

**APPROVED**  
**TOWN OF PELHAM**  
**ZONING BOARD OF ADJUSTMENT MEETING**  
**September 8, 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, Chris LaFrance,  
Alternate Lance Ouellette, Alternate Darlene Culbert, Planning  
Director/Zoning Administrator Jeff Gowan

ABSENT: Peter McNamara, Alternate Pauline Guay, Alternate Kevin O'Sullivan

**HEARINGS**

**Case #ZO2014-00018**

**Map 10 Lot 13-75**

**DREME BUILDERS - Bridge Street - Seeking a Variance concerning Articles III & XII, Sections 307-12, Table 1 & 307-69, AA to permit an off premise sign for the Harris Pelham Inn to be constructed within an easement on a residential property.**

Ms. Culbert was appointed to vote in Mr. McNamara's absence.

Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, came forward to discuss the variance request. He explained to the Board that his client owned a piece of property on Route 38; directly in front of their property is a small lot (roughly 2,000SF in size) owned by Harris' Pelham Inn. On the Harris property is a directional sign to their function facility. A portion of the sign is located on the State right-of-way. Mr. Maynard indicated that Harris and Dreme Builders had worked together and agreed that the sign could be relocated to the corner of Young's Crossing to provide a better directional indication and would allow for a 2-faced sign. If the variance is granted and a sign easement is created, the small lot will be deeded from Harris to Dreme Builders and become part of their larger lot.

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. Maynard read the variance criteria aloud, as submitted with the application.

Mr. Kearney wanted clarification regarding the size of the sign and the vehicle sight distance at the intersection. Mr. Maynard explained that the State right-of-way was approximately 100ft. wide in the proposed area for the sign; they would need to be located behind that area. The sign will be approximately 50ft. back from the center line of pavement. He noted that the sign easement area would be opened up to provide better visibility of the sign and the intersection. The existing sign is approximately 2ft. x4ft. Currently the sign is one sided. They planned to attach an identical second sign on the back. A photograph of the existing sign was submitted to the Board for review.

Mr. Ouellette confirmed that the existing sign would be used. Mr. Maynard stated the intention was to move the existing sign to the new location and have a duplicate sign attached to the back making it two-sided. The only change on the back side would be the directional arrow.

Mr. Hennessey commented the Board (at recent meetings) voted in favor of variances for off-site signs. Because the Board had not had that type of request in the past and there had been three requests during recent meetings, it didn't seem to be a coincidence. He asked why the request was coming forward now and what made the proposal unique. Mr. Maynard admitted to the Board that the variance request had been on his desk for about three months and he had missed the filing deadline for earlier meetings. It had been 'in the works' since Dreme Builders bought the lot. He was not aware of the other requests in front of the Board. He believed the difference with the applicant's request was the sign currently existed on a lot the Harris' owned. He told the Board he reviewed the Town's sign ordinance and regulations to find where the statement was that a sign had to be located on an owner's own property. He said it was not contained anywhere in zoning except in 'definitions'. Mr. Maynard stated that the Harris family had enjoyed the benefit of having a sign on their own lot. The topic came up when the larger lot was purchased because the small Harris lot was located in front of it. After discussions between the parties, an agreement was struck for the easement. Mr. Hennessey summarized the request; it was a unique site and it was a sign that had been in existence for a long time that would be pulled out from its current location within a right-of-way.

Mr. Hennessey questioned if it was necessary to have the Highway Safety Committee ('HSC') review the request. Mr. Gowan didn't feel it was necessary. He said as long as the sign was outside of the State's right-of-way and road sight distance, he could make the determination on his own. He was not concerned with the proposed location; however, he said he would speak to the HSC if the Board desired. He noted the Board could condition an approval based on there being no objection or safety concern of the HSC.

Ms. Culbert wanted to know if the sign in the east side of the intersection would also be removed. Mr. Maynard was not aware of an additional sign. He understood that the intention was to consolidate the signs into one location. Ms. Culbert noted there was an additional sign at the other end of Young's Crossing located on a tree giving a directional arrow to Harris' Inn. Mr. Gowan pointed out that Young's Crossing lead vehicles to Old Gage Hill Road not Harris' Inn. He noted that the sign on Old Gage Hill Road was a pre-existing non-conforming use. He recalled seeing that sign (on the tree) for at least 25+ years ago.

Ms. Paliy questioned if there should be a stipulation that there will be no new sign on the existing spot. That the existing sign will be moved to a new location. A variance would not give the ability to have additional signs. Mr. LaFrance understood that the Harris' lot would be combined with the existing parcel (owned by Dreme Builders).

**MOTION:** (Paliy/LaFrance) The existing sign will be relocated per the Variance.

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

**BALLOT VOTE**  
**#ZO2014-00018:**  
Mr. Hennessey – Yes to all criteria  
Ms. Paliy – Yes to all criteria  
Mr. Kearney – Yes to all criteria  
Mr. LaFrance – Yes to all criteria  
Ms. Culbert – Yes to all criteria

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

**VARIANCE GRANTED**

**DISCUSSION – Notification**

Mr. Hennessey said notification to abutters, availability of meeting minutes etc. was governed by State Regulations and not included in the Board's By-Laws. He asked Mr. Ouellette to discuss his concerns.

Mr. Ouellette explained he missed a meeting and during that meeting a decision was made to have a joint hearing with the Planning Board. He was not aware of the joint meeting until he received the minutes from that meeting. He received no notification or information. He saw that an excerpt from a previous meeting was forwarded to members, but he didn't realize it pertained to a joint meeting. Mr. Ouellette said the Board typically received notification from the Planning office for site walks etc., so he wondered what the guidelines were for notifications to the public and the Board.

With regard to the joint hearing, Mr. Hennessey said the Zoning Board conducted a meeting and in hearing testimony it became apparent there was some confusion with the Planning Board hearing some of the same issues. He pointed out that the Zoning Board had the benefit of one of the members also being the Planning Board Chair so determinations could quickly be made if there is a need for a joint meeting. In this instance, after the Board heard testimony, they voted to have a joint hearing three weeks later. The vote and discussion came out within the preliminary (draft) meeting minutes sent out to the Board. He believed after that an e-mail reminder sent to members from the Planning office of the joint hearing. There was no need for further publication and notice because it was done at the originally posted meeting.

Mr. Gowan said an initial mailing is sent to members typically on the Wednesday prior to a Monday meeting. The Planning Department always sends reminder e-mails for Thursday meetings, joint meetings and site walks. He said a reminder was sent to all Board members of the joint hearing being discussed. Subsequent to that reminder he forwarded a meeting minutes pertaining to a former variance that had been granted to the subject parcel. He commented nothing was done differently from what the department had done in the past. He would like to avoid sending a duplicate member package as it was a cost to the department and extra work for staff; however, he was willing to consider any reasonable request of the Board if a consensus was reached.

Mr. Hennessey reviewed the correspondence that had been forwarded to Board members. The only difference was in the past he had sent correspondence, but hadn't this time. He noted that the problem with him sending notification was any responses may constitute a meeting in itself and become part of the record. His reason for doing so was concern for member attendance of Thursday meetings, site walks, joint hearings etc.

Ms. Paliy pointed out that Mr. Ouellette was present during the meeting when the Board announced the joint hearing.

Mr. Hennessey believed the system being used worked well. Mr. Ouellette said the only thing he would like to be different was the reminder notification generated by the Planning office to be specific that it's a 'notification' (in the subject line).

Mr. Hennessey asked if it would be possible for the Planning office to convert the 'extra' notices for Site Walk, Joint Hearings and Thursday Meetings into a response calendar (i.e. Outlook). Mr. Gowan noted not everyone worked with Outlook and doing so would be complex to keep track of all the responses. He suggested having the word 'Notification' in the e-mail title. There was further discussion. No objection was voiced to Mr. Gowan's suggestion of adding a word into e-mail titles.

### **MINUTES REVIEW**

#### **August 11, 2014:**

**MOTION:** (LaFrance/Kearney) To approve the August 11, 2014 meeting minutes as written.

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

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#### **August 18, 2014:**

**MOTION:** (Kearney/LaFrance) To approve the August 18, 2014 Board of Adjustment portion of the joint meeting minutes (with Planning Board) as written.

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

### **ADJOURNMENT**

**MOTION:** (LaFrance/Paliy) 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