

APPROVED

**TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
March 9, 2015**

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, Planning Director/Zoning Administrator Jeff Gowan

ABSENT: Alternate Lance Ouellette, Alternate Darlene Culbert, Alternate Kevin O'Sullivan

HEARING

Case #ZO2015-00005

Map 22 Lot 8-150

REGEMANN, Jean - 12 Nashua Road - Seeking a Variance concerning Article III, Sections 307-8 C & 307-12 E to permit an existing above ground swimming pool to remain on an undersized lot and partially into the side setback.

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. James Johnston, representing the applicant, came forward to review the variance request. He explained that the applicant was seeking a variance to allow an above ground swimming pool to remain on an undersized lot that was partially encroaching into the side setback. The setback would be 8ft., where 15ft. is required.

Mr. Johnston read aloud the variance criteria as submitted with the application.

Mr. McNamara wanted to know the distance from the swimming pool to the house on the adjoining lot. Mr. Johnston didn't have exact footage. He explained there was the 8ft. setback, a fence then a grassed area and garage with another grassed area. He believed the distance may be approximately 40ft. Mr. McNamara questioned if there were any structures that shielded the direct view of the swimming pool from the house on the adjoining lot. Mr. Johnston replied there was a fence that blocked the swimming pool.

Mr. Kearney asked what type of fence was installed. Mr. Johnston stated it was a slatted (privacy) fence, which was approximately 6ft. in height. Mr. Kearney questioned if there was a specific reason for the placement of the pool. Mr. Johnston replied the pool was positioned so as to not interfere with the new septic system. The septic system drainage flows toward the rear of the lot. Mr. Kearney wanted to know if the property was dry. Mr. Johnston answered yes.

Mr. Hennessey asked Mr. Johnston if he installed the pool himself. Mr. Johnston replied he hired someone. Mr. Hennessey questioned if a professional company had done it. Mr. Johnston answered yes. Mr. Hennessey asked if the company discussed obtaining a permit. Mr. Johnston replied the company was hired to install the pool; they didn't discuss permits. Mr. Hennessey understood the pool was above ground and questioned if there was fencing (for safety) on the side of the pool since it was so close to the property line. Mr. Johnston replied the pool was out of view and protected on all sides; the yard is completely enclosed.

Mr. LaFrance confirmed the fencing was a tall white vinyl fence. Mr. Johnston answered yes. Mr. LaFrance commented that he drives past the property and recalled the applicant's property having the tall vinyl fence on their property and the neighbors having a post and beam fence. He said there may also be plantings.

Mr. Hennessey questioned how the situation was discovered. Mr. Johnston said the situation was discovered when his electrician requested, and was granted an electrical permit for the pool. It was then he learned of the need for a variance. Mr. Gowan added the situation was picked up in Code Enforcement. He explained that an electrical permit was issued without the benefit of first receiving a building permit. He further explained he reviews building permits for zoning compliance. He believed the situation to be an innocent/naïve mistake. Once the setback issue was realized, the building permit couldn't be signed-off without proper Zoning relief. Mr. Gowan told the Board if the variance is approved, the building permit would be after-the-fact, but would still require proper inspections.

There was no public input.

Mr. LaFrance believed everyone drove past the property often. It was a well-kept property with fencing. He made light of the fact that there was no abutter opposition. Mr. Johnston told the Board he spoke with every neighbor and had not received any concerns.

BALLOT VOTE
#ZO2015-00005:
 Mr. Hennessey – Yes to all criteria
 Ms. Paliy – Yes to all criteria
 Mr. Kearney – Yes to all criteria
 Mr. LaFrance – Yes to all criteria
 Mr. McNamara – Yes to all criteria

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

VARIANCE GRANTED

MINUTES REVIEW

February 23, 2015:

MOTION: (LaFrance/McNamara) To approve the February 23, 2015 meeting minutes as written.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 7:23pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary