

## **ZONING BOARD OF APPEALS / TOWN OF PEMBROKE**

### **MEETING MINUTES: October 16, 2023**

**LOCATION:** Room 6 (Veterans Hall), Pembroke Town Hall

**STARTING TIME:** 7:00 pm

**BOARD MEMBERS PRESENT:** Christopher McGrail (Vice-Chairman), John Grenier (Clerk) and Fraser Townley (Alternate).

**BOARD MEMBERS ABSENT:** Frederick Casavant (Chairman), Arthur Boyle (Alternate), and Louis Christian Carpenter (Alternate).

**ALSO PRESENT:** Sue Glauben (ZBA Assistant), Paul Hogan, Eugene Kelley and Suvav Woodward.

#### **OPENING THE MEETING**

The Vice-Chairman Christopher McGrail opened the meeting by reading the Chairman's statement: "Please note that this meeting is being made available to the public through an audio recording which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded."

#### **ADMINISTRATIVE ACTIONS**

Mr. McGrail made a motion to approve the minutes of September 25, 2023, Mr. Townley seconded the motion, and the board voted unanimously in favor.

#### **PUBLIC HEARING FOR Eugene Kelley | 21 Shepard Avenue | Variances | Case #9-23**

Mr. Hogan, the attorney for Mr. Kelley, is requesting a variance for a retaining wall higher than four feet already built along the property boundary. In accordance with the Zoning Bylaws of the Town of Pembroke, Section IV.1.D.3. no building or structure shall be erected within 25' of the rear lot line and no building or structure shall be erected within 20' of the side lot lines. The property is in Residence District A and the Water Resource and Groundwater Protection Overlay District.

Mr. Hogan apologized to the board for not meeting the Zoning Bylaws. The Petitioner, Eugene Kelley, is willing to adjust the structure and make the appropriate changes. Both Mr. Hogan and Mr. Kelley explained that there were several issues regarding the applicant's and surrounding properties. There are multiple levels, septic systems, erosion and water flow with the applicants and surrounding properties. The issues caused different heights in the retaining wall.

Mr. Hogan submitted an aerial shot of the plot plan to the board. The topography shows the different heights of the wall.

Mr. Woodward (neighbor) would like it if the wall was stepped back from his property line. Mr. Woodward and Mr. Kelley along with the board discussed reconstructing the wall.

Mr. McGrail made a motion to approve the variances, Mr. Grenier seconded the motion, and the board voted unanimously in favor with the following condition:

Deconstruct and restructure the wall. Drop elevation of wall by 2 ft (1 block). Wall to be no higher than the neighbor's white PVC fence. If dirt behind all is at 1ft above full block with reason slop dirt to wall.

Mr. McGrail and Mr. Grenier announced that the meeting was adjourned.