



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

MEETING MINUTES of Thursday, April 13, 2017

CALL TO ORDER

The Zoning Board of Adjustment Meeting for April 13, 2017 was called to order by Mr. Hetuat 7:02p.m.

MEMBERS PRESENT

James Hetu
Noreen Rollins
Phillip Boncer
Jason Rokeach
Scot Palmer

EXCUSED

Pat Heffernan
Dedrie Benjamin

OTHERS PRESENT

Cyndi Hetu

ELECTIONS

Motion. Mr. Rokeach made a motion to nominate James Hetu as Chairman for Zoning Board of Adjustment. Mrs. Rollins seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Abstained; Mr. Boncer – Yes; Mr. Rokeach – Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

Motion. Mr. Hetu made a motion to nominate Noreen Rollins as Vice Chairman for the Zoning Board of Adjustment. Mr. Rokeach seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins–Abstained; and Mr. Palmer - Yes. The Chair declared the Motion passed.

Motion. Mrs. Rollins made a motion to nominate Cyndi Hetu as recording secretary. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

APPROVAL OF MINUTES

Motion. Mrs. Rollins made a motion to approve the December 22, 2016 minutes. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach – Abstained; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Chair stated they did catch the roll calls need to be correct as they have the wrong names. Mrs. Hetu stated it was the first time she hear Mr. Boncer and Mr. Rokeach and asked if she mixed up their voices on the March 23, 2017 meeting. Mr. Rokeach stated the question about lighting on page three was him.

Motion. Mrs. Rollins made a motion to accept the March 23, 2017 minutes with the changes discussed. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

PUBLIC HEARING FOR APPLICATION OF SPECIAL EXCEPTION FROM RSA 674:33, IV and RSA 676:7, AGRICULTURE (TAX MAP R-14, LOT 06-01).

The Chair read “Public Hearing with respect to an application for Special Exception for agriculture as the keeping of livestock, poultry, or other animals according to Pittsfield Zoning Ordinance, article 3, section 3, (b), (2) and (6); and article 6, sections 2 and 3. The proposal is to raise 6 to 10 chickens and have a 4 foot by 6 foot coop for the family to have fresh eggs, at 268 Tilton Hill Road, Pittsfield, NH 03263 (Tax Map R-14, Lot 06-01) in the Suburban zoning district.”

The Chair asked Mr. Lavigne to give a brief description of what he wants to do. Mr. Lavigne responded they would like to have a 4x6 coop with a run for fresh eggs. He stated his eight year old daughter wants to join 4-H. The Chair asked Mr. Lavigne if there is a location on the property picked out for the coop. Mr. Lavigne stated it would be over by the pool shed because they have electrify over that. The Chair asked if he knew where on the tax map it is on the property. Mr. Lavigne stated it would be about half way through the lot off to the right. The Chair had Mr. Lavigne mark on the map where it would be (map attached to these minutes).

The Chair asked Mr. Lavigne to go through each criteria and his explanation for why it meets the criteria.

Mr. Lavigne read Criteria A: the use shall not be detrimental or offensive to the neighborhood. He stated it won't be detrimental or offensive to the neighborhood because the neighbor to the left of him has livestock as well as chickens. He stated the abutters who abuts all their houses is a horse farm. He stated there is also a goat farm three houses up on the same side of the street as him.

Mr. Lavigne read Criteria B: the use shall not diminish the value of any of the surrounding properties. He stated his property is very well maintained. He stated there is already livestock around him from the abutters.

Mr. Lavigne read Criteria C: the use, its parking needs, and its access way 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. He stated this is not an issue as his house sits on top of a hill with lots of parking.

Mr. Lavigne read Criteria D: the use shall adequate and appropriate facilities and utilities to ensure the property operation of the use. He stated there is an adequate and appropriate facility with electricity as well as water. He stated there will be a 4 x 6 coop with a run and heated water in the winter months.

Mr. Lavigne read Criteria E: the use shall be in harmony with the general purpose and intent of the zoning ordinance. (RSA 674:33, IV.) He stated his neighbors, at 240 Tilton Hill Road, have chickens and such. He stated there is a horse farm which abuts all the properties as well as a goat farm up the hill.

Mr. Lavigne read Criteria F: all conditions specific to the proposed use. The zoning ordinance requires various uses to satisfy permitting conditions specific to the 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 points to the permitting conditions. He stated the zoning ordinance does not list any permitting conditions specific to agriculture as keeping as the keeping of the livestock, poultry, or other animals.

The Chair asked if the Board had any questions.

Mrs. Rollins asked how much land he has. Mr. Lavigne stated it is 1.92 acres. Mrs. Rollins asked if the chickens will be in the run all the time and if there are any roosters. Mr. Lavigne stated they will be in the run all the time and there won't be any roosters.

Mrs. Rollins asked if it is suburban zoned. The Chair stated it is suburban zoned and abuts all suburban zoned property. Mrs. Rollins stated it includes 240 Tilton Hill Road because they have a special variance. The Chair stated 240 Tilton Hill Road got a special

exception in 2014 and the 90 acres property is Carol Dodges which he doesn't know when it got a special exception as that side of the road is all suburban.

Mr. Palmer asked if there was any chance of them being free range chickens. Mr. Lavigne stated they will not be free range chickens.

Mrs. Rollins informed Mr. Lavigne of the new animal control ordinance which applies to keeping chickens off neighbor's property as well as the noise. She stated the ordinance applies to suburban areas. Mr. Lavigne stated there won't be any roosters.

The Chair opened the hearing to the public.

Ms. Zinck, 270 Tilton Hill Road, asked if she could see where on the map the coop would be going. Mr. Lavigne showed Ms. Zinck the location on the map. Ms. White, 270 Tilton Hill Road, asked if it would be going on the back side of the pool shed or the front. Mr. Lavigne stated he doesn't know specifically. Mrs. Rollins stated as point of order the audience needs to address the Chairman.

Mr. Lavigne stated he doesn't know where exactly it will go but pointed out an area on the map. Ms. Zinck asked if it could be in a different area because they let their dog out and she doesn't want him to run into his yard.

Ms. Zinck asked if the coop will be covered. Mr. Lavigne stated it most likely will be covered. Ms. Zinck explained when she was six they had chickens and they didn't have a cover on it. She stated coyotes had gotten to it so she highly suggests a cover on it. The Chair showed the Board where on the map Mr. Lavigne is planning to put the coop.

The Chair closed the hearing to the public.

The Chair asked Ms. Zinck and Ms. White if the location behind the pool house was acceptable or a concern. Ms. Zinck stated she would prefer it to be on the other side so her dog doesn't see it. Ms. White stated if it is on the back side of the pool shed she can't see it. The Chair asked Mr. Lavigne if the suggested location is doable. Mr. Lavigne stated it may be but he can't say definitely without talking to his wife.

The Chair explained their concern as a Board is to make sure the project isn't detrimental or offensive to the surrounding neighbors and they are very close to one of them. He asked if it would be possible to get an official yes or no from his wife. Mrs. Rollins suggested Mr. Lavigne calling his wife. Mrs. Hetu suggested they recess so Mr. Lavigne could make the call.

The Chair recessed the hearing.

The Chair appointed Mr. Palmer as acting member in place of Mr. Heffernan so there would be a full board.

MEET WITH RECORDING SECRETARY TO DISCUSS MEETING PROCEDURES

Mrs. Hetu introduced herself to the new Board members and gave them a brief background of her experience doing minutes.

Mrs. Hetu stated she has reviewed the minutes over the last couple of weeks and made a list of procedures and things which would make things run a more smoothly. She stated the Chair has a copy of the list he can distribute to them.

Mrs. Hetu stated the first thing is to have everyone silence their devices because it is difficult to hear with the recorder if a phone goes off.

Mrs. Hetu stated when someone is speaking, they need to say their name and give their address if they are an abutter or resident and if they are an official, give their title. She explained this is so she knows who is speaking as well as it being on record.

Mrs. Hetu stated when they do roll call they need to say their names instead of "ay". She stated this helps her with voice recognition.

Mrs. Hetu stated when they are approving minutes they need to say the date of the minutes in the motion. She explained this is for clarification if there are multiple sets being approved as well as having it on record the minutes were actually approved.

Mrs. Hetu stated when they make their motions they need to be as close to the criteria says in the zoning ordinance so they are in line with the application and there is no question as to if they approved it or not.

Mrs. Hetu stated sometimes someone starts making a motion and then a little side conversation starts. She asked they try to refrain from the conversations until the motion is made. She explained it is important she gets the exact wording of the motion.

Mrs. Hetu stated when they are meeting with another town official or employee they need to have the person go to the Chair ahead of time and ask for some of the Board's time. She explained this gives the Board a heads up and the Chair the opportunity to say if there isn't enough time for the night.

Mrs. Hetu stated she is not familiar with it but there are procedures with recessing versus tabling things so they will want to look things up.

PUBLIC HEARING FOR APPLICATION OF SPECIAL EXCEPTION FROM RSA 674:33, IV and RSA 676:7, AGRICULTURE (TAX MAP R-14, LOT 06-01) (cont).

The Chair called the public hearing back from recess.

Mr. Lavigne stated he spoke to his wife and they can change the location of the coop. The Chair asked if it would be the northwest side of the pool house. Mr. Lavigne stated it was fine and if it is an eyesore he could put a fence in too.

The Chair stated they are going to amend the proposal to be “looking to raise 6 to 10 chickens. To have a 4x6 coop so the family can have fresh eggs. Coop location to be on the northwest side of the pool house.” The Chair showed the Board members where on the map the coop would go.

Motion. Mrs. Rollins made a motion to approve the request by Donald Lavigne, at 268 Tilton Hill Road in Pittsfield, for 6 to 10 chickens with a coop and run on the northwest side of the pool house. Mr. Rokeach seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

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

Motion. Mrs. Rollins made a motion to accept the explanation on Criteria A that the coop will not be detrimental or offensive to the neighbor based on his agreement to move the coop and if necessary put up a fence. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Chair read Criteria B: the use will not diminish the value of the surrounding properties.

Motion. Mr. Palmer made a motion to accept Criteria B because he had very well maintained property and he cares for it very well. Mr. Boncer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Chair read Criteria C: Parking needs.

Motion. Mrs. Rollins made a motion to make Criteria C not applicable. Mr. Boncer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach –Yes; Mrs. Rollins– Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

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

Motion. Mr. Rokeach made a motion to accept Criteria D because he has the appropriate facilities and utilities including water and electric to include the coop, run, and location as part of the proper facilities. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach – Yes; Mrs. Rollins – Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Chair read Criteria E: use is in harmony with the general purpose and intent of the zoning ordinance.

Motion. Mr. Rokeach made a motion to accept Criteria E because it is in harmony with the purpose and use of the neighborhood already. Mr. Boncer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach – Yes; Mrs. Rollins – Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

Motion. Mr. Palmer made a motion there are no specific criteria listed in the zoning ordinances. Mr. Boncer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach – Yes; Mrs. Rollins – Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Chair informed Mr. Lavigne they will have a Notice of Decision out to them. He stated there is a 30 day appeal period.

Mrs. Rollins asked Mr. Lavigne if he has any plans for when the chickens are no longer laying. Mr. Lavigne stated he doesn't at this time.

Ms. White asked if it is going to cost an arm and a leg for Mr. Lavigne to do the electric can she come back and say it's okay in the other location. The Chair stated he could come back and ask to change it.

MEMBERS CONCERNS

The Chair stated he is going to try to pivot more to the surrounding neighbors with concerns. He stated in this particular case they are surrounded by farmers but one property up close to them.

Mr. Palmer expressed concern with the possibility his neighbor's dog going into the yard and killing the chickens. He asked about the fence because of the concern of the dog

getting to the chickens. The Chair stated it is her right to ask about it should she be concerned which she did.

Mrs. Rollins stated because she is rural zoned and she has the right to shoot a dog that comes on her property hurting her animals. She asked if it is the same in a suburban zone. Mr. Palmer stated they can't shoot anything which houses around it or Fish and Game will be after them for it. The Chair stated it is out of their purview.

Mr. Palmer asked if Mrs. Benjamin is done. The Chair stated he knows she was in school but he will reach out to her. He stated the other issue is the former Chair has a key so he needs to hunt them down.

Mr. Palmer asked the Chair has everyone's email. The Chair stated he has everyone's except Mrs. Benjamins.

Mrs. Rollins stated she really liked how Mr. Pritchard sent out the minutes electronically. She stated Mr. Pritchard is doing a great job. The Chair stated the electronic copy ahead gives them a chance to look at things ahead. Mrs. Hetu reminded the Board they cannot respond as a group or else it is considered a meeting. She stated if they go through the minutes ahead of time and notice corrections they can individually send them back to the Chair and the edits can be made before the next meeting. She stated they would be accepted as amended but it would save them time during the meeting.

Mr. Palmer stated he will not be able to go to the NH OEP Conference. Mrs. Rollins stated she has already signed up. Mr. Rokeach stated he signed up as well. Mr. Boncer stated he will be going too.

Mrs. Rollins asked if they are all set on the Rules and Procedures. The Chair stated the Rules and Procedures have been signed and adopted.

PUBLIC INPUT

N/A

ADJOURNMENT

Motion. Mr. Palmer made a motion to adjourn. Mr. Boncer seconded the Motion.

Mrs. Rollins asked if there was anything coming up for next month. The Chair stated they will schedule something as there may be something in the pipeline but they are not sure yet. He stated they will email everyone when the meeting is.

A Roll Call Vote was taken: Mr. Hetu – Yes; Mr. Boncer – Yes; Mr. Rokeach – Yes; Mrs. Rollins – Yes; and Mr. Palmer - Yes. The Chair declared the Motion passed.

The Vice Chairman adjourned the meeting at 7:49pm.

APPROVED: June 29, 2017

JAMES HETU, CHAIRMAN

DATE



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

NOTICE OF DECISION

YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING DECISIONS
WERE MADE BY THE PITTSFIELD ZONING BOARD OF
ADJUSTMENT AT THEIR REGULAR MEETING OF APRIL 13, 2017:

By a vote of five (5) in favor, none (0) opposed, and no (0) abstentions, the Board granted the request for a Special Exception from Pittsfield Zoning Ordinance from article 3, section 3, (b), (2) and (6); and Article 6 sections 2 and 3 Agriculture for Donald Lavigne, for a parcel located on 268 Tilton Hill Road (Tax Map R-14, Lot 06-01) The proposal is for 6 to 10 chickens with a coop and run on the northwest side of the pool house.

JAMES HETU

CHAIRMAN

For a full length copy of the Notice of Decisions, please view in the Town Hall.