

APPROVED

**TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
November 9, 2020**

Chairman Bill Kearney called the meeting to order at approximately 7:00 pm.

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*)

Acting Secretary David Hennessey called roll:

PRESENT ROLL CALL: Bill Kearney – Present in person
 David Hennessey – Present in person
 Jim Bergeron – Present in person
 Alternate David Wing – Present in person
 Alternate Jeff Caira – Present in person
 Alternate John Westwood – Present in person
 Planning/Zoning Administrator Jennifer Beauregard – Present in person

ABSENT/NOT PARTICIPATING: Peter McNamara
 Matthew Hopkinson
 Alternate Karen Plumley

PLEDGE OF ALLEGIANCE

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

HEARING(S)

Case ZO2020-00026

Map 31 Lot 11-19

PAGE, Andrea & BILAPKA, Bruce – 35 Woekel Circle — Seeking a Variance concerning Article III, Sections 307-12, E of the Zoning Ordinance to allow an existing shed greater than 100sf and more than 8’ in height to remain within the 15’ allowed rear setback.

Mr. Kearney appointed Mr. Wing and Mr. Westwood to vote.

Mr. Hennessey 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. Bergeron commented that Mr. Bilapka is an alternate member on the Planning Board, of which he was an elected member. He was unsure if that would cause him to recuse himself from the hearing and asked for the Board’s opinion. Mr. Kearney stated he respected Mr. Bergeron and yielded the decision to him. The other sitting members had no objection to Mr. Bergeron remaining seated for the case.

The applicant, Ms. Andrea Page came forward in person. She told the Board the existing shed had been on the lot for three years. She stated a Department of Environmental Services (‘DES’) permit was obtained to put the shed on the lot. It was later realized they needed a Town permit because the size of the shed was

over 100SF and/or 8ft. in height and they also needed a building permit. She explained there was another part of the DES permit regarding a retaining wall and she put the shed permit together with it. Ms. Page said she was working backwards to request the variance. She then read aloud the responses to the criteria as submitted with the application.

Mr. Westwood asked for an explanation of where the applicant lived. Ms. Page explained all the lots were 'coffee lots' with similar sizes (i.e. 50ft x 100ft. +/-). She noted her lot was across the street from the lake, within the 250ft. setback from the shore land, which required a permit from Shore Land for a retaining wall on the right side of the property. Then, when they did the retaining wall at the back side of the property, the shed was put in with that permit.

Mr. Wing inquired about the height of the shed. Ms. Page replied it was over 8ft., possibly about 10ft.

Mr. Kearney asked for the square foot footprint. Ms. Page replied 108SF but 10 inches on the back side sat on a retaining wall (to distinguish permeable vs. impermeable). She further clarified 10 inches of the 8ft. sat on the back of the wall. She informed the Board she also owned the property to the rear of their lot. Ms. Beauregard pointed out even though it was the same owner, the setback requirements would still need to be met. Mr. Kearney confirmed the abutting lot to the rear was a separate lot. Ms. Page answered yes. She told the Board she brought the DES permit as well as photographs of sheds located on other lots that were equal to, if not higher, than hers.

PUBLIC INPUT

Ms. Karyn Martin, 39 Woekel Circle spoke to the Board via Zoom. She stated she had lived at that address for the last sixteen years as her primary residence. Her yard/house was two stories and overlooked the applicant's back yard. The existing shed was a better shed and in a better location; it was not any larger or higher than other sheds in the neighborhood. She felt the variance should be granted.

Ms. Cathy Woekel, part property owner via the Loretta Woekel Revocable Trust of 38 Woekel Circle. She noted her property was not on the list; however, the attorney/trustee of the property received notification. She said the primary residence was built on 40 Woekel Circle; located on the water. She was glad for hearing clarification/recognition regarding the applicant (Mr. Bilapka) being an alternate member of the Planning Board. She questioned what information was submitted with the variance application. Ms. Beauregard described the information submitted (such as supporting documentation, Shore Land permit, plot plans). Ms. Woekel stated she had done some background research to understand why an applicant would file for a variance when they had never filed one to build. When she asked the question at Town Hall, she was told that was probably the reason for the variance request; there was never a permit to build the initial shed. In listening to the opening information, she believed there may be some confusion by the Board because there were currently two sheds on the property. She explained the second shed was built on the rear retaining wall.

Ms. Woekel referenced the Planning Board meeting minutes of May 15, 2017 when Mr. Bilapka came forward to speak to his application to be a Planning Board member. She read a portion aloud that indicated Mr. Bilapka was appointed (as an alternate member) to a 3-year term beginning June 5, 2017 expiring in 2020. She then referenced Planning Board meeting minutes dated July 16, 2018 where Mr. Bilapka was present at involving a case with a shed; she felt it was important to understand his knowledgeable participation in that meeting. She felt as a member of the Planning Board the applicant had specific knowledge of the need to file a permit prior to building. She mentioned that she reviewed the file at Town Hall and saw nothing about a permit being pulled for the shed in question (right rear of the lot) or a permit for the other shed (left rear of the lot). There was also no Town permit for the long concrete wall referenced by Ms. Page, which she learned would have been filed with the State. Ms. Woekel believed the State and the Town did not know what was going on involving the entire property. She referenced a complaint raised

on December 14, 2016 regarding the property generated after two field inspectors came to the property. She read a portion of the document aloud as it pertained to the lot flooding. It was discovered that the impervious surface had increased as a result from increasing the size of the driveway. On December 28, 2016, a document spoke to what was seen on the property, the long wall and gravel area that replaced the existing lawn (in front of the home) and provided contact information for communications. Ms. Woekel questioned the timeline for when things changed on the lot. She pointed out the (right rear) shed was in existence in 2015 without a permit; after which the applicant became a Planning Board member and did nothing to correct violations.

Mr. Kearney explained the Board's review process and what they could discuss in their purview. While he appreciated the information being shared, he asked that it remain to the point (of the application).

Mr. Hennessey inquired if both sheds (on the lot) were of equal size. Ms. Woekel answered no. She understood the smaller shed was the one currently in front of the Board. Mr. Hennessey asked if there was a larger shed within the 15ft. (setback). Ms. Woekel answered yes there was a larger shed; she was not allowed on the property to measure it but brought a photograph she believed was telling. She said the shed was built on a concrete pad and partially sat on a rear wall (that wall was given a permit). The shed in question for the Board sat on the right side of the property in the rear (abutting the complaint) shown on the plot plan provided by the applicant.

Ms. Beauregard understood there was an 8ft.x10ft. shed shown on the plot plan that was to be relocated. She believed both sheds were currently still on the property and she understood from the applicant they had a certain amount of time for their Shore Land permit to remove the original shed after putting up the new shed.

Mr. Kearney believed the current shed (in relation to the variance) was being moved to its current location. Ms. Page replied they were unable to move the shed because it was falling apart (as it was approximately 20 years old). She stated they rebuilt the shed; the DES is aware of this and reviewed the property. On the DES permit they have until May 1, 2022 to complete the work; the applicant's plan is to remove the old shed. She referenced the driveway and explained there was some remaining concrete from the wall that was originally built. She said they also had until May 2022 to put in a drain to the bottom of the driveway after which (per DES) they can put in an application to have the driveway made permanent.

Ms. Page felt short of sharing the photographs, she asked that the Board not accept the variance request and set up a meeting with the DES to coordinate the Town's efforts for what should/should not be completed on the property. She heard the applicant state they would tear down the old shed and questioned why it was not being done now as it was being declared 'dilapidated'. She asked the Board to look at the sheds, so they had an idea of what was submitted. Mr. Kearney questioned if the photographs could be shared. Ms. Woekel was provided with the photographs submitted with the application. She reviewed the photographs; one photographs showed the shed (on the left side of the property built on a concrete foundation). Ms. Page believed when the original shed was built the Town had no zoning. She added there were no permits for most of the sheds in the area. She said they all showed up around 2006 when everyone re-measured the lots in the area. Ms. Woekel stated the question in front of the Board was whether a variance should be approved on the property. She said the State is involved and felt the Town should be working hand-in-hand with them.

Mr. Charles Smith, 37 Woekel Circle addressed the Board via Zoom. He stated he was speaking on behalf of himself and his stepfather Robert Habeeb. He submitted to the Board copies of: 1) summary of meeting Mr. Bilapka had with an inspector of DES (on April 20, 2017) – the notes indicate the applicant's property is over 30% impervious and any increase would require a professionally storm water management system. The DES permit contains specific conditions, and 2) copy of completed permit by notification submitted (by the applicants) to the State for approval – it clearly states the shed will be relocated to the other side of

the yard and elevated on cement blocks. Through these documents, Mr. Smith pointed out Mr. Bilapka was aware he could not increase the size of the shed thus triggering the need for a professionally engineered storm water management system; however, the shed size was not only increased a concrete foundation was poured and a new shed was erected. He believed it was deliberate to obtain a permit without going through proper procedures. He added the shed was built without obtaining permits from the Town. Mr. Smith indicated he communicated these facts to the DES and received a response from the compliance inspector that informs the applicant has been sent a letter notifying they are out of compliance and corrective actions are needed. He stated the shed was part of a civil suit currently filed with the New Hampshire court system against the applicants. He said the situation, along with other factors, has led to his property being flooded thus making it difficult for them to improve/develop. Mr. Smith urged the Board to deny the application for variance, if not he asked that they consider making it contingent on the ongoing compliant actions pending from the DES. Mr. Smith wanted on record and clear to Mr. Bilapka and Ms. Page, on behalf of his family and himself, that they did not want any verbal communication from either of them on this issue or any issues past or present.

Ms. Judi Habeeb, 36 Woekel Circle spoke to the Board via Zoom. She said as the Board was made aware, the shed was part of a civil suit brought against the property owners. She said the property owners state the shed in question is 8SF larger than the 100SF maximum allowed but they don't say how much larger it is from the one that was approved by the State to be moved where the larger one now stands. She said the property owner also states the shed is 36inches higher than the permitted height (of 96 inches). The property owner also states under their Shore Land permit they are permitted to move a shed and construct in such a way that it meets DES requirements; she believed this to be an untruth. She said they were permitted to locate the older (smaller) shed to the corner where the new one (currently) stands. As the property owner states there are multiple sheds throughout the neighborhood, none that are in large as the one in question. Ms. Habeeb believed approving the variance would send the wrong message to others seeking to skirt zoning regulations by allowing the 'build now, permit later' approach.

Mr. Rich Walker (via Zoom) had no comments.

Mr. Ken Cooley, 29 Woekel Circle reiterated the fact everything Mr. Smith and Ms. Habeeb mentioned was prudent information. He believed the applicant had virtually rebuilt their house with no permit. He said the actions regarding the shed were done while the applicant was a member of the Planning Board. He felt these were a good call to deny the variance.

Ms. Page was unsure about the comment regarding the concrete foundation water management system. With regard to Ms. Habeeb's property, her shed (with a pergola) was 156SF. She asked the Town regarding Ms. Habeeb's shed because she wasn't notified as an abutter about a variance or building permit. She was told it was an existing shed that had been fixed up to look like the house (on the lot). She learned a lot of shed showed up in 2006 when the Town reviewed all the neighborhoods. With regard to the comment about the retaining wall causing water to flow onto another property, she said when she asked the Planning Department if they could install a retaining wall, there was a sheet indicating a wall not be more than 4ft. up and 4ft. down was legal. There was no mention that a DES permit was needed, so they began building the right side of the wall. When the last pour was done the abutter contacted DES; the DES came to the site and informed an 'after-the-fact' Shore Land permit was needed. She said now that the wall is installed the abutter is saying its causing more water on the property. She said she had photographs from before, during and after construction of the retaining wall showing there was no change (in drainage flow). She's heard comments that the area had been underwater for 50-100 years. Ms. Page said the abutters purchased their property that is under water for a significant amount of time and had now put a lawsuit on them. She explained they had intended to move the shed; however, it was falling apart, so they decided to build another one. The DES has been to the site several times and seen the (new) shed. The DES informed they were fine until the date listed on the permit (2022) to complete the work. She said in the meantime the area neighbors were in an uproar. In response to the comment regarding the water management system, Ms.

Page noted the abutter had built a large home and had a septic tank enclosed in concrete on the water side (of the property) that was not legal.

Mr. Kearney noted the focus was on the applicant and rebutting any information regarding the shed. The other items were beyond the purview. He asked for the square footage of the old shed. Ms. Page believed it was 8ft.x12ft. and submitted a photograph of such. Mr. Hennessey replied that totaled 96SF, which was legal.

Mr. Bergeron saw that the plot plan showed the older/existing shed being 8ft.x12ft. The new shed shows 8ft.x10ft.x12ft. Chronologically, he saw the DES granted a permit for the shed to be moved with the condition that the existing older shed be removed. He said the typical Shore Land permit went for five years. Ms. Page displayed a photograph of the old shed, which she believed was 8ft. to the peak. Mr. Hennessey questioned if the shed being displayed was legal because of its size and DES. Ms. Page replied it was the shed they were going to move, but it was dilapidated, so they built a new shed. The DES visited the site to see both sheds. In Mr. Hennessey's opinion it was a 'done deal' given: 1) the applicant had a permit; 2) the size was 96SF; and 3) it came under Shore Land. Mr. Kearney stated that was the old shed. Mr. Hennessey understood the new shed was also getting DES approval; however, because it was over 100SF it was coming in for a variance. He believed the old (dilapidated) shed was not under the Board's purview. Mr. Kearney said that was correct; the old shed was just for reference.

Mr. Hennessey didn't want discussion regarding the old shed to clutter the discussion since it was not in front of them. He referenced the variance criteria and wanted to know if there was a problem being exacerbated as was mentioned by the abutter. The abutter indicated the impervious surface had increased and they had a water issue. He was unsure if he had the technical ability to discern that if the State says it is fine. Mr. Kearney believed one of the points was the additional 12SF when DES said the shed would have to be the exact same size. Ms. Page pointed out there was nothing stating on the permit that the shed had to be the exact same size. Mr. Smith pointed out he submitted a copy of the applicant's DES permit that indicated the shed was to remain the same size.

Mr. Hennessey reviewed the DES permit and felt the criteria for the shed remaining the same size was understood, if not explicit. Although at the bottom of the permit it stated the total area to be impacted was 100SF.

Mr. Bergeron pointed out 10inches of the shed sat on an existing concrete wall, which should be taken off the gross area. He said the applicant went in to see if they needed a permit for a wall and was told they didn't (through the Town). The DES has okayed the wall and in part indicated the shed had to be moved and they had to ensure the driveway did not increase the impervious area. He said the shed was 108SF; however, it sat on a concrete wall that was not part of the impervious area.

Ms. Page displayed a photograph of the new shed and how it was situated on the wall. He noted the wall was okayed by the Town. The 100SF was okayed by the State. He said the old shed had to come down in two years.

Mr. Wing saw that the shed was to be elevated on concrete blocks and since it was on a retaining wall he questioned if it needed to go back to the DES. He wanted to know if DES had to verify the impervious area. Mr. Bergeron commented the Town said it was okay to build a wall. Mr. Kearney said the Board could grant the variance with a condition to receiving permit from DES. Mr. Hennessey had a hard time accepting the fact that the back side of a shed was equivalent to a retaining wall. In his opinion a retaining wall permit did not give permission to have a shed protrude into the wall. Ms. Page noted the wall went all the way to the corner of property, eight feet behind the shed; the shed was sitting on the wall behind it. The wall preexisted the shed. Mr. Hennessey saw that the shed was over and enclosing the retaining wall. He said a retaining wall should not be inside a structure. Mr. Kearney asked how the square footage of the

shed was calculated. Ms. Page reviewed her notes and stated the shed was 12ft.x8.10ft. Mr. Kearney asked if the 8.10ft. was the depth or the width. Ms. Page noted the 10 inches was over the top of the wall.

Mr. Hennessey said when things are hard to visualize the Board usually asks for a site walk; however, in the case, he wasn't sure it would help him. Mr. Kearney questioned if the State had come out to the property. Ms. Page answered yes; they had come several times. Mr. Kearney confirmed they had seen the property with the wall constructed and the shed on top of the wall. Ms. Page answered yes. Mr. Hennessey felt the Board may need a statement from DES that meets the original permit for the retaining wall.

MOTION: (Hennessey/Wing) Condition of Variance – Receipt of letter from the State permitting department indicating they are okay with the existing set up on the lot (shed with fence over).
VOTE:

(5-0-0) The motion carried.

Case #ZO2020-00026

ROLL CALL VOTE: Mr. Kearney – Yes to all criteria-with State approved application
 Mr. Hennessey – Yes to all criteria-subject to DES approval and as-built
 Mr. Westwood – Yes to all criteria- as long as letter from State are received
 Mr. Bergeron – Yes to all criteria-with DES condition of as-built
 Mr. Wing- Yes to all criteria-conditioned upon letter from DES
 (5-0-0) The motion carried.

VARIANCE GRANTED

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

Case #ZO2020-00027

Map 38 Lot 1-155-3

ZANNA-17, LLC– 22 Chardonay Road — Seeking a Variance concerning Article XII, Section 307-74, H of the Zoning Ordinance to permit a second driveway as a means of entrance and exit to an attached Accessory Dwelling Unit.

Mr. Kearney appointed Mr. Wing and Mr. Caira to vote.

Mr. Hennessey 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.

Representing the applicant was Frank Gorman who came forward in person. He described the request for a second driveway for means of access to the attached dwelling unit ('ADU'). He then read aloud the responses to the variance criteria as submitted with the variance request.

Mr. Kearney asked for the lot size and frontage. Mr. Gorman replied it was approximately 1.72 acres with approximately 356ft. of frontage.

Mr. Bergeron questioned if the house was already in existence. Mr. Gorman answered no; it was the newest subdivision off Sherburne Road containing 8 lots. He displayed a photo depiction of the house. He noted there was a home to the left of the lot being discussed which was zoned as a two-family but sold as a single-family home. He added the development was a conventional subdivision not an open-space development.

Mr. Bergeron inquired if the property was served by a private well or Pennichuck Water. Mr. Gorman replied it was serviced by a community well system.

Mr. Wing asked if there was significance to the dimensions shown on the proposed plan. Mr. Gorman replied those were for the building department to ensure the structure would be within the setbacks; it had nothing to do with the request being considered.

Mr. Caira questioned what the driveway would be constructed out of. Mr. Gorman replied the driveway would be asphalt with a sidewalk to the existing home. The ADU will be accessed through the side with no sidewalk.

PUBLIC INPUT

Ms. Ashlyn (last name?), 166 Bush Hill Road came forward in person and told the Board she was the proposed buyer of the property. She informed the extra driveway would be easier for her parents to access their ADU (if approved).

Mr. Hennessey believed the philosophy of the ADU was to have a single driveway, so the property looked like a single-family home. However, it was now clear the State wanted towns to encourage the use of ADUs to expand the housing base. He felt the Town needed to look at its regulations and felt the driveway would have little change to the essential nature of the property. He was in favor of the proposal and felt it was reasonable. He believed there would be a hardship if they weren't permitted to have the second driveway. Given the size of the property, Mr. Kearney agreed.

Mr. Bergeron pointed out a detached ADU is allowed to have two curb cuts based on the Town's Zoning. He felt the request satisfied the spirit and intent of the ordinance, thereby justifying a favorable recommendation for variance. He agreed with Mr. Hennessey that the Town may need to make adjustments to its rules.

Mr. Wing looked favorably on the request. He said it seemed to be a reasonable request given the presented hardship. Mr. Caira agreed.

Mr. Hennessey believed it was obvious that the Board would need to approve the requested special exception (Case #ZO2020-00028) to make an ADU. Mr. Kearney discussed this with Ms. Beaugard prior to the meeting and agreed with Mr. Hennessey.

MOTION: (Hennessey/Bergeron) Variance is subject to approval of the special exception being granted to create the Accessory Dwelling Unit.

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

Case #ZO2020-00027 Mr. Kearney – Yes to all criteria-with stipulation of special exception
ROLL CALL VOTE: Mr. Hennessey – Yes to all criteria- subject to special exception approval
 Mr. Caira – Yes to all criteria-subject to granting special exception
 Mr. Bergeron – Yes to all criteria-with Mr. Hennessey's motion for special exception being granted
 Mr. Wing- Yes to all criteria-subject to special exception being granted
 (5-0-0) The motion carried.

VARIANCE GRANTED

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

Case #ZO2020-00028

Map 38 Lot 1-155-3

ZANNA-17, LLC – 22 Chardonnay Road – Seeking a Special Exception concerning Article XII, Section 307-73 & 74 of the Zoning Ordinance to permit the construction of an attached Accessory Dwelling Unit.

Mr. Kearney appointed Mr. Westwood and Mr. Cairra to vote.

Mr. Hennessey 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.

Representing the applicant was Frank Gorman who came forward in person. He displayed a depiction of the proposed home to be built with an attached Accessory Dwelling Unit ('ADU'). The ADU will be built in a town house construction where the first floor will have an open living and kitchen area. The second floor will have a handicap hallway, bedroom, and study. The look of the entire structure will be of a single-family home.

Mr. Kearney asked Ms. Beauregard if the application met all the requirements of a special exception. Ms. Beauregard replied the plan was reviewed/approved by the Building Inspector. The total square footage is approximately 990SF. At the time of the initial memo to the Board the Town had not yet received a State approved septic design. She said the Town has received a new design, which was submitted to the State; the Town was awaiting confirmation of approval. Once this is received all criteria will be met. Mr. Gorman had no objection to the special exception being approved subject to that stipulation.

MOTION: (Hennessey/Westwood) Special Exception is subject to State approval of the septic system allowing for an Accessory Dwelling Unit.

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

Mr. Kearney opened the discussion to public input. No one came forward.

Case #ZO2020-00028

ROLL CALL VOTE: Mr. Kearney – Yes – contingent upon receiving State approved septic system
 Mr. Hennessey – Yes – subject to State approval of septic system
 Mr. Cairra – Yes -upon receipt of State approved septic design
 Mr. Bergeron – Yes
 Mr. Westwood- Yes -pending State approval
 (5-0-0) The motion carried.

SPECIAL EXCEPTION GRANTED

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

Case #ZO2020-00029

Map 30 Lot 11-219

PROULX, Daniel Jr. – 29 So. Shore Drive – Seeking a Variance concerning Article VII, Sections 307-37 & 307-39 of the Zoning Ordinance to allow the removal of a rock wall and allow the construction of a boat ramp.

Mr. Kearney appointed Mr. Wing and Mr. Caira to vote.

Mr. Hennessey 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 Daniel Proulx came forward in person. He would like to construct a boat ramp approximately 14ft wide x 19ft. long. It will be constructed of 4in thick concrete with rebar support. He then read aloud the responses to the variance criteria as submitted with the application.

Mr. Hennessey questioned if the boat ramp was already existing. Mr. Proulx replied it was under construction and he was stopped. He was removing a two-foot high concrete wall and told to stop.

Mr. Bergeron saw the areas the applicant was requesting relief from. He believed the use was consistent with the ordinance; however, he wanted to know how the proposed went along with Shore Land protection. Mr. Proulx understood the Department of Environmental Services ('DES') was in touch with the Town's Code Official. The Code Official came to the property and gave him a notice. He said he contacted DES and told them his errors. He contacted a mason company who came to the site and assessed what had been done and provided guidance. Subsequently a Shore Land permit has been pulled; he found out from DES this was incorrect and was advised to submit a wetland permit, which was in process. Ms. Beauregard confirmed to the Board she had seen the email correspondence between the applicant and DES to determine the right path to follow.

Mr. Hennessey questioned if there was any discussion about having a temporary dock rather than the ramp. Mr. Proulx answered no; the discussion was regarding a ramp.

Mr. Bergeron stated his biggest concern was how the request worked with DES/Shore Land protection. He didn't see the proposed use as being inconsistent with the permitted uses. He questioned if the Board would consider a conditional approval.

Mr. Wing was not familiar with the pond and inquired if there were other recreational watercraft in use on the pond. Mr. Proulx answered yes; some of his abutters had access (boat launch/ramps) through their properties.

PUBLIC INPUT

Mr. Peter Shelzi, 31 So. Shore Drive came forward in person. He felt lucky to have the applicant as a neighbor. He told the Board there were quite a few boat ramps on the lake and knew direct abutters who had them. He mentioned there was no public access to the lake and the applicant had enough room on their lot to accommodate a boat ramp. He knew the applicant would meet any State requirements. He told the Board he was strongly in favor of the applicant being approved for the ramp.

Pam and Craig Erickson, 27 So. Shore Drive addressed the Board via Zoom. Ms. Erickson told the Board they were the direct abutter to the applicant and saw no problem allowing him to put a ramp in as long as he stays within the boundaries of what he said he would do.

Michael and Lisa LaFontaine, 18 So. Shore Drive spoke to the Board via Zoom. Ms. LaFontaine stated they lived across the street from the applicant. They felt since the applicant had waterfront property and had the room to put in a boat ramp, they were in favor of a variance being granted.

Mr. Rob Dustin (no address stated) addressed the Board via Zoom. He had no objection as long as the applicant was approved by DES.

Ms. Angela Harkin, 61 So. Shore Drive via Zoom told the Board she felt anyone should have access to the water if they had the room and the necessary permits. She was initially disappointed when work began, and trees and the wall came down. She was concerned with preserving the lake.

Mr. Hennessey said ordinarily he would agree with granting an approval subject to Shore Land approval; however, he felt this case might be a little more complicated. He wanted to know what the DES requirements would be. He suggested the Board date specify the case to the next meeting with the assumption the Board would have information from the State to review.

Mr. Bergeron wanted to know if the Board was allowed to delay action on the request. Mr. Kearney believed the Board could either stipulate a variance with conditional approval or require information be brought forward prior to voting on the variance. Ms. Beauregard stated they could not require State approvals be in place prior to coming in front of the Zoning Board. However, in a case where the Board feels they need more information to make a decision, it was appropriate to ask to see State approvals or correspondence from them.

Mr. Wing inquired if the plan would need to go to the Planning Board after variance approval. Ms. Beauregard answered no.

Mr. Kearney agreed with Mr. Hennessey's suggestion to defer a decision until hearing the State's input. Mr. Proulx explained the trees that were removed were located to the right of where the ramp would be. He said they were removed before any thoughts of doing a boat ramp. He explained the trees had a lot of vines and weeds around them and was advised by a tree company they were dangerous and needed to come down. He stated a small hurricane came through in August and had broken the tops off some of them. In the area of the boat ramp there were still some roots that had to be pulled back. He was not opposed to adding trees if that's what needed to be done.

Mr. Kearney asked for the width of the property at the pond. Mr. Proulx believed it was 50ft.

Mr. Kearney told Mr. Proulx in order for the Board to make an informed decision on granting the variance, they would look for information from the State and their view on expectations of the applicant.

Mr. Hennessey suggested date specifying the case to the next meeting. Mr. Kearney informed the applicant the case would be date specified.

The case was date specified to December 14, 2020.

MEETING MINUTES

October 26, 2020 – deferred.

DATE SPECIFIED CASE(S) – December 14, 2020

Case #ZO2020-00029 - Map 30 Lot 11-219 - PROULX, Daniel Jr. – 29 So. Shore Drive

ADJOURNMENT

MOTION: (Wing/Hennessey) To adjourn the meeting.

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

The meeting was adjourned at approximately 9:30pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary