

**APPROVED**  
**TOWN OF PELHAM**  
**ZONING BOARD OF ADJUSTMENT MEETING**  
**August 10, 2020**

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

**PLEDGE OF ALLEGIANCE**

Secretary Mathew Hopkinson called roll:

PRESENT ROLL CALL:                      David Hennessey – Present  
   Matthew Hopkinson - Present  
   Peter McNamara - Present  
   Jim Bergeron – Present  
   Alternate John Westwood – Present  
   Alternate David Wing – Present  
   Planning/Zoning Administrator Jennifer Beauregard - Present

ABSENT/NOT PARTICIPATING:    Bill Kearney  
   Alternate Jeff Caira  
   Alternate Karen Plumley

The following notice was read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*regarding access to the meeting*)

Mr. Hennessey explained the Board’s role and hearing procedure.

**Case #ZO2020-00021**

**Map 16 Lot 12-105-11**

**AURIEMMA, Christopher & Nicole – 15 Ladyslipper Avenue – Seeking a Special Exception concerning Article XII, Sections 307-74 of the Ordinance to permit an Accessory Dwelling Unit in the basement of a Single-Family home**

Mr. Hopkinson 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.

The applicant Christopher Auriemma came forward in person. They were seeking to create an in-law apartment to assist with a family matter. Mr. Hennessey noted the State uses the designation ‘accessory dwelling unit’.

Mr. Hennessey asked Ms. Beauregard if the application met the criteria for Special Exception. Ms. Beauregard answered yes. Mr. Hennessey made clear if the special exception was granted for the accessory dwelling unit, under New Hampshire law, the unit could be rented out in the open market as long as the owner occupied one of the units (either the house or the accessory unit).

Mr. Hennessey opened the hearing to public input. No one came forward or voiced a desire to speak via telecommunication.

Mr. Hennessey appointed Mr. Westwood to vote.

**Case #ZO2020-00021**

**ROLL CALL VOTE:** Mr. Hennessey – Yes  
Mr. Hopkinson – Yes  
Mr. McNamara – Yes  
Mr. Bergeron – Yes  
Mr. Westwood – Yes  
(5-0-0) The motion carried.

**SPECIAL EXCEPTION GRANTED**

Mr. Hennessey noted there was a 30-day right of appeal.

**Case #ZO2020-00019****Map 39 Lot 1-62-11**

**GORMAN, Keith M. – 167 Clement Road – Seeking a Variance VII, Section 307-37 & 307-39 of the Zoning Ordinance to permit access to Long Pond with a low intensity 6' x 50' pathway connecting property with an already permitted dock, DES #2020-01359**

Mr. Hopkinson read the list of abutters aloud. There were no persons present who asserted standing in the case. Mr. Frank Provencher came forward to inform was an abutter and also the applicant for the next case (ZO2020-00020). His name wasn't read with the list of abutters, although he received notification of the hearing.

The applicant Keith Gorman came forward in person and clarified for the Board that Mr. Provencher had been notified of the hearing; his letter was sent after the abutter's list was created. He then spoke to the variance request and explained he was seeking to create a 6ft x 50ft. pathway to access Long Pond that would go through the Shore Line buffer/protection area. They eventually would like to have a dock. They've submitted the Shore Line Protection permit to the State and have received Department of Environmental Services approval. Mr. Gorman read aloud the responses to the variance criteria as submitted with the application.

Mr. McNamara questioned what material would be used to construct the walkway. Mr. Gorman replied they were planning to use gravel; less than three-inch binder over the coating so there would be no runoff. He said they would ensure nothing went into Long Pond or wetlands.

Mr. Bergeron inquired why the application was in front of the Zoning Board. Ms. Beauregard replied it was in front of the Board because of the lot's proximity to the Wetland Conservation District ('WCD'). Mr. Bergeron saw Zoning Section 307-40 reads that a special permit may be granted by the Planning Board, after notice, for streets, roads, and other access ways. Ms. Beauregard replied typically a driveway, road, utilities etc. where access would impact a WCD. She said encroachment doesn't require Planning Board approval and can go in front of the Zoning Board for variance. Mr. Bergeron understood conservation areas and nature trails were permitted under Section 307-39 and questioned what the Board would be granting a variance for. Ms. Beauregard replied the variance would be for an encroachment into the WCD.

Mr. Hennessey confirmed the applicant had a deeded right to the pond. Mr. Gorman answered yes. Mr. Hennessey understood to access the pond they would have to traverse the WCD and needed a variance to do so. Mr. Gorman replied that was correct.

Mr. Hennessey opened the hearing to public input. No one came forward or voiced a desire to speak via telecommunication.

Mr. Hennessey believed the application was clear and the applicant answered the question about the composition. He said they seemed cognizant about the importance of being located in a sensitive area. He had no further questions and would not ask for a site walk.

Ms. Beauregard reviewed the Zoning section referenced by Mr. Bergeron. She felt the request went beyond a nature trail as there would be some cutting/clearing and use gravel to put the path in.

Mr. Hennessey appointed Mr. Wing to vote.

**Case #ZO2020-00019**

**ROLL CALL VOICE VOTE:** Mr. Hennessey – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Hopkinson – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. McNamara – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Bergeron – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Wing – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
(5-0-0) The motion carried.

**VARIANCE GRANTED**

Mr. Hennessey noted there was a 30-day right of appeal.

**Case #ZO2020-00020**

**Map 39 Lot 1-62-12**

**PROVENCHER, Frank– 164 Clement Road – Seeking a Variance concerning Article VII Sections 307-37 & 307-39 of the Zoning Ordinance to permit access to Long Pond with a 6’ width gravel walkway which will be a seasonal Summer use connecting property with an already permitted dock, DES #2020-00922**

Mr. Hennessey appointed Mr. Westwood to vote.

Mr. Hopkinson 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.

The applicant Frank Provencher came forward with his representative Mr. Matt Hamor of Landplex Engineering. Mr. Hamor explained the applicant was seeking a variance for a 6ft. pathway within the Wetland Conservation District (‘WCD’). He informed the property was issued a dock permit from the New Hampshire Department of Environmental Services (‘DES’). He said the dock had already been installed. He added Wetland Scientist Bruce Gilday had worked with DES and obtained the permit; however, Mr. Gilday was not aware of the additional permit needed from the Zoning Board for work in the WCD. Mr. Hamor stated the path is 6ft. wide constructed of pervious stone/dust from the dwelling to the pond. The walkway was already installed; the Board was provided with photographs with the variance application. He noted the dock was seasonal and would be pulled out of the water during the winter. Mr. Hamor extended apologies for Mr. Gilday not being present for the meeting, he had a personal commitment conflict and was unable to attend. He mentioned the dock was not within 20ft. of an abutter and the pathway was put in using parts of an existing pathway. During this process there were a couple diseased trees identified by DES that were removed. He added the trees were cut off and the stumps were not pulled; the root zone to those trees remain intact. That root system was critical to the erosion of the 50ft. area to the pond. From the time the path was installed there has been no sediment or erosion going into the pond.

Mr. Hamor read aloud the responses to the variance criteria as submitted with the application.

Mr. Hennessey said he looked at the permit for the construction of the house which was granted a dock. He said it implied access. Ms. Beauregard noted the Board member packet included information regarding the walkway. Mr. Hennessey was verifying they had specific approval for the access from Shore Land. Ms. Beauregard replied she received it today and handed a copy to the Board for the meeting.

Mr. Hennessey opened the hearing to public input. No one came forward or voiced a desire to speak via telecommunication.

**Case #ZO2020-00020**

**ROLL CALL VOICE VOTE:** Mr. Hennessey – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Hopkinson – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. McNamara – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Bergeron – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
Mr. Westwood – 1) Yes, 2) Yes, 3) Yes, 4) Yes, 5) Yes  
(5-0-0) The motion carried.

**VARIANCE GRANTED**

Mr. Hennessey noted there was a 30-day right of appeal.

**MEETING MINUTES**

**MOTION:** (McNamara/Hopkinson) To approve the meeting minutes of July 13, 2020 as amended.

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

**ADJOURNMENT**

**MOTION:** (McNamara/Hopkinson) To adjourn the meeting.

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

The meeting was adjourned at approximately 7:48pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary