

**TOWN OF PITTSFIELD
ZONING BOARD OF ADJUSTMENT
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263**

MEETING MINUTES OF Thursday, April 7, 2022

CALL TO ORDER

Call to order at 6:05 p.m. by Mike Cabral, Chair of the Zoning Board of Adjustment

MEMBERS PRESENT

Mike Cabral, Chair
Larry Konopka, Vice-Chair
Pat Heffernan
Arthur O'Hara

MEMBERS ABSENT

Art St. Laurent

OTHERS PRESENT

Bonnie Theriault – Office Assistant
Scott LaCroix, Code Compliance Enforcement Officer

AGENDA REVIEW

None.

NEW BUSINESS

a. Chairman Cabral advised applicants John Feeny and Bruce Tibbetts that there is only a four-member board for tonight's meeting but they are entitled to a five-member board if they choose. Chairman Cabral asked both applicants for their decision. Bruce Tibbetts and John Feeny both agreed to move forward with a four-member board.

b. Variance Application John Feeny for Marjorie Feeny Trustee, of the Robert N. Feeny Revocable Trust R39-23.

Notice is hereby given that a public hearing will be held Thursday, April 7, 2022, during the ZBA meeting beginning at 6:00 PM, at Pittsfield Town Hall, on a request by John Feeny for Marjorie Feeny Trustee, of the Robert N. Feeny Revocable Trust, for a variance concerning Article 3, Section 4 (h) Dimensional Regulations – Table of Dimensional Requirements of the zoning ordinance.

Applicant proposes to request relief from the minimum lot frontage requirement of 150' to 120' to allow for a subdivision of the barn known as "*Seconds To Go*" from the main house on the property at 53 Kaime Road, Tax Map R39, Lot 23, in the Light Industrial/Commercial Zoning District. Subject property is owned by Robert N. Feeny Revocable Trust and is located at 53 Kaime Road, Pittsfield, NH 03263.

The variance application is on file for public inspection at Pittsfield Town Hall, 85 Main Street,

Pittsfield, NH.

Pat Heffernan moved to accept the application. Seconded by Larry Konopka. Motion carries. 4-0-0.

Chairman Cabral reviewed the process for the public hearing for those present.

Chairman Cabral stated for the record that there is a power of attorney on file for this application in the file.

Mike Cabral asked John Feeny what the purpose is for requesting the variance. John Feeny stated that Marjorie Feeny is in a nursing home. By subdividing her property and selling her house, we will be able to pay for her care, and the barn, Seconds to Go, a second-hand store, can stay in the family.

Mike Cabral proceeded with asking the facts in support of granting the variance as follows;

Question 1. Granting the variance would not be contrary to the public interest because:
John Feeny answered; Nothing about the barn or Seconds to Go will change.

Question 2. If the variance were granted, the spirit of the ordinance would be observed because:
John Feeny answered; The customers of Seconds to Go love the shopping experience and are able to buy items they need or want, inexpensively.

Question 3. Granting the variance would do substantial justice because:
John Feeny answered; The legacy of my father, Robert N. Feeny will live on. Also, I John Feeny, will not lose my lively hood.

Question 4. If the variance were granted, the values of the surrounding properties would not be diminished because:
John Feeny answered; There will be no changes to the barn.

Question 5. Unnecessary Hardship

a. Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

John Feeny answered; We need to sell part of all of mom's property in order to pay for her nursing home care. If the variance is not granted, and we cannot sell moms house without including the barn, I John Feeny will lose my livelihood.

-and-

ii. The proposed use is a reasonable one because:

John Feeny answered; As stated before, the use of the property will not change. Seconds To Go will continue on the same as it has since 1983.

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and variance is, therefore, necessary to enable a reasonable use of it.

John Feeny answered; We need to sell part of all of mom's property in order to pay for her nursing home care. If the variance is not granted, and we cannot sell moms house without including the barn, I John Feeny will lose my livelihood.

Mike Cabral stated that all fees have been paid and abutters have been notified.

John Feeny advised the board that no new driveway will be created. He stated that there will be 2 lots, one will have 150' road frontage and the other with a subdivision would be 120'.

Larry Konopka and Pat Heffernan stated that they each did a site visit to the property.

There was no public input.

Deliberation: Pat Heffernan moved to approve the variance. Seconded by Arthur O'Hara. Motion carries: 4-0-0.

c. Variance Application Bruce Tibbetts R22-28.

Notice is hereby given that a public hearing will be held Thursday, April 7, 2022, during the ZBA meeting beginning at 6:00 PM, at Pittsfield Town Hall, on a request by Bruce Tibbetts for a variance concerning Article 3, Section 4 (h) Dimensional Regulations – Table of Dimensional Requirements of the zoning ordinance.

Applicant proposes to request relief from the minimum side setback of 25' to 10' to allow for a 42' X 50' garage on the property at 111 Fairview Drive, Tax Map R22, Lot 28, in the Suburban W & S Zoning District. Subject property is owned by Bruce & Candace Tibbetts 111 Fairview Drive, Pittsfield, NH 03263.

The variance application is on file for public inspection at Pittsfield Town Hall, 85 Main Street, Pittsfield, NH.

Pat Heffernan moved to accept the application. Seconded by Larry Konopka. Motion carries. 4-0-0.

Mike Cabral asked Bruce Tibbetts what the purpose is for requesting the variance. Bruce Tibbetts stated the purpose is to request a waiver of the dimensional setback requirement of 25' for the purpose of locating a 42' X 52 garage at 10' from the side property line.

Mike Cabral proceeded with asking the facts in support of granting the variance as follows;

Question 1. Granting the variance would not be contrary to the public interest because:

Bruce Tibbetts answered; The placement of the garage will not alter the essential character of the neighborhood, will not overcrowd the parcel, or threaten the public health safety, or welfare.

Question 2. If the variance were granted, the spirit of the ordinance would be observed because:

Bruce Tibbetts answered; The character of the suburban neighborhood will be enhanced with a new accessory structure.

Question 3. Granting the variance would do substantial justice because:

Bruce Tibbetts answered; The desired placement of the garage will not cause harm to the general public

and will allow the property owners to add to the assessed value of the property in a manner that will not be overbuilt.

Question 4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Bruce Tibbetts answered; The garage will be a new structure, of solid construction, that adds value to the parcel. The garage's appearance will be aesthetically in accordance with the suburban neighborhood. The landowner abutting the setback line in request is ok with the placement of the garage.

Question 5. Unnecessary Hardship

a. Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Bruce Tibbetts answered; With the layout of the existing structures on the parcel, the dimensional setback requirements do not allow for the ideal placement for the garage.

-and-

- ii. The proposed use is a reasonable one because:

Bruce Tibbetts answered; The garage is an accessory structure, is a permitted use in this zone.

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and variance is, therefore, necessary to enable reasonable use of it.

Bruce Tibbetts answered; Not applicable – hardship established above.

Mike Cabral stated that all fees have been paid and abutters have been notified.

Bruce Tibbetts indicated that the garage will probably be a 32' X 50' structure not the 42' as listed.

There was no public input.

Deliberation: Larry Konopka moved to approve the variance. Seconded by Arthur O'Hara. Motion carries:

OLD BUSINESS

None.

ZONING ADMINISTRATOR'S REPORT

None.

MEMBERS CONCERNS

None.

PUBLIC INPUT

None.

MINUTES

a. Thursday, March 17, 2022

Thursday, March 17, 2022, minutes were presented for the Board's approval.

Arthur O'Hara: I make a motion to approve the ZBA minutes from Thursday, March 17, 2022.

Larry Konopka: Second.

Discussion: None.

Motion carries 3-0-1. Pat Heffernan abstains.

ADJOURNMENT

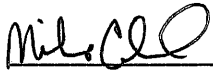
I make a motion to adjourn at 6:34 PM.

Arthur O'Hara: Second.

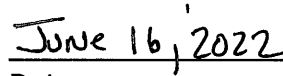
Discussion: None.

Motion carried 4-0-0.

Approved:



Mike Cabral, Chair



Date