

## **PEMBROKE ZONING BOARD OF APPEALS**

### **MEETING MINUTES DECEMBER 17, 2018**

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

#### **PUBLIC HEARING FOR SPECIAL PERMIT CASE #41-18 AT 29 HILL FARM ROAD**

Mr. Casavant opens the public hearing for the requested special permit case #41-18 at 29 Hill Farm Road. There is a request for withdrawal, Mr. Casavant asks for a motion to be made. Ms. Griffin makes a motion to allow the withdrawal without prejudice the application for a special permit at 29 Hill Farm Road. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

#### **PUBLIC HEARING FOR SPECIAL PERMIT CASE #42-18 AT 122 MATTAKEESETT STREET**

Mr. Casavant opens the public hearing for the requested special permit case #42-18 at 122 Mattakeesett Street. There is a request for withdrawal, Mr. Casavant asks for a motion to be made. Ms. Griffin makes a motion to allow the withdrawal without prejudice, dated 12/17/2018 via email, for a special permit at 122 Mattakeesett Street. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

#### **PUBLIC HEARING FOR SPECIAL PERMIT CASE #30-18 AT 21 GREENWOOD AVENUE FOR A GARAGE REBUILD**

Mr. Casavant re-opens the public hearing (continued from November 26, 2018) for a special permit case #30-18 for a garage rebuild.

Steven Smith, the applicant and Lisa Cullity, the health agent, are present.

Mr. Smith presents a new drawing to the Board. Ms. Cullity is present at the request of the DMI Director, Ed Thorne to assist at this hearing. Ms. Cullity discussed issues with the property and the septic system. She did do a site visit and confirms that the applicant applied for a variance with the Board of Health to appease the ZBA's setback requirements and was denied by the Board of Health. Ms. Cullity explains that moving the proposed structure could cause damage to a perfectly working system and possibly create a public health concern. She also points out that reducing the proposed structure would still not be in compliance with outdoor storage by-laws.

Mr. Smith is asking for a two foot variance from the setback regulations within the special permit so that the frontage would be a little more than thirty eight feet. Ms. Cullity informs the board that this would keep the proposed structure ten feet away from the septic which is in compliance with the State's sanitary code. Mr. Smith adds that the natural gas line runs up next to the house so it is not an option to move the proposed structure closer to the dwelling.

Mr. Casavant notes that there are no abutters present and he closes the open portion of the meeting.

Ms. Griffin notes that this proposal is more compliant than the previous one and that the Board was not aware of a potential gas line issue until this meeting. Mr. Casavant notes that no one is here against the position and that other Boards have allowed structure for less footage than what is being asked for here. Mr. Casavant asks for a motion to be made to allow this petition.

Ms. Griffin makes a motion to allow the application of Steven Smith requesting a special permit of the Zoning by-laws of the Town of Pembroke Section 5, 5 non-conforming property for a garage rebuild with a larger footprint. The property is located at 21 Greenwood Avenue, Pembroke as shown on assessor's map C8, lot 56. The Board takes into account the placement of the existing natural gas utility as well as the septic system, the proposed garage will be limited by the setbacks and distances as laid out on the plan dated December 6, 2018 that was submitted at tonight's meeting. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

#### **PUBLIC HEARING FOR SPECIAL PERMIT CASE #45-18 AT 21 PINECREST AVENUE TO TEAR DOWN AN EXISTING STRUCTURE AND REPLACE IT**

Mr. Casavant opens the public hearing for a special permit case #45-18 at 21 Pinecrest Avenue to tear down an existing single family home and rebuild a new single family home.

Shayne McGlone is present to represent the applicant.

Mr. McGlone details the plans; the existing structure would be demolished and replaced with a new twenty-four by forty foot structure in the same place as the existing structure. The lot is pre-existing nonconforming and the septic system which has been approved by the Board of Health, would be in the front of the lot. The setbacks are twenty feet on each side, sixteen feet on the rear and thirty-three feet on the front. It will be a two bedroom home.

Mr. Casavant asks if any abutters are present and would like to speak. John Carlton, 26 Pinecrest Ave, states that he is highly in favor of replacing the home as it is currently an eye sore and the neighborhood will benefit from replacing it.

Mr. Gallagher asks where the driveway would be located; Mr. McGlone states that it would stay where it currently is. The shed on the property will be removed.

Mr. Casavant closes the public portion of the hearing.

Mr. Gallagher states he is in favor of the project. Mr. Casavant states for the record that the neighbors are in favor of the project. Mr. Casavant asks for a motion to be made. Ms. Griffin makes a motion to allow the application of Shayne McGlone for John Hughes Jr. requesting a special permit of the zoning by-laws of the Town of Pembroke, Sec. V, 5, A, non-conforming uses to demolish an existing two bedroom house and shed to construct a new 24x40 two bedroom house on a non-conforming property. The project is located at 21 Pinecrest Ave, as shown on assessor's map B9, lot 50 and as in the plot plan submitted dated October 16, 2018. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

**PUBLIC HEARING FOR SPECIAL PERMIT CASE #46-18 AT 125 CHURCH STREET TO OPERATE A PIZZA SHOP**

Mr. Casavant opens the public hearing for a special permit for case #46-18 at 125 Church Street to operate a pizza shop. Mr. Casavant states that there is a request for a continuation to a later date by the applicant. Mr. Casavant asks for a motion to be made; Ms. Griffin makes a motion to allow the continuance of the hearing of case #46-18 at 125 Church Street for a special permit, subject to the applicant's approval of an extension. Mr. Gallagher seconds the motion and the Board votes unanimously in favor.

Mr. Casavant adjourns the meeting at 7:45 p.m. on December 17, 2018