



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

MEETING MINUTES OF Thursday, June 2, 2022

CALL TO ORDER

Call to order at 6:00 p.m. by Mike Cabral, Chair of the Zoning Board of Adjustment

MEMBERS PRESENT

Mike Cabral, Chair
Pat Heffernan
Arthur O'Hara

MEMBERS ABSENT

Art St. Laurent
Larry Konopka, Vice-Chair

OTHERS PRESENT

Bonnie Theriault – Office Assistant
Scott LaCroix - Code Compliance Officer
Peter Pszonowsky – Chief of Pittsfield Fire Department

AGENDA REVIEW

None.

NEW BUSINESS

a. Appeal of Administrative Decision - 2022-009 – Vertex Tower Assets, LLC/DEMES Investments, LLC.

Mike Cabral welcomed the applicants notifying them of only (3) three Board members being present at the meeting instead of a full (5) five-member Board.

Mike Cabral asked if the applicants wished to postpone the meeting until the (5) five Board members were present or would the applicants like to continue the meeting with only the (3) three members of the Board.

Francis D. Parisi representing Vertex Tower Assets, LLC. introduced himself along with Scott Adams from Advanced Engineering Group. Francis D. Parisi stated they wished to continue the meeting with the (3) three members of the Board.

Mike Cabral read the following;

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 676 for an Appeal of an Administrative Decision made by the Pittsfield Planning Board on April 14, 2022, to deny the Major Site Plan Review application submitted by Vertex Tower Assets, LLC., for the construction and operation of a Telecommunications Facility consisting of a 150' tall lattice style tower inside a 60' X 60' fenced-in compound that will be located in the Light Ind./Commercial Zoning District (a portion of the property is in the Suburban Zoning District). The subject property is located on Tax Map R21, Lot 12, 1002 Upper City Road, owned by DEMES Investments, LLC., 49 Pilgrim Drive, Bedford, NH 03110.

The motion to deny falls under Town of Pittsfield Zoning Ordinance **Article 18, Section 18.1 Findings and Intent, D 2**. To reduce **adverse impacts** such facilities may create, including, but not limited to, **impacts on aesthetics**, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through **protection of property values**.

The time and place of the hearing are Thursday, June 2, 2022, during the regularly scheduled meeting of the ZBA beginning at 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address are Vertex Tower Assets, LLC., 225 Dyer Street, Providence, RI 02903.

The purpose of the appeal is to overturn the Town of Pittsfield Planning Board's denial from April 14, 2022.

The application for an appeal of an administrative decision is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Francis D. Parisi stated the Planning Board had recently voted to approve conditions and waivers but denied the Plan for Site Plan Review so Vertex Towers, LLC has filed an appeal with the federal court and were now here as a courtesy to the Town to appeal the decision with the Pittsfield Zoning Board of Adjustment under a provision of NH law that states they can appeal to the ZBA if a decision was based on the Zoning Ordinance.

The Pittsfield Planning Board Notice of Decision is transcribed below;

On **April 14, 2022**, after duly-noticed public hearing(s), the Planning Board voted to **DENY** the Plan for Site Plan Review submitted to the Board by **Vertex Towers, LLC** for property located at **1002 Upper City Road**, in the Light Industrial/Commercial zoning district, owned by **DEMES Investments, LLC**. The application was denied for the following reasons;

Under Article 18, Section 18.1 Findings and Intent, D 2. To reduce **adverse impacts** such as facilities, may create, including, but not limited to, **impacts on aesthetics**, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through **protection of property values**.

The vote to **deny** the site plan was yes: 5, no: 0, and abstaining: 0. Planning Board members voting to **deny** the site plan were Adam Gauthier, Matt St. George, Ray Ramsey, Ed Trzcinski, and Carl Anderson.

Francis D. Parisi said they have found in the past since they have done this in many other towns, a more reasonable way to resolve the issue would be for the ZBA to hear the appeal rather than continuing with a lengthy and expensive process of taking the appeal to federal court.

Francis D. Parisi also added the Town of Pittsfield can impose reasonable conditions on the application now or lose that opportunity once it is taken to the federal court. Mr. Parisi then restated he believed a statute allows them to come to the ZBA to hear the appeal before it is taken to the superior court and asked members of the Board to be the voice of reason for the Town.

Mike Cabral read from RSA 676:5 (transcribed below);

676:5 Appeals to Board of Adjustment

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

ZBA Board members were in agreement that "pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15" the decision was not within their jurisdiction and would need to continue to superior court.

Mike Cabral made a motion to **DENY** hearing Vertex Towers, LLC's appeal to the ZBA per RSA 676:5 and moved the applicant to take the appeal to superior court.

Pat Heffernan: Second.

Discussion: None.

Motion carried 3-0-0.

Board members thanked the applicants for coming in.

b. Special Exception application – 2022-006 – Jennifer Brigham/Joshua Shea

Mike Cabral welcomed the applicants notifying them of only (3) three Board members being present at the meeting instead of a full (5) five-member Board.

Mike Cabral asked if the applicants wished to postpone the meeting until the (5) five Board members were present or would the applicants like to continue the meeting with only the (3) three members of

the Board.

Jennifer Brigham stated she wished to continue the meeting with the (3) three members of the Board.

Mike Cabral noted one of the Board members was an abutter to the applicant and asked if Jennifer Brigham would like Pat Heffernan to recuse himself.

Jennifer Brigham stated no.

Mike Cabral read the following;

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33, IV, and RSA 676:7 on an application for a special exception to allow for keeping poultry in the Suburban W & S zoning district, according to Pittsfield Zoning Ordinance, Article 3, Section 3(b)(2) Special Exception (6) Agriculture – as to the keeping of livestock, poultry, or other animals.

The time and place of the hearing are Thursday, June 2, 2022, during the regularly scheduled ZBA meeting that starts at 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' names and addresses are Joshua Shea & Jennifer Brigham, 34 Watson Street, Pittsfield, NH 03263.

The proposal is to allow poultry at the subject property identified as Tax Map U5, Lot 64, owned by Joshua Shea, 34 Watson Street, Pittsfield NH.

The application for a special exception is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Arthur O'Hara made a motion to open the Special Exception application for discussion.

Pat Heffernan: Second.

Discussion: None.

Motion carried 3-0-0.

Mike Cabral welcomed Jennifer Brigham and asked her to explain why she was here.

Jennifer Brigham introduced herself and said she was here for a Special Exception to allow chickens on her property at 34 Watson Street Tax Map U5 Lot 64. Jennifer Brigham stated her family/3 teenage children currently rely on the chickens to provide food during a time when the price of groceries is on the rise; noting that her family eats the eggs for breakfast every morning and also has eggs for dinner four nights a week.

Jennifer Brigham said when she first got her chickens she homed them in a dog crate, which wasn't working, so she started using a barn in the center of her property. The chickens continued to escape and get into a neighbor's yard, so she ended up getting a truckload of pallets to fence them in.

Jennifer Brigham stated she received notification from the Animal Control Officer that a neighbor was

complaining about chickens coming on to their property, so she recently took chicken wire and tacked it to the sides of the pallets. Jennifer Brigham said the chickens have been fully contained for 3 days since doing this and shouldn't bother the neighbor anymore.

Mike Cabral stated the application was for a Special Exception to permit the renter to keep/raise poultry at Tax Map U5 Lot 64 in the Suburban zone with town water/sewer and went over questions on the Special Exception application with Jennifer Brigham.

Question 1. Describe any existing variances, special exceptions, and other permits now in effect with regard to the property concerned:

Jennifer Brigham answered; The property currently has two huge barns, a previous owner had chickens on the property, and in the past, the land was used for farming.

Question 2. Was this or any similar request denied in the past:

Jennifer Brigham answered; I don't know.

Question 3. Present use of the property concerned:

Jennifer Brigham answered; Our home for our family.

Question 4. Proposed use of the property concerned:

Jennifer Brigham answered; Eggs and food for our family.

Question 5. Type and number of existing structures on the property:

Jennifer Brigham answered; Four – House, garage, 2 barns, and a bob house near the pond.

Question 6. Number of dwelling units:

Jennifer Brigham answered; One.

Question 7. Number of off-street parking spaces available to the proposed use whenever the proposed use needs them:

Jennifer Brigham answered; N/A

Question 8. Will you require a subdivision approval:

Jennifer Brigham answered; No.

Question 9. Explain your proposal fully (attach additional sheets if necessary):

Jennifer Brigham answered; I have land and own dogs. Ticks are highly dangerous to my animals and family. Allowing chickens will create tick control and also provide eggs for my family. I further would like to have pigs for food and goats for milk because food costs a lot and this would help. The property has a farmhouse and two barns that would be great for this.

Question 10. Explain how the proposed use will satisfy the following conditions. Use additional sheets if necessary.

A. The use shall not be detrimental or offensive to the neighborhood:

Jennifer Brigham answered; A fence was put up to stop the chickens from leaving my property and I

have talked to most neighbors who have agreed no ticks is a blessing and fresh eggs are great.

B. The use shall not diminish the value of any of the surrounding properties:

Jennifer Brigham answered; I don't see how that would be possible.

C. The use, its parking needs, and its access ways shall be no nuisance or serious hazard to pedestrian or vehicular traffic. Parking needs shall be deemed a nuisance if parking needs force vehicles to park on a street or on a nearby property:

Jennifer Brigham answered; N/A

D. The use shall have adequate and appropriate facilities and utilities to ensure the proper operation of the use:

Jennifer Brigham answered; There is a 300-foot hose for water and the lights in the barn work.

E. The use shall be in harmony with the general purpose and intent of the zoning ordinance (RSA 674:33, IV)

Jennifer Brigham answered; Our family relies on eggs for food and it would be a hardship without the chickens.

F. All conditions specific to the proposed use. The zoning ordinance requires various uses to satisfy permitting conditions specific to use in addition to conditions A through E above. Check to see whether the proposed use is defined in the zoning ordinance, article 2, Interpretation Rules and Definitions, section 3, Definitions. If the zoning ordinance requires the proposed use to satisfy conditions specific to the proposed use, then article 2, section 3, will define the use, and the definition entry will either list the permitting conditions or point to the permitting conditions.

Jennifer Brigham answered; It's animals on my own property. Everyone else can have free-range cats and no one asked if it was ok for cats to roam free in my yard. The chickens don't harm anyone, they actually kill bugs and fertilize land.

Mike Cabral asked about the size of the property.

Jennifer Brigham answered; The residential property is .8 acres, the backside of the property is an additional 3 acres of commercial land, and the previous owner was allowed animals on the property. The chickens stay in the middle of the property in a barn that is currently fenced in so the chickens can't get out.

Bonnie Theriault noted an ongoing issue with a neighbor complaining about the chickens getting on to their property. Animal Control Officer Anne Taylor issued a fine on May 19, 2022, under the livestock ordinance in the amount of \$25 and also submitted, for the record, copies of conversations containing hostility towards her during interactions with the applicant Jennifer Brigham (transcribed below):

Town of Pittsfield
Police Department
59 Main Street

Pittsfield, NH 03263

May 19, 2022

Dear Ms. Brigham,

I have received yet another complaint about your chickens on the property of another. This is the fifth complaint I have received in less than a year. We have spoken about remediating this problem several times, yet the chickens continue to roam. I am issuing a fine of \$25 under the livestock ordinance, which I have enclosed a copy for your records. Please pay your fine at the Town Hall within fourteen (14) days or action will be taken at Concord District Court. If you have any questions, please call.

Respectfully,
Anne Taylor
Animal Control Officer

Pittsfield Police Department Logs – Thursday, May 19, 2022

Call Time: 0708

Action: Citation/Warning Issued

Call Taker: Taylor, Anne
Location/Address: 40 Watson St.
Calling Party: Boudreau, Sandra @ 40 Watson St.
Involved Party: Brigham, Jennifer @ 34 Watson St.

Narrative: 05/19/2022 0709 Taylor, Anne

Ms. Boudreau sent a picture of Ms. Brigham's chicken in her yard. I will be issuing a fine for \$25 to Ms. Brigham for livestock ordinance violation.

Narrative: 05/19/2022 0751 Taylor, Anne

I left a vm for Ms. Brigham and she called me back and said, "F**k that lady and if her cat comes over, I am going to off it" and hung up on me.

Walk in Time: 0840

Action: Handled/No report needed

Call Taker: Taylor, Anne
Location/Address: Pittsfield Police Department – 59 Main St.
Calling Party: Brigham, Jennifer @ 34 Watson St.

Narrative: 05/19/2022 0854 Taylor, Anne

Ms. Brigham came down to pick up her fine and pay it. I advised her to pay it at the Town Hall. She reiterated that she was going to kill her neighbor's cat. I stated that she could solve the problem by cooping her chickens. She called me a c**t and left the building.

Bonnie Theriault said she received an additional letter from a citizen to submit to the Board, but was asked for it not to be made public record as part of the hearing.

Mike Cabral stated if a letter wasn't allowed to be part of the public hearing, it would not be allowed to be submitted.

Pat Heffernan asked Jennifer Brigham to dial back the hostility toward Animal Control Officer Anne Taylor because she is just doing her job and Ms. Brigham's attitude/vulgar language are uncalled for.

Jennifer Brigham apologized for her behavior expressing her frustration with the complaining neighbor stating her chickens have only gotten out due to hawks trying to get at them, coyotes trying to eat them, and that cats in the neighborhood have killed her chickens.

Jennifer Brigham said she had previously given the neighbor her phone number to contact her if the chickens get out so her family can run over and grab them, suggested the neighbor spray them with water because they don't like getting wet, and has also offered to fix the complaining neighbor's fence so the chickens aren't able to access her yard.

Jennifer Brigham said it took her a couple of weeks since the complaint to resolve the issue by installing the pallets/fencing and, so far, the chickens have not been able to escape their enclosure.

Mike Cabral opened to public input at 6:34 p.m.

Eric Nilsson (36 Watson Street) said he was a next-door neighbor to Jennifer Brigham and has no problem with chickens because they take care of the ticks. Mr. Nilsson said he also doesn't have an issue with the neighbor getting goats, but does not want pigs next to his property.

Mike Cabral stated the application before them at this time was just for allowing chickens on the property.

Pat Heffernan said he was an abutter and didn't have a problem with the chickens as long as they are fully contained and cannot fly out anymore.

Jennifer Brigham replied the chickens were contained, but she has not put a covering over the enclosure.

Pat Heffernan said there would need to be a condition on putting a cover over the enclosure.

Mike Cabral closed public input at 6:37 p.m.

Arthur O'Hara asked how many chickens the applicant anticipated to have.

Jennifer Brigham said she would like to have around 25 chickens to get approximately 18-20 eggs a day to provide breakfast every morning and allow four dinner meals during the week for her family.

Mike Cabral asked if Police Chief Peter Pszonowsky or Code Compliance Officer Scott LaCroix had anything to add.

Chief Peter Pszonowsky said he had no issues and Scott LaCroix stated as long as roosters weren't allowed, he had no issue either.

Arthur O'Hara made a motion to approve Joshua Shea & Jennifer Brigham at 34 Watson Street, Pittsfield, NH 03263 at the subject property identified as Tax Map U5 Lot 64 per RSA 674:33, IV, and RSA 676:7 allowing a special exception for keeping poultry in the Suburban W & S zoning district, according to Pittsfield Zoning Ordinance, Article 3, Section 3(b)(2) Special Exception (6) Agriculture – as to the keeping of livestock, poultry, or other animals with the following conditions;

1. No roosters
2. No more than 25 chickens
3. Pen has to be secure where no chickens can escape under, over, around, or in to an abutting neighbor's yard.

Pat Heffernan: Second.

Discussion: None.

Motion carried 3-0-0.

Mike Cabral let Jennifer Brigham know there is a 30-day appeal period. Board members thanked Jennifer Brigham and abutters for coming in.

Mike Cabral called for a recess at 6:48 p.m. and called the meeting back to order at 6:55 p.m.

c. Appeal of Administration Decision –2022-007 – Paul Rogers

Mike Cabral welcomed Paul Rogers and notified him of only (3) three Board members being present at the meeting instead of a full (5) five-member Board.

Mike Cabral asked if the applicant wished to postpone the meeting until the (5) five Board members were present or would the applicant like to continue the meeting with only the (3) three members of the Board.

Paul Rogers said he wished to continue with the (3) three members of the Board.

Mike Cabral read the following;

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 676 for an Appeal of Administrative Decision ZBA #2022-007 on Notice of Zoning Posted 05/31/2022 Page 2 of 3 Violation issued by Code Compliance Officer Scott LaCroix, to Paul Rogers on April 11, 2022. The appeal is requesting the reversal of the Notice of Zoning Violation and to grant any such further relief as the ZBA deems just and equitable.

The appeal is for the Notice of Zoning Violation issued on April 11, 2022, by Code Compliance Officer Scott LaCroix regarding the rental of rooms at 96 Fairview Drive (in the Suburban W & S zoning district) without a site plan approval from the Pittsfield Planning Board, which was required by the ZBA's notice of decision signed and dated December 6, 2021 - Condition 5: Requirement that a site plan review is needed from the Pittsfield Planning Board - Corrective action needed – All rental of rooms must cease

and an immediate inspection from the Fire Department and Code Enforcement Office must take place to verify compliance & apply to go before the Planning Board for a Site Plan Review.

The time and place of the hearing are Thursday, June 2, 2022, during the regularly scheduled meeting of the ZBA beginning at 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address are Paul Rogers, 96 Fairview Drive, Pittsfield, NH 03263.

The application for an appeal of an administrative decision is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Pat Heffernan made a motion to open the Appeal of Administrative Decision for discussion.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 3-0-0.

Paul Rogers introduced himself along with his attorney John Vanacore. Paul Rogers stated he wanted to appeal a Notice of Zoning Violation issued on April 11, 2022, by Code Compliance Officer Scott LaCroix (transcribed below):

NOTICE OF ZONING VIOLATION

April 11, 2022

mailed Certified Mail and First Class Mail

Paul Rogers
96 Fairview Road
Pittsfield, NH 03263

notice of violation at:
96 Fairview Road
Map R22 Lot 29

Mr. Rogers:

This letter is for Zoning Violation Article 3, Section 3 (3) on your property, located at 96 Fairview Road (R22/29).

VIOLATION

Rental of rooms without a site plan approval from the Planning Board which was required by the Zoning Board of Adjustment. **Notice of Decision** signed and dated 12/6/2021: **Condition 5. Requirement that a site plan review is needed from Pittsfield Planning Board.**

CORRECTIVE ACTION NEEDED

All rental rooms must cease and an Immediate Inspection from the Fire Department and Code Enforcement office must take place to verify compliance. Apply to go before the Planning Board for a Site Plan Review.

RIGHT TO APPEAL

This notice is a decision of the Zoning Ordinance Administrator and may be appealed to the Zoning Board of Adjustment in accordance with the provisions of the Pittsfield Zoning Ordinance Article 5, Section 5. Appeals to the Board of Adjustment provided that such appeal is filed within thirty days of

the date of this decision, per NH RSA 676:5 and the Pittsfield Zoning Board of Adjustment's Rules of Procedure.

PENALTIES AND FEES

Please be advised that violations of the provisions of the Pittsfield Zoning Ordinance include civil penalties of \$275 for the first offence, and \$550 for subsequent offences, for each day such violation is found to continue after the conviction date or after the date on which the violator received written notice, whichever is earlier, with each day that the violation continues being considered as a separate offence, as further described in Article 1, Section 9. Penalty Clause.

This correspondence serves as a formal notice of zoning violation. In the event that the violations are not cured or remedied as provided for in this notice, the Town will pursue enforcement of the violations as provided for by law.

Should you have any questions please contact the Selectmen's Office at the contact information listed above.

Sincerely,
Scott LaCroix
Code Compliance Officer/ Zoning Administrator

Paul Rogers stated he has been sharing the left side of his home, which he considers his own personal residence, with a few long-time family friends as roommates. Paul Rogers said that he hasn't yet moved forward with the proposed 30 rental rooms on the right side of the property (nun retreat) and feels that using his own residence on the left side of the property to share with those he knows are in need shouldn't be considered a violation.

Bonnie Theriault asked if anyone staying at 96 Fairview Drive moved in with the understanding, they were paying rent for a certain period of time.

Paul Rogers answered those staying with him were told he wasn't allowed to rent and that he didn't have an occupancy permit. Paul Rogers said any money received from any of the roommates was by donation only and not a rental agreement between parties.

Letters were presented in support of Paul Rogers' statement from Kristy Durgan, Judith Vincent, Janice Oliver, and Human Resource Manager Rosemary Gelinias of Rustic Crust. Paul Rogers stated he had other letters he could submit in support of his statement.

Mike Cabral said the Board was only allowed to look over the letters that had already been submitted prior to the meeting and stated the previous application was for all of the 96 Fairview Drive property; not for the left or right side of the property.

Mike Cabral noted at the last ZBA meeting regarding 96 Fairview Drive, a Notice of Decision for a Special Exception was granted with conditions on December 6, 2021 (transcribed below).

NOTICE OF DECISION – AMENDED
SPECIAL EXCEPTION GRANTED

Applicant: **Paul Rogers**
P O Box 54
Pittsfield, NH 03263

Property Owners: **Paul Rogers**
P O Box 54
Pittsfield, NH 03263

You are hereby notified that the appeal of: **Paul Rogers**, for a **Special Exception** for a **Hotel** on the subject property identified as **Tax Map R22, Lot 29, 96 Fairview Drive** located in the **Suburban W/S** Zoning District, regarding **Article 3, Section 3 (3)** of the Zoning Ordinance, has been **GRANTED**, subject to the conditions listed below, by the affirmative vote of at least three members of the Zoning Board of Adjustment, on **October 21, 2021**, and **AMENDED on December 2, 2021**.

CONDITIONS:

- 1. No parking or usage of R22-27 for functions on R22-29. Should parking or usage of R22-27 be needed for operations on R22-29, an application for a Special Exception would need to be filed for R22-27 prior to usage.**
- 2. A maximum of 30 rooms is allowed for the Hotel on Tax Map R22-29. No Hotel approval is granted for Tax Map R22-27.**
- 3. Lounge bar contingent upon receiving State of NH Liquor License approval.**
- 4. Clarification that the approval is for the Hotel, not the Hotel/Inn as had previously been listed.**
- 5. Requirement that a Site Plan Review is needed from the Pittsfield Planning Board.**

Michael Cabral, Chair
Zoning Board of Adjustment

Date
December 6, 2021

Mike Cabral asked Chief Peter Pszonowsky about a medical call that was received on May 15, 2022.

Chief Peter Pszonowsky stated on Tuesday, May 15, 2022, EMS personnel were dispatched to 96 Fairview Drive due to an injury from a fall when a post on the exterior of the front steps gave way. The patient refused transport and needed assistance back to his/her room.

It was noted the smoke detectors were covered in the common hallway and items were scattered throughout hallway areas. The patient stated his/her room was in a boarding house and the room where he/she was staying was only allowed to run one fan per the landlord. It was also noted the rooms had their own individual locking codes for entrance.

Chief Peter Pszonowsky stated Paul Rogers was told if he was living by himself, it would be fine, but taking in roommates is a safety issue putting people's lives at risk when the building is not up to fire and safety codes. Chief Pszonowsky added a Fire Marshall will need to do a walk-through because they have

a responsibility to protect other people.

Mike Cabral opened for public input at 7:15 p.m.

Thomas & Adrianna LeDuc (Northwood) stated Paul Rogers was in fact a renter. Thomas LeDuc said his mother-in-law Janet Daley had recently moved from Cape Cod, Massachusetts where she already had housing, to rent from Paul Rogers.

Thomas LeDuc said they have always respected Paul Rogers, but his honesty was key when they contacted him as a realtor to help find a rental for his mother-in-law. Thomas LeDuc added that they had no idea what he was doing was illegal and now his mother-in-law is homeless and sleeping on his couch.

Thomas LeDuc stated Paul Rogers can speak the truth or continue doing what he is doing, but they have submitted proof of rental checks in the amount of \$800 per month and text messages/emails about the rental discussions to the Zoning Board of Adjustment pertaining to 96 Fairview Drive.

Janet Daley (previous resident at 96 Fairview Drive) said she was not a roommate as suggested and paid Paul Rogers \$800 per month for April and May rent and a security deposit of \$375. Janet Daley stated she was harassed by Paul Rogers blaming her for the zoning violation and she was kicked out.

Janet Daley said a check was received from Paul Rogers when she moved out for her security deposit refund in the amount of \$375 and Paul Rogers noted it as payment to her for cleaning, but she was never hired to clean 96 Fairview Drive for Paul Rogers.

Scott LaCroix stated Paul Rogers is indeed renting whether it's called a donation or not and because of what he is hearing tonight and elsewhere, he wants the ZBA Board to know and for it to be on record he stands behind what he said 100%; Paul Rogers is renting at 96 Fairview Drive and in violation.

It was also noted the ZBA Board received further proof in additional emails, photos, and Facebook post screenshots of Paul Rogers hosting guests during the St. Bernadette tour event.

Mike Cabral closed public input at 7:23 p.m. and opened the discussion with Board members.

Arthur O'Hara said he was at the ZBA meeting when the Special Exception was granted and it was very clear to everyone there, including Paul Rogers, that the building needed to be brought up to code. Arthur O'Hara said he has major concerns about there being no working fire alarms, no fire escape to leave the second floor and an overall concern about the safety of the building in general.

Arthur O'Hara stated he understands helping a friend out who might be having a hard time, but he wouldn't charge them for staying and certainly wouldn't have them push an independent passcode to get into their rooms.

Arthur O'Hara said Paul Rogers is an asset to the Pittsfield community and has proved his worth as a restaurant owner, realtor, and business operator but in his opinion, Paul Rogers is not being honest with

the Board about renting rooms out and is in violation.

Pat Heffernan agreed that with the information provided to them and hearing the public input testimony, Paul Rogers is in violation and he backs Scott LaCroix 100%.

Pat Heffernan motioned to **DENY** the appeal for the Notice of Zoning Violation at 96 Fairview Drive issued on April 11, 2022, by Code Compliance Officer Scott LaCroix. Paul Rogers will hereby **CEASE and DESIST renting at 96 Fairview Drive (Tax Map R22-29)** and will need to go to the Planning Board for a Full Site Plan Review.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 3-0-0.

Mike Cabral let Paul Rogers know there is a 30-day appeal period. Board members thanked Paul Rogers for coming in.

Mike Cabral called for a recess at 7:46 p.m. and called the meeting back to order at 7:51 p.m.

d. Special Exception application – 2022-008 – Henry Demers III

Mike Cabral welcomed the applicant notifying him of only (3) three Board members being present at the meeting instead of a full (5) five-member Board.

Mike Cabral asked if the applicant wished to postpone the meeting until the (5) five Board members were present or would the applicant like to continue the meeting with only the (3) three members of the Board.

Henry Demers III introduced himself and stated he wished to continue the meeting with the (3) three members of the Board.

Mike Cabral read the following;

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33, IV, and RSA 676:7 on an application for a special exception to allow a hotel in the Rural zoning district, according to Pittsfield Zoning Ordinance, Article 3 Zoning Districts, Section 3 Use Regulations (6) Table of Uses and Districts, - Hotel in the Rural zoning district requires a Special Exception.

The time and place of the hearing are Thursday, June 2, 2022, during the regularly scheduled ZBA meeting that starts at 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address are Henry Demers III, 256 Berry Pond Road, Pittsfield, NH 03263.

The proposal is to allow 4+ roommates at the subject property identified as Tax Map R43, Lot 14, owned by Henry Demers III, P O Box 354, Goffstown, NH 03045.

The application for a special exception is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Arthur O'Hara made a motion to open the application for a Special Exception for discussion.

Pat Heffernan: Second with questions.

Discussion: None.

Motion carried 3-0-0.

Henry Demers III said he was here to get a Special Exception to allow 4+ roommates on his property that he purchased while overseas 10 years ago. Henry Demers III said he and his wife moved onto the property with 8 bedrooms and wanted to allow roommates to limit the cost of keeping his home up. Henry Demers III said the Pittsfield Fire Department came up and noticed he had roommates so he is here applying for a Special Exception because he wants to do what is required.

Henry Demers III stated he wasn't trying to start an Air B&B or a resort and that his current roommates have lived at the property for more than a year. Mr. Demers III said he didn't realize he need a Special Exception because he isn't changing the landscape or the building.

Board members had a brief discussion on whether the applicant would need a Special Exception or a Variance and asked for input from Chief Peter Pszonowsky and Code Compliance Officer Scott LaCroix.

Chief Peter Pszonowsky stated a Fire Engineer would need to do a walkthrough for fire and safety codes and the residence might need a sprinkler system with an alarm that goes to dispatch.

Code Compliance Officer Scott LaCroix said he hasn't been there to do a walkthrough yet and once that happens, they would be able to send the applicant in the right direction.

Chief Peter Pszonowsky and Code Compliance Officer Scott LaCroix set up a walkthrough for Monday, June 6, 2022, at 4:00 p.m. to determine what Henry Demers III needs to do to get the proper request into the Board. The application will be continued on Thursday, June 16, 2022.

Bonnie Theriault said she would check with New Hampshire Municipal Association (NHMA) to verify whether the abutters would need to be re-noticed and would make sure the applicant receives the proper information needed to continue once the walkthrough is complete.

Pat Heffernan motioned to continue the application on Thursday, June 16, 2022, with the potential for the application to go from a Special Exception to a Variance.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 3-0-0.

OLD BUSINESS

None.

ZONING ADMINISTRATOR'S REPORT

None.

MEMBERS CONCERNS

None.

PUBLIC INPUT

None.

MINUTES**a. Thursday, April 7, 2022**

Thursday, April 7, 2022, ZBA minutes were tabled until the next ZBA meeting on Thursday, June 16, 2022.

ADJOURNMENT

Arthur O'Hara made a motion to adjourn at 8:07 p.m.

Pat Heffernan: Second.

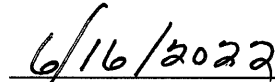
Discussion: None.

Motion carried 3-0-0.

Approved:



Mike Cabral, Chair



Date