

Town of Pelham Zoning Board of Appeals

Minutes to the meeting and public hearing held at the Pelham Library
on Wednesday, February 19, 2020

Attendance: Members Carey Clouse, Jeff Eiseman, Ralph Faulkingham, Ann McNeal, and Associate Members David Litwak and Stacey McCullough; Applicant Ms. Sahar Daoudi Nejm of 57 Buffam Road and her abutter at 55 Buffam Road, Sharon Stevenson.

The meeting was called to order at 6:35 p.m. by chair Jeff Eiseman.

1. Jeff proposed three minor amendments in Pelham's Comprehensive Permit Regulations. The proposed changes do not represent policy changes; rather, the first and second simply provide simplicity and clarity, while the third corrects a typographical error. These proposed changes were formally moved, seconded, discussed briefly, and voted unanimously. The changes are clearly identified in Appendix 1.

2. Ralph proposed that the ZBA provide a simple handout to those for whom the ZBA approves special permits and variances, to guide them on the steps to be followed after ZBA approval. Well before the meeting he had developed an initial draft and Jeff then provided added clarity, corrections, and citations. This revised proposed handout draft was then moved, seconded, and discussed with wide approval. Stacey suggested that the handout would be even more useful if the language were plainer and the format were more visually attractive. She offered to do that herself, and all present applauded that idea. As a consequence, the motion on the floor was tabled, and will be taken up at the next ZBA meeting.

3. With the timely arrival of the applicant, Ms. Sahar Daoudi Nejm of 57 Buffam Road, Jeff formally opened the public hearing to consider application #20-01, which members had individually reviewed ahead of the meeting. Jeff asked Ms. Daoudi Nejm if she wished to add anything orally to her application, and she declined. Ralph then distributed a draft motion to all present, which was moved and seconded. Jeff then invited discussion. There being none, he inquired if the Board were ready for a vote, and all assented, and the ensuing oral vote was unanimous in favor of this motion:

In response to the application (#20-01) by Ms. Sahar Daoudi Nejm of 57 Buffam Road, the Pelham Zoning Board of Appeals, acting under the authority of Pelham Code section 125-9, grants a special permit to construct one accessory apartment in her owner-occupied, single-family dwelling at 57 Buffam Road, provided that all of the following conditions are met:

- 1. The applicant must submit a notarized letter stating that she will occupy one of the dwelling units on the premises;**

- 2. The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the original unit, and has its own means of egress;**
- 3. No more than three persons shall occupy the accessory apartment;**
- 4. The owner must occupy one of the units within the dwelling for a minimum of eighteen months over any twenty-four month period;**
- 5. The accessory apartment shall be designed and constructed so that the external appearance of the building remains that of a one-family residence;**
- 6. The accessory apartment shall not occupy a space greater than 800 square feet;**
- 7. There shall be a minimum of three parking spaces, each with an area measuring at least nine by sixteen feet, excluding the driveway to such spaces [125-18 G and 125-18 B (3) (a)], and that the parking spaces are not located within the required front, side or rear setbacks of 50, 30, and 30 feet respectively [125-18 B (1)]; and**
- 8. The construction of any accessory apartment must be in conformity with State Building Code requirements.**

With that vote, Jeff concluded the public hearing portion of our meeting, and the applicant and abutter both departed.

4. Jeff then briefly outlined the steps that are now under way that will soon engage the ZBA and other Pelham stakeholders in a Chapter 40B hearing process. At this point hearings look like they could happen in May and June, so we established how we will now set aside possible hearing dates, with the idea that Jeff will nail them down as the hearings loom.

5. Jeff introduced a new permit fee structure to cover the increased costs – especially the legal notices that current state law requires that we publish in our local newspaper –that the town bears in processing applications that come up for ZBA review under Chapter 40A. The following fee schedule was formally moved, seconded, discussed, and voted unanimously:

- Fees for variances and appeals: \$200
- Fees for special permits for accessory apartments and home occupations: \$200
- Fees for special permits for wireless equipment: \$350
- Fees for special permits for solar installations other than on homes and back yards, but less than an acre: \$350
- Fees for special permits for solar installations for areas greater than an acre: \$500

6. The meeting adjourned at approximately 7:30 P.M.

Respectfully submitted
Ralph Faulkingham, Secretary

Appendix 1

February 19, 2020

Amendments to the **Town of Pelham Zoning Board of Appeals Comprehensive Permit Regulations**

Voted unanimously by the Zoning Board of Appeals on this date.

Note: Deletions are noted by strikethrough, while additions are noted by underscoring

2.3 ~~“Local preference” To the maximum extent allowed by law, comprehensive permit developments shall provide for local preference tenant or homeowner selection procedures.~~ “Local preference” tenants or homeowners shall include current town residents or their immediate family members (e.g., adult children or elderly parents), town or school district employees, and non-residents who either work for private business or non-profit establishments within the town or whose children are enrolled in the Pelham public schools.

3.11 **Traffic impact report** (if applicants request a waiver to exceed the number of dwelling units stipulated in §125-9.2(B)(2), or if otherwise required by the Board)—prepared by a registered professional engineer qualified in the field of traffic engineering—analyzing the proposed project’s impact on the congestion, safety and overall convenience of the roadway system, including the roads providing access to and egress from the proposed project and all roads and areas otherwise impacted in any material way or manner by the proposed project, regardless of the level of additional traffic projected and regardless of whether or not the road is under the jurisdiction of the Town of Pelham or located in an adjacent municipality. The Board may require the inclusion of an assessment—supported by the requisite calculations—of the adequacy of the road’s stopping ~~site~~ sight distance(s) to the driveway’s access/egress point(s). The project’s cumulative impacts on both vehicular and pedestrian travel shall be addressed in detail.

7.3 **Conditions to be met prior to recording.** In rendering a decision to approve a comprehensive permit, the Board shall always require, as a condition precedent to recording the comprehensive permit, the execution of:

1. a regulatory agreement limiting the profit of the proposed project to that set by the subsidizing agency, unless the Board chooses to establish stricter profit limitations, subject to applicable law;
2. a deed rider ensuring that the below market rate units remain affordable in perpetuity, or the longest period allowed by law;
3. a monitoring services agreement ensuring that the applicant has engaged the services of a competent professional or agency to monitor, in perpetuity, the transactions of the below

market rate units in a for sale Project and the renting of the below market rate units in a rental Project; and

4. an agreement stipulating that to the maximum extent allowed by law, comprehensive permit developments shall provide for local preference tenant or homeowner selection procedures.