

Town of Pelham  
Zoning Board of Appeals

Approved minutes to the public meeting held on Wednesday, January 20, 2021

*[Note: Because of COVID-19 health restrictions, this public meeting was held as a Zoom video-conference.]*

Attendance: Members Carey Clouse, Jeff Eiseman, Ralph Faulkingham, Amanda Huhmann, Ann McNeal, and Associate Members David Litwak and Stacey McCullough. Also attending: Bob Agoglia, Barbara Cooper, Ruth Elcan, Gail Kenny, Tilman Lukas, David Shanabrook, and Amy Spalding-Fecher.

The meeting was called to order at 4:00 p.m. by chair Jeff Eiseman.

1. Ralph Faulkingham moved that the minutes to the Pelham ZBA meeting on September 17, 2019 be approved as presented. The motion was seconded and opened for discussion. There being none, Jeff called for a vote and the vote was unanimous in favor, 5-0-0.
2. Ralph moved that the minutes to the Pelham ZBA meetings on November 21, 2019 and on February 19, 2020 be approved as presented. The motion was seconded and opened for discussion. There being none, Jeff called for a vote and the vote was unanimous in favor, 5-0-0.
3. The meeting then turned to two amendments to Pelham's ZBA's Comprehensive Permit Regulations that Jeff had developed, after an exchange with Peter Serafino of Home City Development, Inc. Ralph moved that sections 3.8 and 3.9 be approved as presented:

(Note: material to be deleted is struck through and material to be added is underscored)

**3.8 Requested exemptions**—a detailed list of requested exemptions to local bylaws, regulations, codes and requirements, which shall include an analysis of each requirement for which an exception is sought, and the location on the plans for which the exception is sought (if applicable) and a complete explanation of why the exception is required to keep the project from becoming uneconomic. Only those exemptions specifically enumerated in the Application shall be considered. After the preconditions in 760 CMR 56.05 (6)(a) have been met, the ZBA will ask for a complete explanation of why each exception is required to keep the project from becoming uneconomic.

**3.9 Financial pro forma**—After the preconditions in 760 CMR 56.05 (6)(a) have been met, the ZBA will ask for a complete financial pro forma, detailing the project's anticipated costs and revenues. The pro forma shall itemize all development costs and all profits and distributions, in accordance with applicable law, regulations and requirements, including, where applicable, the requirements and guidelines of the Commonwealth's Department of Housing and Community Development, MassHousing and the entity from which subsidy funding is sought. The Applicant shall fully disclose, in writing, to the Board all related party transactions. If the claimed land acquisition value is more than five percent (5%) greater than the land's most recent assessed valuation as determined by the Town of Pelham, the application shall contain an appraisal of the property, prepared by an appraiser certified as a Massachusetts General Appraiser, with a valuation date no greater than six months prior to the application date.

The motion was seconded and opened for consideration. After considerable discussion, a suggestion emerged to change the very last few words of 3.9 from "...application date." to "...the date of acquisition." This suggestion became a motion to amend the amendment, was seconded, discussed, and voted in favor 5-0-0. Then the amended amendment was also voted in favor 5-0-0.

(Note: the now-revised Comprehensive Permit Regulations are attached to these minutes.)

4. Ralph moved that the ZBA engage the professional services of CEI (Comprehensive Environmental, Inc.) as our engineering consulting firm for (1) reviewing stormwater management plans in the anticipated 40B application related to 20 and 22 Amherst Road, and (2) monitoring the implementation of the final version of the stormwater management plan. The motion was seconded and opened for consideration. Tilman Lukas suggested that this step was redundant and unnecessary since the Pelham Conservation Commission is responsible for carrying out this review. After further discussion, Ralph, with the concurrence of his seconder, withdrew the motion.

Discussion then turned to the imminent meeting of the Pelham Conservation Commission at 7:00 PM on January 28, to which the public and especially ZBA members are invited. Stacey observed that people may sign up to receive e-mail alerts to notices of such meetings at <https://www.townofpelham.org/subscribe>

5. Jeff reported that previously, Governor Baker had issued an executive order declaring an emergency and suspending the time limits for quasi-judicial bodies to respond to applications; however, this past summer, he ended the suspension. The implications are that the ZBA must now hold the first session of the hearing for 40B applications within 30 days of the town's receiving the application.

6. Jeff then informed the Board that Home City Development, Inc. had changed its earlier plan so that the number of parking spaces will be reduced from 49 to 42, and that while the original plan called for the restoration of the house at 20 Amherst Road, the latest plan calls for it to be razed and rebuilt further to the east. This change saves the developer about \$800,000. Jeff noted that the ZBA will likely have its first meeting to respond to the proposal in late February or early March. Tilman Lukas observed that the plan that the Conservation Commission has received is available to download from the Conservation Commission's page on the town's website. It is also available in hard copy at the Rhodes Building and at the Pelham Library.

The meeting adjourned at 5:15 PM.

Respectfully submitted  
Ralph Faulkingham, Secretary