFrance - Yes to all criteria

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

VARIANCES GRANTED

Mr. Ouellette returned to the Board.

Case #ZO2016-00012

Map 22 Lot 8-31

C & T BEAUREGARD LANDHOLDINGS, LLC - 91 Main Street – Seeking a Variance concerning Article III, Sections 307-8 & 307-12, Table I to permit a construction equipment sales business in the business zone on a lot with less than the required 60,000SF.

There was no one present to represent the Case. Mr. Hennessey stated the Board would announce the Case, read the abutter list and continue the hearing to the next meeting.

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 informed that the Board would hold off hearing the case until the next meeting, although they were not obligated to do so.

Mr. Ouellette questioned if the Board had the right to continue a case on the applicant's behalf without them being present. Mr. Hennessey answered yes; they had done it before.

MOTION: (McNamara/LaFrance) To continue the Case to the June 13, 2016 meeting.

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

MINUTES REVIEW

Mr. Hennessey noted on page 3 line #93 a motion was offered by an alternate member, which received no second. That motion was made in error as Alternate members are not allowed to make a motion.

April 11, 2016:

MOTION: (LaFrance/Kearney) To approve the April 11, 2016 meeting 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 7:42 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary