

**APPROVED**  
**TOWN OF PELHAM**  
**ZONING BOARD OF ADJUSTMENT MEETING**  
**March 10, 2014**

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

The Secretary Chris LaFrance called roll:

PRESENT: David Hennessey, Svetlana Paliy, Peter McNamara, Chris LaFrance, Mr. Bill Kearney, Alternate Darlene Culbert, Planning Director/Zoning Administrator Jeff Gowan

ABSENT: Alternate Lance Ouellette, Alternate Pauline Guay, Alternate Kevin O'Sullivan

**HEARING:**

**Case #ZO2014-00001**

**CATALANI, Richard - 1 Belvina Circle - Map 35 Lot 6-21 – Seeking a Special Exception concerning Article XII, Section 307-74 to permit an accessory dwelling unit in the basement.**

Mr. LaFrance 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 explains that Special Exceptions are granted if an applicant meets the criteria.

The applicant, Mr. Richard Catalani came forward to discuss the requested Special Exception to create an accessory apartment for his mother.

Mr. Gowan said he reviewed the application and it appeared to meet the criteria and dimensional requirements. He noted the egress seemed to be appropriate. He told the Board if the Special Exception was granted, the Building Inspector would verify the dimensions and would inspect and sign off that it was built per code. Based on the information provided, the unit appeared to be well segregated.

Mr. McNamara asked how many bedrooms were currently in the home. Mr. Catalani said the home had four bedrooms. Mr. McNamara questioned what the septic system was rated for. Mr. Catalani was unsure. Mr. Gowan explained that a septic design (showing 1.5 bedrooms over the actual number of bedrooms) had to be submitted. Mr. Catalani replied they had just received State approval and provided a copy to Mr. Gowan. In reviewing the document, Mr. Gowan saw that the State granted a Shore Land Permit. He suggested that the Board could consider granting an approval conditioned upon a Department of Environmental Services ('DES') subsurface design approval.

For discussion, Mr. McNamara made a motion that approval would be conditioned upon a State approved septic design being received. He said in the past the Board had discussed that

applicants had to meet all conditions prior to approval. He wasn't opposed to a motion. Mr. LaFrance seconded the motion for discussion. Mr. McNamara spoke about Special Exceptions and noted that the conditions were either met, or not and at this point, technically the Board didn't have proof that one of the conditions had been met. He suggested possibly placing a time limit on receiving septic notification from DES for the Special Exception to be granted. Mr. Hennessey told the applicant ordinarily the Board expected to see a complete package for Special Exception and voted either yes or no whether the criteria was met. Making a conditional approval was unusual.

Mr. Catalani provided Mr. Gowan with a septic design that contained an approval number; it was a matter of receiving the actual document from DES.

**MOTION:** (McNamara/LaFrance) An approval will be subject to receipt of a septic design by the State.

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

#### PUBLIC INPUT

Ms. Lynn Shea, 4 Belvina Circle gave support to the request. She said the proposal wouldn't change the dynamic of the neighborhood.

<b>BALLOT VOTE</b>	Mr. Hennessey – Yes
<b>#ZO2014-00001:</b>	Ms. Paliy – Yes
	Mr. LaFrance – Yes
	Mr. McNamara - Yes
	Mr. Kearney – Yes

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

#### SPECIAL EXCEPTION GRANTED

#### DISCUSSION

#### Draft Board of Adjustment By-Laws

Mr. Hennessey said the Board previously made the decision to have two members meet with Mr. Gowan to review/modify the By-Laws and present a proposal back to the Board; unfortunately Mr. McNamara was unable to meet due to illness. Mr. Hennessey told the Board he met with Mr. Gowan and drafted proposed modifications. He said the present meeting was strictly workshop. It would be during the next Board meeting they will have the election of officers and bring the By-Laws forward for public hearing and entertain any motions from members.

The Board reviewed the proposed modifications to the By-Laws and proposed additional modifications. Items discussed were: 1) who is appointed to Chair if all members not present; 2) alternate member function; 3) number of members that constitute a quorum; 4) member recusals; and 5) appeals; 6) fee schedule; 7) joint board meetings; and other minor modifications.

Mr. Hennessey reiterated that the Board would conduct an election of officers at their next meeting. The modified By-Laws will be submitted for counsel's review and then considered for vote by the Board. Mr. Gowan told the Board he would request clarification and resolution from legal and forward the response to the Board. Mr. Hennessey said if further discussion is required by the Board they can set additional dates to review the By-Laws.

### **MINUTES REVIEW**

#### **January 13, 2014:**

**MOTION:** (LaFrance/Paliy) To approve the January 13, 2014 meeting minutes as written.

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

### **ADJOURNMENT**

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

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

The meeting was adjourned at approximately 8:05pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary