



ZBA approved minutes of May 12, 2016
**ZONING BOARD OF ADJUSTMENT
TOWN OF PITTSFIELD
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263
MINUTES OF PUBLIC MEETING**

DATE: Thursday, May 12, 2016

ITEM 1. Call to Order at 7:05 P.M. by Jeffrey Swain, Chairman

ITEM 2. Roll Call

Members Present:

Jeffrey Swain, Chairman, John (Pat) Heffernan (PH), Vice-Chairman, James Hetu, Ammy Ramsey Recording Secretary.

Deidre Benjamin came into the meeting at 7:11 P.M.

Members Absent:

Paul Metcalf, Alternate

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ITEM 3. Approval of Minutes of April 14, 2016

James Hetu: I have some corrections on page 4, I would like the criteria listed, and Pat called the meeting to order.

Pat: I make a motion to accept the minutes from April 14, 2016 with corrections.

James: Seconded

Motion carries 3-1 Carole: abstains

ITEM 4. New Business

Jeffrey: Did the members receive the letter from the attorney?

James: I received the email but did not see the question that was presented. I only received his response.

Pat: You could probably get that from Cara.

James: Are we acting on this tonight? I do not see any facts on the email response.

Jeffrey: The question is if we appointed Carole Dodge correctly or not.

James: Was Pat's letter sent to the attorney? And no other information on this subject sent to the attorney? This is not answering what we did.

Pat: His response is that he thinks Mrs. Dodge can remain on the board until the next regular election as a voting member.

James: The attorney states his opinion, there is no law stated in his response. I would like to get this boards blessing.

POINT OF ORDER – Carole Dodge

Carole: There does not need to be any arguing amongst the board members. The board put me into this position above board.

James: I don't believe so, I was not present when that happened.

Carole: It was and then the question was presented to the attorney and he returned with his findings.

James: The facts of the case was not presented to the attorney only this letter. Would the board be ok with me speaking to the town's attorney with my legal findings that I brought to the Selectboard?

Pat: I would because I feel that with the findings of the LGC and the town's attorney this is a done deal. And I think we would be wasting money.

James: We have consulted with 2 different attorneys and they both have different opposite opinions. One stated law and the other states he thinks, feels and has an opinion.

Jeffrey: What are you proposing to do?

James: I would like to send an email to the town attorney with the attachments I received from the municipal association. To make sure his opinion is the same.

Deidre: So you are looking his justification? I think if this settles this argument.

James: If I can get this wrapped up in the next 2 weeks it should not interfere with anything.

James: I make a motion to go to the Selectboard to ask permission to clarify with the attorney his opinion.

Deidre: Seconded

Motion carries 3-2 Pat and Carole oppose

Carole: Jeff will have to go to the Selectboard with the request.

Jeffrey: We have 3 empty alternate seats that need to be filled. One of those will have to be appointed by the Selectboard because of a resignation. We have 2 letters of interest here. We can fill these 2 alternate positions if you are interested in being an alternate.

The two applicants were present and agreed to be alternate members of the board and agreed to speak with the board.

Scot Palmer: I have been a resident of Pittsfield for 11 years. I just want to be honest with people and would like to see how things work.

Jeffrey: Does anyone have any questions for Scot?

No response from the board.

James: I make a motion to appoint Scot Palmer as an alternate for the Zoning Board.

Pat: Seconded

Motion carries 5-0

Jeffrey: You will need to go into the town office and get sworn in.

Information was given about the abilities an alternate has and where to get the meeting information.

Scot: Ok thank you all very much and I look forward to working with you.

Noreen Rollins: I would like to say something first, nothing against you personally Carole or Pat. However I have found that the dealings this board has made with voting a person onto this board without any public notification after the town voted her out is disturbing. As a resident of Pittsfield I was insulted. With that said, I wish you would have done something different.

There was continued discussion about Noreen Rollins feelings and Pat responded with the reasons for the board's decision.

Noreen: I have worked for the state for 35 years and have experience working with RSA's. We moved here in 2012 to start our retirement farm. I did apply for this in good faith.

Pat: I make a motion to appoint Noreen Rollins as an alternate Zoning Board member.

Carole: I would like to know the relationship you have with Mr. Hetu, Mr. Swain, Mr. Pritchard and Mrs. Richardson?

Noreen: I do not have a relationship with any of them. I have met them attending other meetings in town.

James: Seconded

Motion carries 4-1 Carole: opposes

ITEM 5.

Member concerns

Jeffrey: If everyone can update their contact information please.

There was some discussion on Mr. Hitchcock and his denial to turn the in-law into a rental and Carole stated that he would have to wait a year to reapply again. Jesse explained the new law and how it pertains to our Zoning Ordinance.

ITEM 6.

Public input

Clayton Wood: When did this board vote to take the original question of the appointment of Carole to the town attorney? I couldn't find anything in the minutes.

Jeffrey: I am not sure of that.

Clayton: How did it get to the Selectboard without a vote from this board? You just made James jump through hoops. Do you think that's fair?

Jim Pritchard: Why does one of the alternate positions have to be filled by the Selectboard?

Jeffrey: Because one of the alternate members resigned. So that would be filled by an appointment from the Selectboard until the regular election.

Jim Pritchard: I would like to know why the applicant would have to wait for 1 year to re-apply.

Carole: That is how the statute reads.

Jim Pritchard: Which statute is that?

Carole: I don't have that in front of me.

Jim Pritchard: Would you kindly tell me at the next meeting? Because if the applicant fixes the items to make the property compliant before the year, you would be depriving him of some rights. I was also troubled by James Hetu's concerns of not having law stated in the response from the attorney. Would you be willing to read into the minutes the attorney's opinion? So the public can know

Pat: In response to Jim's question about the applicant's denial and having to wait one year to reapply, I feel would be a moot point because our ordinance it would not allow him to have a rental.

Jim: You are getting ahead of yourself.

Carole: Jim is head hunting after me

POINT OF ORDER Jim Pritchard

Jim: The applicant has a right to come back because he thinks there is a material change of circumstances. That would give him the right to come back according to Article 5 in the Zoning Ordinance.

Jim: I am still waiting to hear the attorney’s response read into the minutes. You have already started to read the response. I don’t believe the attorney client privilege would apply, the Selectboard asked the question and then they shared the response with you would void the attorney client privilege.

There was some discussion with the board members.

James: I make a motion to put the attorney’s response into the record

Pat: Seconded

Motion carries 5-0

Scot Palmer: The add put in the sun was only in for one week. Is that the way it is supposed to work?

Jeffrey: Yes because it is a weekly paper.

ITEM 7.

There was some discussion pertaining to the issue about apartments and the classification on the assessing cards and the number of units. It has been an ongoing issue and the boards need to communicate and agree on a solution. Discussion was also referring to which department and/or board issues come to and how to forward on information to the other departments and/or boards to ensure that everyone is aware of the status and information of properties.

Carole: I make a motion to adjourn

Pat: Seconded

Motion carries

APPROVED: June 23, 2016

JAMES HETU, CHAIRMAN,
for JEFFREY SWAIN, CHAIRMAN

DATE
on June 23, 2016