

Town of Pelham  
Zoning Board of Appeals

Minutes to the public hearing  
held at the Pelham Library at 7:00 p.m. on  
Monday, March 6, 2017

Attendance: Members Jeff Eiseman, Ralph Faulkingham, and Ann McNeal and associate member David Litwak.

1. Jeff noted to both applicants that the ZBA was short staffed this evening, sustaining only four members, and that any decisions that the Board might make would need to be unanimous in order to be valid, since we are required to have a majority of at least two-thirds of our normal complement of five full members, or four votes. If we cannot secure unanimity, then we would need to continue the hearing to a later date, much to everyone's inconvenience, although this would not entail the applicant's paying any more fees. Both applicants indicated their willingness to proceed.

2. As its first item of business, the Board considered the application (#17-01) of Mr. Charles (Chad) Grybko of 75 Arnold Road, who sought a permit to construct an auxiliary apartment for the single-family residence at 55 Arnold Road. Mr. Grybko presented his plans and there followed discussion and questioning by Board members. The plans do not indicate that the garage, whose second story would be the space for the auxiliary apartment, is actually attached to the main house. Mr. Grybko pointed out that the structures both share a common foundation. Jeff responded by saying that Pelham code does not permit an auxiliary apartment in a structure detached from the principal residence, and asked Mr. Grybko to install a visible physical connection, such as a covered breezeway, between the structures, so that they would not appear as detached, one from the other. Mr. Grybko agree to do so. The sole abutter in attendance indicated his full support for the proposed auxiliary apartment. The Board then entertained, seconded and voted the following motion unanimously:

**In response to the application (#17-01) by Mr. Charles V. (Chad) Grybko of 75 Arnold 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 his owner-occupied, single-family dwelling at 55 Arnold Road, provided that all of the following conditions are met:**

- 1. The applicant must submit a *notarized* letter stating that he 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)].

8. The construction of any accessory apartment must be in conformity with State Building Code requirements.

3. The Board then turned to the application of Mr. Ben White of 14 Boyden Road who sought a permit to conduct a home occupation at his residence. He presented his application and answered questions posed by Board members and by an abutter. The principal concern was that the vehicles and equipment he uses in the conduct of his tree care business be screened from view both from Mr. Pete Wilson's abutting residence and from Boyden Road. Mr. White agreed to plant fast-growing evergreens to shield his vehicles from the view from the Wilson residence, and while such trees would not immediately provide the shielding desired, they would, in a brief time, fill out and grow taller, yielding the buffer desired. Mr. Wilson indicated his full support for this plan. The following motion was offered, seconded, amended, and voted unanimously:

**In response to the application (#17-02) by Mr. Ben White of 14 Boyden Road, the Pelham Zoning Board of Appeals, acting under the authority of Pelham Code section 125-12, grants Mr. White a special permit, valid for one year, to sustain a home occupation at his home at 14 Boyden Road, provided that all of the following conditions are met:**

**1. The home occupation shall be conducted by members of the family\* living on the premises and/or by up to, but not more than, the equivalent of two full-time nonresident employees.**

**2. There shall be no visible indication in the appearance of the premises of the presence of a home occupation, except:**

**(a) one non-illuminated sign, not exceeding four square feet of face area, either mounted flat against the wall of the principal building or mounted on the ground in accordance with Section 125.10.B.5 if the ZBA finds the sign, its height off the ground, and its proposed location to be in keeping with the character of the area; and**

(b) exterior lighting to support the home occupation shall be consistent with local law, limited to that required for safety and operational purposes, in keeping with the rural character of the area, and configured so that the source of the light shall not be visible from either Boyden Road or from abutting properties.

3. Vehicles and equipment used in pursuit of the home occupation shall be screened from view, so that when parked, they are not visible from abutters' dwellings nor from Boyden Road, except that a personal, unlettered vehicle may be unscreened.

4. The practice of the home occupation must be configured so that its effects with respect to air- or water-borne substances, vibration, noise, light or glare, odors, erosion, or electrical interference shall not be more detrimental or offensive than other uses allowed by right on the property.

\* In the Pelham Code, a family is defined as either (a) an individual or group of persons related by marriage, blood, and/or adoption residing together in one dwelling unit; or (b) a group of unrelated individuals, not to exceed four, residing cooperatively in one dwelling unit (Section 125-34).

4. Ann McNeal queried the Board about the home occupation of her immediate neighbor to the north, Richard Hall, who runs an egg business. Her concern was occasional noises during the night. Jeff pointed out that Mr. Hall's home occupation was "grandfathered," in that his business was developed before Pelham voted a home occupation section to its code, and thus it is exempt from the provisions of that section of the code. He also mentioned that Section 125-5 of the code does provide provisions to protect Pelham residents from excessive noise, and that Ann might consult with the code enforcement officer if the noise becomes unreasonable.

5. Ralph Faulkingham voiced a concern that if Mr. Gregory Chilenski sought a renewal of his home occupation permit at 44 Amherst Road, we would do well to pay a site visit to assure ourselves that the parking requirements stipulated in his initial one-year permit, would be met. Jeff Eiseman asked Ralph to forward to the Code Enforcement Officer, Dave Waskiewicz, the minutes to the January 9, 2016 ZBA meeting, when Mr. Chilenski's permit was approved.

6. ZBA member Carey Clouse, arriving to the meeting after consideration of the two applications had been completed, noted the dangerous-to-pedestrian conditions of excessive speed in front of her residence on Amherst Road, and asked about the process of having speed abatement measures or a crosswalk installed. Jeff suggested she consult with the Select Board.

7. The following officers for the next twelve months were nominated and voted unanimously:

Chair: Jeff Eiseman

Clerk: Carey Clouse  
Secretary: Ralph Faulkingham

8. We discussed the imperative of finding additional members of the ZBA, given that we are now short by two associate members, and Ann McNeal had stated some time ago that she wishes to step back to being an associate member from her current role as a member. We resolved to seek out candidates for these vacancies.

9. The meeting adjourned at 8:33.

Postscript: Near the end of the meeting, Jeff Eiseman mentioned that he had received an email from one of Ben White's abutters supporting his application. He didn't remember the author's name, but for the record, here is what it said: "FYI: As a resident of 11 Boyden Rd, I am voicing my support for the permit being requested by Ben White. I will not be able to attend the public hearing tonight. Respectfully yours, Cynthia L. Ware"

Respectfully submitted  
Ralph Faulkingham, Secretary