



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

MEETING MINUTES of Thursday, September 13, 2018

CALL TO ORDER

The Zoning Board of Adjustment Meeting for September 13, 2018 was called to order by Mr. Hetu 7:18p.m.

MEMBERS PRESENT

James Hetu
Scot Palmer
Brigham Bosen

EXCUSED

Pat Heffernan
Jason Rokeach

OTHERS PRESENT

Pittsfield Residents: Liz Smith, Mike McDonough Mark Murphy, Matt St. George, and Jeff Lewis.

Others Present: John Cronin

Other Public Officials:

Pittsfield Staff: Jim Pritchard, Zoning Secretary and Cyndi Hetu, Recording Secretary.

REVIEW AND APPROVE MINUTES

Motion. Mr. Bosen made a motion to accept August 23, 2018 minutes. Mr. Palmer seconded the Motion. There was no additional discussion.

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

MEMBERS CONCERNS

The Chair brought up the legal concerns after the last meeting. He explained at the last meeting there was a lot of discrepancies and not a lot of clarifications on the legal aspects of the case. He suggested going forward they could instruct Mr. Pritchard to give them a legal brief outlining the relevant case law before them.

Mr. Palmer asked if the decision from the last meeting is something they can rehear because of the laws they found out about. The Chair said the board can review its decisions. He explained they motion to rehear the decision from the last meeting. Mr. Palmer explained he looked into it once the decision was made and felt they should have looked into it a little better. The Chair had wanted more time to look at things at the last meeting. Mr. Bosen agreed.

Motion. Mr. Palmer made a motion to rehear the application for variance nonconforming lot tax map R-16, Lot 3-3 on Granite White Road a class six highway in the rural district. Mr. Bosen seconded the Motion. There was no additional discussion.

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

The Chair said he wanted a motion for directing Mr. Pritchard to provide a legal briefing. Mr. Palmer said it would be something helpful to them when an applicant comes in. The Chair explained when an applicant goes to Mr. Pritchard they get basic help from him to lay out their case and he wants the same opportunity for the Board members. He explained he discusses case law with Mr. Pritchard but the members often don't know what they are looking at until it comes before them.

Motion. Mr. Palmer made a motion to direct Mr. Pritchard to explore the option of providing the Board with a legal outline of each case without opinion or direction from Mr. Pritchard on each case. Mr. Bosen seconded the Motion. There was no additional discussion.

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

The Chair asked the members about seeking out alternates for the Board. He asked Mr. Pritchard about advertising in the Suncook Sun. Mr. Pritchard said he thought they discussed the Chair putting in an editorial. Mrs. Hetu informed the Chair that at the May 10, 2018 meeting the members discussed the need for filling open positions and that he was going to work on getting something in the Suncook Sun. The Chair will construct a letter for the Suncook Sun.

The Chair called a recess at 7:30pm.

The Chair called the meeting to order at 7:31pm.

The Chair informed the applicant Mr. Heffernan will not be able to attend tonight and asked if they still want to go forward. Mr. Cronin said he didn't think they could do so without a quorum. The Chair informed him the next meeting is September 27, 2018. He apologized to the applicant for the short notice and said he will work on a full board next time.

Motion. Mr. Palmer made a motion to continue the hearing to September 27, 2018. Mr. Bosen seconded the Motion. There was no additional discussion.

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

Mr. Cronin said he had three witnesses present to testify and hopes they will be available at the next meeting. The Chair welcomed them to speak during public input. Mr. Cronin asked them to come back for the next meeting so all the Board members can hear their testimonies.

PUBLIC INPUT

Mr. Pritchard apologized to the Board if he overacted at the last meeting. He thanked the Board for trying to find some way to getting them better prepared before a hearing. He explained the application was a difficult one. He thought of saying something to the applicant but the way things are set up now he can only say something if an applicant asks for his help and it was not the case with this application.

Mr. Pritchard is thinking of basing it on how Matt Monahan looks at things for the Planning Board. The Chair discussed the importance of having the arguments laid out for the Board much like a clerk does in a court case.

Mr. Palmer asked why those applying for a variance have other people defend the application. The Chair explained the property owner has to apply. Mr. Palmer said he heard several times that the owner wasn't applying for the variance someone else is. The Chair said they have the right to have someone speak on their behalf. He said that is why it is so important when they render their decisions they understand the case before them.

Mr. Palmer asked that if a variance is granted it continues on a property until the end of time unless the property is abandoned. The Chair responded that was correct. Mr. Pritchard explained it takes two years for the variance to be considered abandoned.

Mr. Bosen asked updated copy of the Zoning Ordinance. Mr. Pritchard will get an updated Zoning Ordinance to the Board members.

ADJOURNMENT

Motion. Mr. Palmer made a motion to adjourn. Mr. Bosen seconded the Motion. There was no additional discussion.

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

The Chair adjourned the meeting at 7:43pm.

APPROVED: September 27, 2018

JAMES HETU, CHAIRMAN

DATE