

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

MEETING MINUTES OF Thursday, September 1, 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
Larry Konopka, Vice-Chair
Pat Heffernan
Arthur O'Hara
Art St. Laurent

MEMBERS ABSENT

None

OTHERS PRESENT

Bonnie Theriault – Office Assistant
Scott LaCroix – Code Compliance Officer

AGENDA REVIEW

None.

Mike Cabral read the rules of the meeting for those present and then turned the meeting over to Larry Konopka, Vice-chair to run the remainder of the meeting.

NEW BUSINESS

a. Variance application – Christopher Wood - U3-71 13 Elm Street

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33, IV, and RSA 676:7 on application ZBA 2022-012 for a special exception to allow for one (1) commercial use space in the front 1st level of the building and two (2) residential units (with parking to be off-street in a rented lot nearby), in the Urban zoning district, according to Pittsfield Zoning Ordinance, Article 3 -Zoning Districts, Section 3 -Use Regulations, (6) Table of Uses and Districts – Accessory Apartment.

The time and place of the hearing are Thursday, September 1, 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 Christopher Wood, 8 Lawrence Street Ext., Concord, NH 03301.

The proposal is to allow residential apartments at the subject property identified as Tax Map U3, Lot 71, located at 13 Elm Street, Pittsfield, NH, and owned by Christopher Wood, 8 Lawrence Street Ext., Concord, NH 03301.

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

Christopher Wood introduced himself. Larry Konopka explained how the process would go to get through the application.

Larry Konopka stated the application was for a Special Exception under Article 3 Zoning Districts, Section 3 Special Exception, Use Regulations, (6) and asked Christopher Wood to explain the purpose of the Special Exception:

Christopher Wood answered; It is required according to the Table of Uses and Districts, Article 3, Section 3 (6), of the zoning ordinance.

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

Christopher Wood answered; None that I am aware of.

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

Christopher Wood answered; Not that I know of.

Question 3. Present use of the property concerned:

Christopher Wood answered; Commercial building.

Question 4. Proposed use of the property concerned:

Christopher Wood answered; Mixed use, commercial and residential.

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

Christopher Wood answered; One single structure.

Question 6. Number of dwelling units:

Christopher Wood answered; One.

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

Christopher Wood answered; 2-4 off-street parking spaces will need to be rented. Mr. Wood explained that he has reached out to the owners of the building across the street, to ask about renting spaces from them. He is waiting to hear back and has not signed any agreement at this time as he is waiting to find out if he gets ZBA approval prior to signing any contract with them.

Question 8. Will you require subdivision approval:

Christopher Wood answered; No.

Question 9. Will you require site plan approval:

Christopher Wood answered; No.

Question 10. Explain your proposal fully (attach additional sheets if necessary):

Christopher Wood answered; Introducing two residential units to the building structure while also maintaining a commercial use space in front. Parking is off-street in a rented lot nearby.

Question 11. 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:

Christopher Wood answered; This will introduce additional residential dwellings to the area while also creating a more useable commercial space for the zone. Renting off-site parking prevents any nuisance or overflow, and will have updated aesthetics to suit neighborhood design. Mr. Wood stated that he had no intention of doing anything crazy and that he intended on keeping it in line with the neighborhood.

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

Christopher Wood; The use should potentially increase the value of the surrounding properties due to updates and renovations.

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:

Christopher Wood answered; Parking will be off-street in rented lots for residents. There will be on-street parking for the commercial business during normal hours of operation.

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

Christopher Wood answered; Everything will meet or exceed regulations for its intended use. He stated that everything will be brand new.

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

Christopher Wood answered; Yes, as it will be retaining the commercial use.

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.

Christopher Wood answered; A special exception is required for use.

Larry Konopka asked the Board members if they had any questions.

Art St. Laurent asked what the square footage was for the existing building. Mr. Wood stated that it was approximately 1,800 sq ft, just under 2,000 sq ft. Art St. Laurent asked what the square footage will be for the proposed commercial business. Mr. Wood stated that it would be approximately 300 sq ft. He went on to state that residential space would be approximately 650 sq ft in each apartment with two bedrooms. Art St. Laurent asked what the distance was between his building and the neighboring property. Code Compliance Officer Scott LaCroix, said that all of the building codes and fire codes would need to be met, so egress would be addressed during the building permit phase. Art St. Laurent asked if the Waste Water Treatment Plant could handle the increase in load from this project. Scott LaCroix stated that he did not know for sure but he would check with Bill Gilpatric, to confirm if this project can move forward. Pat Heffernan stated he thought the issue of an increase in the sewer system was based on new construction. Larry Konopka advised Mr. Wood that each dwelling unit would need 2 parking spaces per apartment and that the commercial space would need 2 parking spaces for every 200 sq ft. Scott LaCroix stated that the commercial parking would be the on-street parking, so Mr. Wood would not need to secure the rental of spaces for the commercial spots, only the 4 spaces for the residential

units. Pat Heffernan asked if the 650 sq ft for the residential units were too small. Scott LaCroix stated that the minimum square footage is 500 sq ft.

Larry Konopka opened Public Input.

Thomas Freeze, of 200 Pancake Hill Road, Gilmanton but he owns property in Pittsfield, stated the proposed use is reasonable to him. He stated that as an abutter, he does not see any issues and supports this application.

Marilyn Thyng, of 131 Eaton Road, Pittsfield stated that she was here as a Trustee of the Congregational Church, which is an abutter. She stated she was familiar with the building and asked if the handicapped accessibility issues will be addressed. Scott LaCroix stated that access would have to be built to code.

Mrs. Thyng asked if Mr. Wood knew what type of commercial business would be going into the commercial space. Mr. Wood stated that he is not planning to put in a business for himself and that he would be looking to rent the space out to a business in the future. He stated that he knows that he wants to be a good neighbor and be part of the community, so he intends to rent to a community-friendly business, and thought an art shop, barber shop, or small retail store might be nice.

Mrs. Thyng stated she has concerns about the limited space on either side of this property but thinks it would be nice to have new life in that building.

Susan Bleckmann, Trustee of the Congregational Church, and her concern is that the area around the property be kept neat and clean. Mr. Wood stated that he has hauled out three or four truckloads of stuff from the property already, and he again wants to be a good neighbor.

Larry Konopka stated that the board had received a letter from Sabrina Smith, of Deer Meadow Road, Pittsfield with concerns about this application. Bonnie Theriault read the letter into the record.

August 30, 2022

Dear Chairman and Board Members,

While I do support more businesses in Pittsfield to help alleviate the tax burden, I am sending this letter to express my concerns with the application including two more apartments in our town. Pittsfield seems to have difficulty financially supporting our school system in the midst of a struggling economy.

Taxes in Pittsfield regularly rise while the town does its best to finance the school system. In the latest approved Pittsfield School District school board minutes dated August 4, 2022, the Pittsfield School District was still in need of 3 Special Education positions, a 9/10 Math teacher, a 7/8 Science teacher, and a Title I Teacher.

The school year just began this last week and currently, my 7th grader does not have a science teacher! While speaking with someone from the school, I learned they are waiting for VLACS to approve an online science course for students in order for them to get the credits they will need to move on to the next grade.

I feel that adding more apartments to Pittsfield at a time when the town is barely holding its head above water in order to give the children already here a decent education is the last thing our town needs. Allowing more apartments at this time risks taking a decent education away from my children/other

children in the community and adds more burden on taxpayers.

*Thank you for taking the time to read my concerns,
Mrs. Sabrina Smith – Deer Meadow Road, Pittsfield*

Larry Konopka asked if Scott LaCroix had anything to add or any concerns. Scott LaCroix stated that he would be working with Mr. Wood through the whole project if the ZBA approves the application. He said he will watch it from start to finish and thinks having someone in the building will be good for the town.

Larry Konopka asked if Bonnie Theriault had anything to add. Bonnie Theriault stated that Mr. Wood has been very active in asking questions to be sure that he is following the correct process and has been actively trying to secure the parking spaces required for the residential units. She said that the question about site plan review has come up, and while the rental of parking spaces could address that section of site plan review, it would be up to someone else to determine if site plan review would be required.

Larry Konopka closed public input and asked if Mr. Wood had anything else that he would like to add to the discussion. Mr. Wood said not at this time.

Larry Konopka opened deliberation with the Board members to go over the criteria and make sure the application had answered all the questions for Special Exception.

Pat Heffernan asked Mr. Wood what type of heating system would be installed. Mr. Wood said forced hot air with propane.

Larry Konopka read through the criteria of the application for the board's review.

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

Larry Konopka discussed his concern about the entrances to the apartments and the proximity to the building next door. He stated that with only 8 feet between the properties, he's concerned about snow falling from the rooftops and the safety of the residents. AJ O'Hara asked if Mr. Wood had a plan for the placement of a container for trash. Mr. Wood stated that he does not have a set plan yet because it would depend upon the type of business that goes into the commercial space to determine the size of the trash receptacle he would need. He went on to say that he had every intention to have adequate trash disposal for the entire property. Art St. Laurent said parking spaces are his main concern. He asked if Mr. Wood cannot secure the required parking spaces what would happen going forward because he believes the parking spaces at the pizza place are already rented. Pat Heffernan said that the parking requirement could be a condition of approval.

Larry Konopka asked Scott LaCroix if he felt that a site plan review application would be necessary. Scott LaCroix stated that it would be up to the ZBA members to determine. He said that he did not make site plan review a requirement because he felt if the parking issue was addressed by renting spaces, it wouldn't need site plan review. Larry Konopka stated that site plan review would address the parking and the dumpster issues. Pat Heffernan said that he doesn't see the need for site plan review. Scott LaCroix stated that if Mr. Wood could not secure the 4 parking spaces required, the project would not be able to move forward.

All Board members agreed with the application and felt that the applicant had answered all necessary questions for approval.

Mike Cabral: I motion to approve the Special Exception for Christopher Wood of 8 Lawrence Street Ext., Concord, NH 03301. Tax Map U3 Lot 71 to add one (1) commercial use space in the front 1st level of the

building and two (2) residential units (with parking to be off-street in a rented lot nearby), in the Urban zoning district, according to Pittsfield Zoning Ordinance, Article 3 -Zoning Districts, Section 3 -Use Regulations, (6) Table of Uses and Districts – Accessory Apartment with the conditions of two (2) parking spots per residential dwellings, confirmation with Waste Water Treatment Plant that the additional load on the sewer system will be acceptable, and that adequate trash removal will be provided to tenants.

Pat Heffernan: Second.

Discussion: None.

Motion carried 4-1-0.

Vice-Chair Larry Konopka advised Mr. Wood of the 30-day appeal period.

OLD BUSINESS

None.

ZONING ADMINISTRATOR'S REPORT

None.

MEMBERS CONCERNS

Bonnie Theriault reminded the board about the required Land Use Fee Schedule that has to be displayed regarding all land use application fees. She shared a copy of the fee schedule with the board and stated that the information has been posted.

Arthur O'Hara stated that he had reviewed the Selectboard meeting minutes and noticed the section that indicated a law was passed by the Governor requiring all planning board and ZBA board members were required to take tests to be part of the board. Bonnie Theriault clarified for those present, that the law is requiring a system to be set up for testing and training but board members are not required by law to take the tests at this time.

PUBLIC INPUT

None.

MINUTES

a. Thursday, August 4, 2022

Thursday, August 4, 2022, ZBA minutes were presented for the Board's approval.

Pat Heffernan made a motion to approve the ZBA minutes from Thursday, August 4, 2022.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 4-0-1. Larry Konopka abstained.

ADJOURNMENT

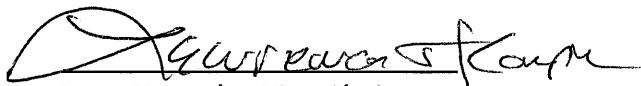
Pat Heffernan made a motion to adjourn at 7:04 p.m.

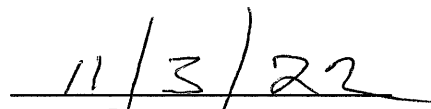
Art St. Laurent: Second.

Discussion: None.

Motion carried 5-0-0.

Approved:


Larry Konopka, Vice-Chair


Date