

**PEMBROKE ZONING BOARD OF APPEALS**

**MEETING MINUTES APRIL 29, 2019**

**BOARD MEMBERS PRESENT:** Rick Casavant, Chairman; Christine Griffin, Vice Chairman; James Gallagher, Clerk

**PUBLIC HEARING FOR SPECIAL PERMIT CASE #08-19 AT 290 WATER STREET FOR ADDITION OF AN IN LAW APARTMENT**

Mr. Casavant opened the public hearing for the requested special permit case #07-19 at 290 Water Street, for constructing an in law apartment to an existing single family dwelling.

Mr. Burrige is present, as the applicant. He would like attach an eight hundred square foot in law addition to his home. He does not have final drawings; it would have first floor living space with a second floor bedroom. There would be outside entry.

Mr. Casavant asks to see the plot plan for the property. There is a twenty foot setback from the property line. There is discussion about an existing retaining wall and keeping the twenty foot setback from the sideline. Mr. Casavant confirms with Mr. Burrige that the addition would not come out further than the existing home. Mr. Gallagher confirms that the square footage will be less than eight hundred square feet.

Mr. Burrige informs the Board that his in-laws will be living in the space. Mr. Casavant asks if the driveway will remain the same; it will. Mr. Gallagher asks how many access points from the outside there will be; there will be an entrance into the current mudroom as well as into the back through the basement.

There is a neighbor present, he is fine with the project. Ms. Griffin makes a motion to close the public portion of the meeting; the motion is seconded and unanimously approved.

The Board discusses that they are fine with the project. The Board will hold the applicant to the twenty foot setback, the applicant agrees and will have the property properly surveyed.

Ms. Griffin makes a motion to approve the special permit to construct an in-law apartment, it is constricted to the drawings shown today and the twenty foot setback as shown. The occupants of the in-law apartment must be related by blood or marriage. Mr. Gallagher seconds the motion, all Board members vote to unanimously approve.

**PUBLIC HEARING FOR A VARIANCE CASE #11-19 AT 15 LADY SLIPPER CIRCLE TO CONSTRUCT A NEW TWO CAR GARAGE ON THE PROPERTY**

Mr. Casavant opened the public hearing for the requested variance at 15 Lady Slipper Circle to construct a new two car garage on the property.

Glenn Hall is present, as the applicant. The applicant is looking to add a garage to his property. He presents a plot plan to show the proposed footprint of the garage. Mr. Gallagher has concerns about the garage being six feet from the property line; he would like the applicant to try and increase that separation. The Board asks if abutters have any issues, Mr. Hall states that they do not.

Ms. Griffin is concerned as well with the closeness to the lot line as the requirement is twenty feet. The septic is in the rear and there are easements for the power lines on the property. Mr. Hall is hesitant to move the structure back because he would lose both windows in the kitchen. Mr. Gallagher suggests changing the garage to twenty four feet instead of twenty six and possibly move the garage back four more feet. Mr. Hall is not opposed to this option.

The Board recognizes that the lot has a lot of restriction and this may be the only option. All members would like to see an updated plan with the recommended changes to the structure as Mr. Hall is seeking quite a bit of relief. Mr. Hall agrees, he will have updated plans drawn up. Mr. Casavant recommends continuation of the hearing.

Ms. Griffin makes a motion to continue the public hearing to May 6, 2019 at 8:15 pm.

#### **PUBLIC HEARING FOR A SPECIAL PERMIT CASE #09-19 AT 254 CHURCH STREET TO OPERATE AN ICE CREAM SHOP**

Mr. Casavant opened the public hearing for the requested special permit at 254 Church Street to operate an ice cream shop.

Mr. Jim Sloane is present, as the applicant. Mr. Sloane informs the Board that the ice cream shop will be operated as it was, with no changes. There are no abutters present. Ms. Griffin makes a motion to close the public portion of the hearing, the board votes unanimously in favor.

All Board members are in favor of granting the special permit. Mr. Casavant confirms the ice cream shop will operate during the same hours as previously. Ms. Griffin makes a motion to allow the special permit to operate an ice cream shop; it is restricted to the plans shown, as well as the same hours of operation as it had previously, Mr. Gallagher seconds the motion, all Board members vote to unanimously approve.

#### **PUBLIC HEARING FOR A SPECIAL PERMIT CASE #10-19 AT 45 STETSON HEIGHTS ROAD TO CONSTRUCT ADDITIONAL LIVING SPACE TO AN EXISTING HOME**

Mr. Casavant opened the public hearing for the requested special permit at 45 Stetson Heights Road to construct additional living space in the existing home.

Mr. Ken McDonald and Ms. Lisa McDonald are present as the applicants. The applicants explain that they would like to add a master bedroom and master bathroom to their first floor. Mr. Gallagher asks how big the additional space would be, Ms. McDonald states it would be around six hundred feet. She also informs the Board that the home will remain a three bedroom home as an office will become extra living space.

There is discussion about setbacks; Mr. Casavant asks about neighbors, the neighbors are fine with the project. Ms. Griffin makes a motion to close the public portion of the meeting, Mr. Gallagher seconds the motion, the Board votes in favor.

Mr. Casavant states he is okay with the project as it abuts Conservation land. Mr. Casavant asks Mr. Matthew Heins about his description of the project and the discrepancies with the setback in the bylaws. Mr. Heins states typically the setback that is followed is forty feet instead of forty five feet. The Board is comfortable with the proposed setbacks.

Ms. Griffin makes a motion to allow the special permit to construct a master bedroom and bath as well as additional living space. There is Conservation land abutting the property and it meets the forty foot setback. Mr. Gallagher seconds the motion, the Board votes unanimously in favor.

#### **PUBLIC HEARING FOR A SPECIAL PERMIT CASE #12-19 AT 54 FARMSIDE DRIVE TO CONSTRUCT AN INLAW APARTMENT IN AN EXISTING SINGLE FAMILY HOME**

Mr. Casavant opened the public hearing for the requested special permit at 54 Farmside Side Drive to construct an in law apartment within an existing single family home.

Mr. David DeMayo is present as the applicant. Mr. DeMayo explains that his parents will be moving into the home so they would like to construct an apartment for them within the existing home. Mr. DeMayo explains that interior walls will be put up, the footprint of the house will not be changing. The apartment will be under eight hundred square feet, septic has already been approved by the Board of Health.

There are no abutters present. Ms. Griffin makes a motion to close the public hearing, Mr. Gallagher seconds the motion, the Board votes in favor.

Mr. DeMayo states he is adding a little bit to the outside of the structure for access to the house but it does meet the setbacks. Ms. Griffin makes a motion to allow the special permit to construct an in law apartment within the existing home, not to exceed eight hundred square feet and restricted to the plans shown at tonight's meeting. Mr. Gallagher seconds the motion, the Board votes unanimously in favor.

After the vote and close of the public hearing, an abutter was present at the meeting. Doris Hernandez of 48 Farmside Drive identified herself as an abutter of 54 Farmside Drive and was upset that she missed the hearing. The Board advised her that the hearing had been closed and the special permit had been approved, however she does have the right to an appeal once the decision is filed with the Town Clerk. Ms. Hernandez stated that she would consult with her lawyer and that she would like a copy of the decision sent to her.

#### **DISCUSSION WITH COPPERWOOD REPRESENTATIVE CONCERNING UNITS TO BE BUILT AND BRIDGE**

Mr. Eoghan Kelley and Attorney Chris Agostino were present as Copperwood representatives. Mr. Kelley informs the Board that they are working on the comments from Mr. Paul Brogna regarding the wetlands crossing. The main comment was regarding salting the bridge and the runoff of that during winter months.

Attorney Agostino clarifies to the Board that there are fourteen remaining lots to pull building permits; one lot has been proposed as a four bedroom instead of a three bedroom and there was a conflict with the Board of Health. The Board of Health stated that the builder was restricted to three bedrooms. Attorney Agostino clarifies that the houses have a study that would have walls put up to make it a four bedroom and the septic would reflect a four bedroom system.

There is discussion about four bedroom houses that could be built. There are currently no four bedrooms, but the plans do have four bedroom options. The square footage of the houses does not change depending on if there are three or four bedrooms.

Mr. Casavant wants to review the original decision and submit the four bedroom option to Mr. Paul Brogna to get his input.

The Board will review the original decision, review with Mr. Brogna, discuss at the next meeting and then send a letter to the Board of Health regarding the Zoning Board's input concerning the four bedroom situation.

**REVIEW OF DENIAL DECISION FOR A USE VARIANCE TO OPERATE A BODY ART ESTABLISHMENT AT 125 CENTER STREET**

The applicant questioned whether the Board denied the decision based on the property being in Center Protection District and Residential A, as use variances are allowed in the Center Protection District. The Board reinforced the fact that the application was denied because the applicant was requesting a use variance in a zone where that type of business is generally not allowed and there are other zoning districts within the Town of Pembroke where that use is allowed. The decision for the denial will be filed with the Town Clerk on April 30, 2019 with the applicant and all abutters receiving notice of the denial via U.S. mail.

**ADMINISTRATIVE ACTION: VOTE TO APPROVE THE MINUTES OF APRIL 1, 2019**

Ms. Griffin made a motion to approve the meeting minutes of April 1, 2019. Mr. Gallagher seconded the motion, and all Board members voted unanimously to approve.

Mr. Casavant adjourned the meeting at 8:10PM on April 29, 2019.