

**APPROVED**  
**TOWN OF PELHAM**  
**ZONING BOARD OF ADJUSTMENT MEETING**  
**December 14, 2020**

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

**PLEDGE OF ALLEGIANCE**

Secretary Matthew Hopkinson called roll:

PRESENT ROLL CALL:	Bill Kearney – Present David Hennessey – Present Matthew Hopkinson – Present Jim Bergeron – Present Alternate John Westwood – Present Alternate David Wing – Present Alternate Jeff Caira – Present Planning/Zoning Administrator Jennifer Beauregard – Present
ABSETN/NOT PARTICIPATING:	Peter McNamara 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. Kearney explained the Board’s role and hearing procedure.

**HEARING(S)**

**Case #ZO2020-00030**

**Map 6 Lot 4-140-35**

**CHERICHEL, Edner & Dora – 15 Empire Road – Seeking a Special Exception concerning Article XII, Section 307-74 of the Zoning Ordinance to permit an existing unpermitted Accessory Dwelling Unit to remain.**

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.

Mr. Kearney appointed Mr. Caira to vote on this case.

Edner Cherichel informed the Board that the accessory dwelling unit was built as a part of the house. He has stated he had spoken with the Building Inspector and would like to make it legal.

Mr. Kearney asked Ms. Beauregard if the applicant had met all the existing criteria to legalize the accessory dwelling unit. She replied that he had been working closely with the Building Department, Building Inspector, and the Code Enforcement Officer to meet all the criteria and understands that he must obtain an occupancy permit if special exemption is granted.

Mr. Kearney opened questions up to the Board. No Board members had any comments or questions.

**Case# ZO2020-00030**

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

**SPECIAL EXCEPTION GRANTED**

**Case #ZO2020-00031**

**Map 29 Lot 7-265**

**SURPRENANT-PIRO, Christopher & James – 83 Old Bridge Street – Seeking a Special Exception concerning Article II, Section 307-74 of the Zoning Ordinance to permit the existing dwelling to be converted into a Single-Family with an Accessory Dwelling Unit.**

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.

Mr. Kearney appointed Mr. Westwood to vote on this case.

Mr. Kearney asked Ms. Beauregard if the applicant has met all of the requirements for the special exception. She replied that they do meet the requirements. She informed him that they actually meet the requirements for a duplex but have chosen to convert it back to an accessory dwelling unit and would prefer to have the house as a single-family home with an accessory dwelling unit.

Christopher Surprenant-Piro then came forward via zoom to discuss the case. He stated that the accessory dwelling existed on the house when they purchased it and had been there for over 30 years. They would like to make the unit legal. Ms. Beauregard informed the Board that the applicant had already received their certificate of occupancy for the unit.

Mr. Kearney then opened the discussion to public input. No one via telecommunication or in person requested to speak.

**Case# ZO2020-00031**

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

**SPECIAL EXCEPTION GRANTED**

**REQUEST(S) FOR REHEARING**

Mr. Hennessey stated that at the time the next three cases (ZO2020-00023, ZO2020-00024, and ZO2020-00024) came before the Board he told the members about the potential for a conflict with the applicant and himself. At that time, the only relationship Mr. Hennessey had with the applicant was that the applicant plowed his driveway. Overtime, the applicant has done more work around Mr. Hennessey's house and their relationship has developed further. For this reason, he would like to recuse himself from voting on the options for rehearing for these cases.

Mr. Kearney understood and appointed Mr. Wing to vote in place of Mr. Hennessey.

**Case #ZO2020-00023**

**Map 30 Lot 11-149**

**OUELLETTE, Lance & Laurie – 13 Gaston Street – Seeking a Variance concerning Article III, Sections 307-7 & 307-8,C of the Zoning Ordinance to permit the removal of a loft and roof on an existing Single-Family Home and increasing the height to accommodate a second floor consisting of 2 bedrooms and a bathroom. The Board voted to DENY the Variance. RSA 677:2 Motion for Rehearing requested by David M. Groff, Esquire on behalf of Lance & Laurie Ouellette.**

Mr. Kearney appointed Mr. Westwood to vote on this case. He also explained the purpose of the rehearing was for the Board to determine whether there was an error they made from the findings of the previous meeting on this case. He also asked the Board to look at the two new pieces of information brought forward and to consider if the new evidence would have been significant in swaying a decision. At the previous meeting, the Board voted against a variance. The applicant submitted a request for a rehearing.

The new information presented to the board included two letters from realtors Ellen Grant and Christy Collins, explaining their opinions on whether or not they believed granting a variance would decrease surrounding property values. Ms. Grant also included that in the first hearing that she did write the letter to Angela Terry and did not grant her permission to use it.

Mr. Bergeron stated that though he was in favor of granting the variance, he believed the new evidence presented to the board would not have swayed the decision made. Mr. Hopkinson agreed with Mr. Bergeron that the information that was presented would not necessitate a rehearing. Mr. Wing agreed that there was some new disclosures from the realtors, but it would not have changed his decision. Mr. Westwood did not see any significant changes with the presented information; therefore, he could not justify a rehearing.

Mr. Kearney stated that as far as he was concerned, the facts that were presented had some weight to them, but he was not 100% certain that the new facts would have changed the outcome of the previous hearing. He does not believe that the abutters who presented the original information from the lawyers meant to be fraudulent but did believe they were trying to sway the Board's decision with the information. Mr. Hopkinson wanted to point out that there is a big difference between a realtor going to a property to get a listing to make money and using their opinion in a legal hearing.

Mr. Kearney stated that this would traditionally be a hand vote to either vote in favor of a rehearing or not in favor, but due to the meeting being held partially remotely it will be done by roll call vote. He then explained that this vote would be a 'yes' or 'no.' If a member believed that this new evidence was sufficient enough for a rehearing, they should vote 'yes.' If a member did not believe there was sufficient evidence that warranted a rehearing, they should vote 'no.'

**Case# ZO2020-00023**

**ROLL CALL VOTE:** Mr. Westwood – No  
Mr. Bergeron – No  
Mr. Wing – No  
Mr. Kearney – No  
Mr. Hopkinson – No  
(0-5-0) The motion failed.

**THE CASE WILL STAND and NOT BE REHEARD.**

**Case #ZO2020-00024****Map 30 Lot 11-153**

**OUELLETTE, Lance & Laurie – 17 Campbell Road – Seeking a Variance concerning Article III, Sections 307-7, 307-8, C & D of the Zoning Ordinance to permit the reconstruction of a 2-Bedroom Single-Family home on a pre-existing nonconforming lot after a fire that deemed the home a loss and non-livable and to permit the addition of a second floor. The Board voted to APPROVE the Variance. RSA 677:2 Motion for Rehearing requested by John Paterson, 7 Gaston Street, Map 30, Lot 11-146.**

Mr. Kearney appointed the same alternates for this vote.

Mr. Kearney reiterated the motion for rehearing was for the Board to determine whether an error was made on their part at the previous meeting or if any new evidence provided warranted a rehearing. New evidence would need to be sufficient enough that could potentially sway the decision of a Board member.

This applicant that submitted the request for a rehearing was an abutter who did not agree with the Board's original decision to grant a variance. Mr. Bergeron asked for clarification on if this was the same as the next case on the agenda. Ms. Beauregard clarified that there were two separate appeals for the same case from two separate abutters.

Mr. Wing stated he did not agree with the Board's decision to grant a variance but did not see any new evidence presented that was not present during the first hearing. Mr. Westwood agreed that he did not see anything that would require a rehearing. Mr. Bergeron had the same opinion. He believed that the board was correct in its decision and did not see any new evidence. Mr. Hopkinson stated he sympathized with the abutter, but everything the applicant sent forth was made known during the first hearing for the case. Mr. Kearney informed the Board that he also did not think any new information was presented that would warrant a rehearing.

**Case# ZO2020-00024**

**ROLL CALL VOTE:** Mr. Westwood – No  
Mr. Bergeron – No  
Mr. Wing – No  
Mr. Kearney – No  
Mr. Hopkinson – No  
(0-5-0) The motion failed.

**THE CASE WILL STAND and NOT BE REHEARD.**

**Case #ZO2020-00024**

**Map 30 Lot 11-153**

**OUELLETTE, Lance & Laurie – 17 Campbell Road – Seeking a Variance concerning Article III, Sections 307-7, 307-8, C & D of the Zoning Ordinance to permit the reconstruction of a 2-Bedroom Single-Family home on a pre-existing nonconforming lot after a fire that deemed the home a loss and non-livable and to permit the addition of a second floor. The Board voted to APPROVE the Variance. RSA 677:2 Motion for Rehearing requested by Raymond Gladu, 9 Campbell Road, Map 30, Lot 11- 166.**

Mr. Kearney appointed the same alternates for this vote.

Mr. Kearney reiterated the purpose for the rehearing. He stated that the Board should be looking for new information that would change their decision.

The Board felt like there was still no new information presented and moved into the vote.

**Case# ZO2020-00024**

**ROLL CALL VOTE:** Mr. Westwood – No  
Mr. Bergeron – No  
Mr. Wing – No  
Mr. Kearney – No  
Mr. Hopkinson – No  
(0-5-0) The motion failed.

**THE CASE WILL STAND and NOT BE REHEARD.**

**CONTINUED HEARING(S)****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.**

Applicant has requested to withdraw the case.

**HEARING(S)****Case #ZO2020-00032****Map 23 Lot 12-98**

**C&E PROPERTIES UNLIMITED, LLC – off Webster Ave / Kinnal Ave – Seeking Variance concerning Article II Section Definitions, #10 Frontage and Article III, Sections 307-12, Table 1 – Table of Dimensional Requirements, 307-13B & 307-14 of the Zoning Ordinance to permit a landlocked property to become a building lot where the property will be accessed through an easement on an abutting lot (Map 23 Lot 12-99-04) where a minimum frontage of 200' is required, and to allow the driveway to be shared with the abutting lot in the Residential District.**

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 notifications.

Mr. Kearney appointed Mr. Caira to vote on this case.

Mr. Joseph Maynard came forward to represent the applicant via telecommunications. He stated that the applicant purchased the lot and family members of the applicant had purchased the land surrounding this lot. He explained that the families had worked out a deal to exchange 2 acres of land to gain access to the property via a shared driveway, as the property is currently land locked with no access. The lot as it stands is 6 acres, after the land swap it would be 4 acres. Mr. Maynard explained that they are not using the roughly 450 feet of frontage that the property has on Kinnal Avenue because they need that frontage in order to legally subdivide the property into two lots. This means that the only other access available to the property would be from the short stretch across this onto Kinnal Avenue with the shared driveway. Mr. Maynard then read aloud the responses to the criteria as submitted with the application.

Mr. Bergeron asked for some clarification on what the exact proposal was to the board. He questioned if this would result in a four-lot subdivision. Mr. Maynard answered that there are currently two lots that they would like to subdivide into three separate lots with one house on each. Mr. Bergeron asked what the status of Lot 12-99-04 was. Mr. Maynard answered that the applicants were in the process of subdividing that lot into two properties but were waiting to see if this variance would be granted due to the lot line adjustment to Lot 23-12-98 that would come after this variance. He stated that Lot 12-98 is the lot that would be giving up 2 acres of land to the larger lot in exchange for the easement.

Mr. Bergeron understood that this was a minor subdivision and asked if there was any possibility of building a road into the subdivision as opposed to a driveway to make the easement a little safer. Mr. Maynard answered that it was not in the interest of the applicants to set the subdivision up that way. They were only interested in building three houses for members of their family on these lots. He did not feel there was a need for a road and that building a road would not be financially feasible to construct.

Mr. Kearney asked for clarification on which lots would share the driveway easement. Mr. Maynard answered that it would be Lot 12-99-04 Lot B and Lot 12-98 would share the driveway.

#### PUBLIC INPUT

Ms. Lisa Pultar, who owns Lot 24-12-75, asked how far back this would affect her property. She stated her concern that Little Island Pond is a spring fed lake, with springs coming in from the lot of land they would like to build on. Her concern is that on the lot with the springs building could negatively affect the lake.

Mr. Kearney asked Mr. Maynard if he saw any potential for the buildings on these lots to negatively affect the lake. Mr. Maynard answered he did not believe there would be any issues to the lake. The applicants would like to build their homes anywhere from 200 to 400 feet back from Kinnal Avenue, with the lots being over 1,000 feet deep. He stated that Ms. Pultar would still be 600-700 feet away from any construction from the homes. Mr. Maynard stated that shoreline protection for the pond is 250 feet from the pond. He informed the board that the houses would sit a couple of thousand feet away from the lake itself, so in general this would not fall under the criteria of shoreline protection.

Mr. Steven Wynn of 7 Kinnal Avenue came forward to ask if all three houses would share one driveway, and if so, why not construct a road to the houses. Mr. Maynard answered that only two of the lots would share a driveway, whereas the other lot would have its own driveway. He explained that the driveway for the single lot was not depicted in the plans as it meets all the necessary requirements and would not necessitate a variance. Mr. Wynn informed the Board that there was a stone wall on the property and questioned if there were any ordinances around removing stone walls when you develop a lot. Mr. Maynard responded that Pelham does not have any ordinances on that.

Mr. Kearney closed the public discussion of the case and brought it back to the Board.

Mr. Bergeron asked what the width was where Lot 12-98 and Lot 12-99-04 Lot B come together. Mr. Maynard answered that it was about 75 feet. He stated he was aware of the minimum requirement of 100 feet on the creation of new lots but was unsure if it applied to this. He stated that if it were to be an issue, he could modify it, so as not to create an issue on the Planning Board side of things. Mr. Bergeron asked if this plan would need to go to the Planning Board whether or not a variance was granted. Mr. Maynard answered that it would. Mr. Bergeron then asked what the length of the driveway would be. Mr. Maynard answered that it would be about 125 feet, as they were trying to keep it as short as possible.

Mr. Hennessey asked if these would all be single family homes and if the Board could make that a stipulation of the variance. Ms. Beauregard replied that they could not put a stipulation on a lot that is not before the board at this time, only Lot 12-98 is before the Board. The other lots were shown to the Board to help understand the project.

**MOTION:** (Hennessee/Kearney) Condition of variance – Lot 12-98 would be restricted to a single-family home with the understanding that an accessory dwelling unit is permitted by state statute.

**VOTE:** Mr. Kearney – Yes

Mr. Hennessey – Yes

Mr. Hopkinson – Yes

Mr. Caira – Yes

Mr. Bergeron – Yes

(5-0-0) The motion carried.

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**Case# ZO2020-00032**

**ROLL CALL VOTE:** Mr. Caira – Yes to all criteria; final vote YES  
Mr. Bergeron – Yes to all criteria; final vote YES  
Mr. Kearney – Yes to all criteria; with motion as stipulated; final vote YES  
Mr. Hennessey – Yes to all criteria; with stipulation of single homes only; final vote YES  
Mr. Hopkinson – Yes to all criteria; final vote YES  
(5-0-0) The motion carried.

**VARIANCE GRANTED**

**CASE #ZO2020-00033**

**Map 17 Lot 12-188**

**BEDARD, Monica – off Bedard Avenue – Seeking a Variance concerning Article II, Section Definitions, #10 Frontage and Article III, Sections 307-12, Table 1 – Table of Dimensional Requirements, 307-13B & 307-14 of the Zoning Ordinance to permit a landlocked property to become a building lot where the property will be accessed through an easement on an abutting lot (Map 17 Lot 12-187) where a minimum frontage of 200' is required in the Residential District.**

Mr. Bergeron disclosed that he was a relative to the applicant and stepped down from the case.

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 notifications.

Mr. Kearney appointed Mr. Westwood and Mr. Wing to vote on this case.

Mr. Joseph Maynard came forward to represent the applicants via telecommunications. He stated that the applicant was giving this 3.7-acre plot of land to their child to build a home on. He informed the Board that the lot of land does not have current Town Road frontage but does have access to it from an easement from abutting lots on Bedard Avenue. The lot does have some wetlands on it, but the wetland is small enough that it does not have any WCD setbacks associated with it. Mr. Maynard then read aloud the responses to the criteria as submitted with the application.

Mr. Wing asked if the property owner had the easement to grant a driveway that goes right through Lot 12-91-01. Mr. Maynard replied that they did and that recorded plans with the registry list this current easement as Quarry Road. The records date back to the 1940's with the road predating these records. The records also indicated that at one point in time a house stood on this lot as well as the lot to the south.

Mr. Kearney asked how far the proposed landlocked lot was from Bedard Avenue. Mr. Maynard answered that it was about 250-300 feet to Bedard Avenue, which is a very short road that is no more than 400 feet itself to Ledge Road. Mr. Kearney then asked if Quarry Road was an actual road or if it was a paper road. Mr. Maynard stated that it was not a platted road, it was never approved by the Board. He stated that it was most like a prescriptive type of thing, but it predated anything he could find from zoning or approvals from the Town for what existed there. Mr. Kearney asked if there was a current dwelling on Lot 12-193-01. Mr. Maynard answered that there was a house on that lot as well as on lot 12-187. The house on Lot 12-193-01 sits about less than 100 feet from the lot line on the neighboring lot.

Mr. Wing asked if there was sufficient area on the proposed lot for septic and water. Mr. Maynard replied that there was. He stated that the area to the side of Quarry Road is about 180 feet wide by 130 feet deep, and on the other side is about 267 feet wide by 180 feet deep, giving the lot a total of about an acre of usable land.

Mr. Kearney asked if the applicants were proposing a single-family home for the lot to which Mr. Maynard answered yes.

#### PUBLIC INPUT

Ms. Monica Bedard of 20 Ledge Road came forward to speak in favor of the application. She stated that her house forms a pie shape that borders both Ledge Road and Bedard Road. She informed the Board that Quarry Road had been there since the late 1800s to early 1900s. She wants to pass this property along to one of her relatives to build a house on it.

Mr. Kearney brought it back to input from the Board. Mr. Westwood asked for clarification on where Ballard Road and "Wellington Road" were in relation to the property. Mr. Maynard stated that both roads were about 500-600 feet to the east of the property.

Mr. Wing asked for the potential to put two single family houses on this lot. Mr. Maynard said that he did not believe there was a potential for that. He stated that he did not see the hardship argument to make the lot into two lots and only sees the possibility for a single-family house or possibly a duplex, though the family has expressed their wishes for a single-family home.



Mr. Kearney expressed concern over how long of a driveway this would be. Mr. Westwood stated that the surrounding area is all relatives, so he is less concerned over this. He stated he was aware that they should not take that into consideration but believed that the applicant was trying to protect the value of the neighboring properties.

Mr. Hopkinson stated that he was a little worried that this application for a variance was not in the spirit of the ordinance. He believed that the ordinance was designed to ensure cohesion and homogeneity in neighborhoods. He was unaware of what the area was like but was concerned that putting a house on a landlocked area could look very out of place and hurt the cohesion of the neighborhood. Mr. Hennessey responded that he has been to the area a few times and it is not very homogenous. The houses are the same in the sense that they were built around the 40s-70s, but it is not a “cookie cutter” neighborhood.

Mr. Wing expressed concern over how strange the piece of property looked as well as concern over the easement into the property, but as there was an existing road that would be used for easement, he was not as concerned as he normally would be.

**Case# ZO2020-00033**

**ROLL CALL VOTE:** Mr. Westwood – Yes to all criteria; final vote YES  
Mr. Wing – Yes to all criteria; final vote YES  
Mr. Kearney – Yes to all criteria; final vote YES  
Mr. Hennessey – Yes to all criteria; final vote YES  
Mr. Hopkinson – Yes to all criteria; final vote YES  
(5-0-0) The motion carried.

**VARIANCE GRANTED**

Mr. Kearney stated that there was a 30 day right to appeal.

**Case #ZO2020-00034**

**Map 17 Lot 12-184**

**CROTEAU, Sharon – 10 Ledge Road – Seeking a Variance concerning Article II, Section Definitions #10 Frontage & Article III, Section 307-12, Table 1 – Table of Dimensional Requirements, 307-13B, & 307-14 to permit the property to be subdivided into 3 lots, one of the lots will be with the existing home and two new lots each with 25+/- feet of frontage and to allow the two new lots to be accessed from a shared driveway, where a minimum of frontage 200’ is required and each home must have driveway access from where the lot has frontage in the residential district.**

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 notifications.

Mr. Kearney appointed Mr. Caira to vote on this case.

Mr. Joseph Maynard came forward to represent the applicant via telecommunication. He informed the Board that the property was owned by the Croteau family in the residential zone. The property is about 18 acres in size with 550 feet of frontage with a two-family home located in the middle of the frontage. They would like to subdivide the lot to create three total lots with the new lots being created to go to the applicant’s children. He continued that there is a trail from Ledge Road that currently provides access to the two lots that would be created in the back eastern side of the lot. The two new lots would equal 3.2 and 4 acres in size.

Mr. Maynard wanted to note that since the existing home sits in the middle of the lot's frontage and given the Town's requirement of the 200 feet of frontage, this would put them right on top of the existing house. He explained where additional frontage on the property sat but explained that using other routes would significantly impact the yards of the other lots as well as the wetlands to the western side of the lot. He informed the Board that the lot is about 1,000 feet deep from Ledge Road with it being 400 feet at its most narrow point. Where the proposed lots would be, it is about 750 feet wide. The applicants would like to share access via a shared driveway. Mr. Maynard then read aloud the responses to the criteria as submitted with the application.

Mr. Hennessey stated that while it is not in the Board's purview, he wanted to state for the record that it makes him hesitant and nervous with how close this is to the corner of Ledge Road and Route 38, where a number of accidents occur. Mr. Kearney asked what the distance was from the proposed driveway to Route 38. Mr. Maynard answered saying that the proposed driveway was about 500 feet to where the split in Ledge Road and Old Gage Hill Road are and about 700 feet to where the mentioned intersection with Route 38 is.

Mr. Bergeron commented that he was very familiar with this area of the Town. He informed the Board that this was originally an agricultural piece of property with an access to get to the approved lots via a trail. He believed that the shared driveway was out of cleanliness, though if the need arose in the future, it could be split into two separate driveways. He stated that the need for added frontage was to avoid stacking with an old farmhouse on Ledge Road. He said the plan did a good job of avoiding stacking of houses and a good job of keeping the lot lines very neat and aligned with existing lot lines. He stated that he was in favor of this.

#### PUBLIC INPUT

Mr. Hennessey stated he was glad that Mr. Bergeron knew the area well. Mr. Bergeron informed Mr. Hennessey that the intersection mentioned above is on a DOT schedule for an emergency warning light. It is about 2-3 years behind the promised date to see it. He does agree that this is something the Board should keep in mind as more is built along Route 38. He felt that it was not an issue with this build as it had hundreds of feet of sight distance.

#### **Case# ZO2020-00034**

**ROLL CALL VOTE:** Mr. Kearney – Yes to all criteria; final vote YES  
Mr. Hennessey – Yes to all criteria; final vote YES  
Mr. Caira – Yes to all criteria; final vote YES  
Mr. Bergeron – Yes to all criteria; final vote YES  
Mr. Hopkinson – Yes to all criteria; final vote YES  
(5-0-0) The motion carried.

#### **VARIANCE GRANTED**

Mr. Kearney explained that there was a 30 day right to appeal.

#### **Case #ZO2020-00035**

##### **Map 22 Lot 8-85**

**GENDRON, Patrick & Kim – 579 Bridge Street – Seeking a Variance to Article 111, Section 307-7, Article IV, Section 307-16B and Article V, Section 307-18 of the Zoning Ordinance to permit a Workforce Housing Development in the B-5 Zone.**

Mr. Bergeron stepped down due to his position on the Planning Board.

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 notifications.

Mr. Kearney appointed Mr. Wing and Mr. Caira to vote on this case.

Mr. Joseph Maynard came forward to inform the Board that Attorney Groff is representing this case. It was under his understanding that Mr. Groff asked for a continuation of the case. Mr. Groff then came forward via telecommunication. He informed the Board that there was a question on if all of the abutters were properly notified as there was a change in ownership of one of the lots right before the notice went out. He thought it would be better to refile for the January meeting to ensure all abutters were properly notified before coming before the Board. Mr. Kearney applauded Mr. Groff for ensuring all abutters were properly notified before continuing. He also stated that they would like the Board to conduct a site walk of the property before the next meeting if possible.

Mr. Kearney explained that this application is a request for workforce housing and under the Town's current ordinances, there is not a specific provision on them. The State is very clear that towns must have affordable means and housing and the opportunity for housing should not be reasonably discouraged by Planning Boards or Zoning. He stated it is very important to move forward in a controlled fashion. He iterated the responsibilities of the Board to 1) look for relief in zoning to allow this request in to the B5 district, and 2) allow for dimensional requirements to have a variance. He could tell the property could potentially have some physical challenges and agreed that there may be a need to physically see the property.

Mr. Groff stated that he spoke with both the Planning Director and Ms. Beauregard about the application and the property. They decided that they should re-notice the abutters to ensure they pick up the missing potential abutter. He also informed the Board that there were some technical issues with the application itself and wanted to clean it up more before bringing it forward. He discussed that questions were brought forth at the previous Planning Board meetings regarding conceptual aspects of workforce housing and wanted the chance to readdress all those issues. He requests that this matter be continued to the next meeting but would like for the Board to take a site walk of the property.

Mr. Hennessey stated that he is a large supporter of joint site walks but does not think a site walk would be applicable at this time. He understood why Mr. Groff wanted to have a site walk at this time, he would rather wait until the plan was officially before the Planning and Zoning Boards. He noted that since this plan is relating to workforce housing, the State would have an added interest in it and want it to be handled in a timely manner with no delays.

Mr. Kearney agreed with Mr. Hennessey. He understood the speed at which the applicants were trying to accomplish, he would rather wait until the variance request goes through, and from there decide if they felt there was a need for a site walk. He explained that while the Planning Department would most likely want to conduct a site walk, it is very possible it may not be necessary for the Zoning Board to conduct one for the variance. He accepted the applicants desire to date specify this case to the January 11, 2020 meeting.

## **MEETING MINUTES**

**October 26, 2020**

**MOTION:** (Hennessey/Hopkinson) To approve the October 26, 2020 meeting minutes as written.

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

**November 9, 2020**

**MOTION:** (Hopkinson/Hennessey) To approve the November 9, 2020 meeting minutes as written.

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

Ms. Beauregard stated that an applicant is requesting the site walk minutes for the October 17 site walk. She was provided with some handwritten notes but saw that they were approved with amendments. She does not know who is making the amendments or who has the final version of the minutes but asked that they be forwarded to her to provide to the applicant. Mr. Wing stated he will send them to her.

**ADJOURNMENT**

**MOTION:** (Hennessey/Hopkinson) to adjourn the meeting.

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

The meeting was adjourned at approximated 9:13 pm.

Respectfully submitted,  
Jordyn M. Isabelle  
Recording Secretary