



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

MEETING MINUTES of Thursday, September 22, 2016

CALL TO ORDER

The Zoning Board of Adjustment Meeting for September 22, 2016 was called to order by the Chair at 7:00p.m.

MEMBERS PRESENT

Jeffrey Swain, Chairman
Pat Heffernan, Vice-Chairman
James Hetu
Scott Aubertin
Noreen Rollins, Alternate
Deidre Benjamin

EXCUSED

Carol Dodge
Scot Palmer

OTHERS PRESENT

Cyndi Hetu
John McDowell
Ellena McDowell

MINUTES

The Chair stated he had a correction of removing Mr. Pacheco from the attendance as he was not at the meeting.

Motion. Mr. Hetu made a motion to accept the minutes for September 8, 2016 as amended. Mr. Heffernan seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain – Yes; Mr. Heffernan – Yes; Mr. Hetu – Yes; Mr. Aubertin – Yes; and Mrs. Benjamin – Yes. The Chair declared the Motion passed.

**PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION OF
VARIANCE FROM RSA 674:33,1 (b) and RSA 676:7, MINIMUM SETBACKS AT
TAX MAP U-4, LOT 11**

The Chair read “The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33,1(b), and RSA 676:7 on an application for a variance from

Pittsfield Zoning Ordinance, article 3, section 4, (d) Minimum setbacks from street Boundaries and Interior Lot Lines, for minimum street setback. The time and place of the hearing is Thursday, September 22, 2016, 7:00PM, at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address is John McDowell, 36 Chestnut Street, Pittsfield, NH 03263. The proposal is for a deck 20 feet, 2.6 inches long by 7 feet deep, by 6 feet 6 inches high to be attached to the front of the house and to extend to 16 inches from the edge of the sidewalk, and stairs to be attached on the southerly end of the deck and to extend to 16 inches from the edge of the side walk at 36 Chestnut St, Tax Map U-4, lot 11. The application for a variance is on file for public inspection at the town hall, 85 Main Street, Pittsfield, NH."

Mr. McDowell explained they have cement stairs that need to be replaced. He stated they decided they wanted to put a deck on the front. He stated they want to do it along the profile of the house not to go out any further than what already exists. He stated they looked at replacing the concrete but it would be \$2,000 and this option is a lot less expensive. He stated the front of the yard is hard to use because it is so small.

Mr. McDowell explained the stairs go out towards the driveway and they would walk right up on the deck to the front of their house. He stated there are several porches in the neighborhood. He showed the Board a picture of another house on the street with a porch out front which is similar to what he wants to do.

Mr. McDowell stated they wanted to do something that would make the house more picturesque. He showed the Board a picture of the house and pointed out where the porch and stairs would go. He stated he tried to complete the application questions as best as he could but some of them seemed rather redundant.

The Chair read Criteria 1: granting the variance will not be contrary to the public interest. Mr. McDowell stated it will add value to the property and make use of the front yard which is unusable. He stated it will be a nice addition to his home and the neighborhood.

The Chair read Criteria 2: if the variance were granted, the spirit of the ordinance would be observed. Mr. McDowell stated it would improve the house and the neighborhood.

The Chair read Criteria 3: granting the variance would do substantial justice. Mr. McDowell stated they are trying to do the best thing for their home and the neighborhood.

The Chair read Criteria 4: if the variance were granted, the values of the surrounding properties would not be diminished. Mr. McDowell stated there is very little going on in the neighborhood and many people don't take care of the area. He stated many others will see what he is doing and do the same.

The Chair read Criteria 5Ai: Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary

hardship. Mr. McDowell stated the cost of the stoop to the cost of the deck is much more. He stated this will add beauty and value to the house.

The Chair read Criteria 5Aii: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property. Mr. McDowell stated where the deck would go is within the structures which are already there. He stated the idea is the make sure he stays at the stair line so the plowing wouldn't interfere.

The Chair read Criteria 5Aiii: the proposed use is a reasonable one. Mr. McDowell stated it would benefit the house and the town. He stated they like to sit outside and enjoy their neighbors. He stated they like to decorate their house for Halloween.

The Chair read Criteria 5B: Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a Variance is therefore necessary to enable a reasonable use for it. Mr. McDowell stated the front section of the yard is hard to keep up. He stated if he doesn't get the variance he has to change the profile of the front yard somehow. He stated he thought this was the easiest way to alleviate two problems at the same time.

The Chair asked which alternate member wanted to vote since they didn't have all five members tonight. Mrs. Benjamin stated she would vote tonight.

Mrs. Rollins asked what he was nine feet back from. Mr. McDowell explained he is nine feet back from the curb. He stated the deck is 16 inches back from the sidewalk. He stated the stairs currently in place are abutted to the sidewalk.

Mrs. Rollins asked how this would affect the sidewalk plows. Mr. McDowell stated they plow off into the street and put it into the park. He stated his neighbors have bushes so the snow can't get plowed in which is why they plow into the park.

Mrs. Rollins asked in the event something happens and the town hits the deck does he except the town to pay for it. Mr. McDowell stated absolutely not; it was not his goal to cause problems with the town. He stated he has never had a problem with the town, especially the plowing.

Mr. Aubertin asked if they know where the actual property line is. Mr. McDowell stated they do. He stated he walked the Building Inspector over to it and it is marked off. He stated it is 16 inches from the sidewalk. He stated the cornerstone is up against the sidewalk.

Mr. Aubertin stated he can see why Mr. McDowell wants the deck but he is still concerned about the close proximity to the sidewalk. Mr. McDowell stated it would be 16 inches away from the sidewalk. He stated his neighbor's stair is right now the sidewalk

and his stair abuts up to the sidewalk. Mr. Aubertin asked if they would have a roof on it. Mr. McDowell stated there would not be a roof and it is not even attached to the house.

Mr. Hetu stated he drove by and there are no sight line issues.

The Chair opened the hearing up to the public. There was no comment from the public.

The Chair closed the hearing to the public.

Mr. Aubertin asked if they have an opinion from Mr. Bachelor. Mr. Heffernan stated he spoke to Mr. Bachelor this morning and he wasn't too excited about it. He stated Mr. Bachelor's thinking is there is not going to be a lot of room to put sidewalks in if there are curbs. He stated Mr. Bachelor is afraid of the plow hitting and putting the town at risk. He stated there is nothing says the next owner isn't going to come after the town if it hits the house. Mr. McDowell stated he is 16 inches back from existing stone structure which has been there since the 1800s. Mr. Heffernan is not in favor of the variance at all.

Mr. Aubertin stated right now they would have to watch out for about four feet and if this goes through they would have to worry about 20 feet. Mr. Heffernan stated there may not be a problem with Mr. McDowell but there is no knowing if there will be an issue with the next owner.

Mr. Hetu asked if there is a reason for the seven feet. Mr. McDowell stated it is the area he came up with. He stated part of it was for the stairs and being able to open the front door.

Mr. Hetu suggested shrinking it 12 inches and see if it addresses the concerns the Board has. Mr. McDowell stated if that was the case then he would be within the setback and wouldn't have to come before the Board. Mrs. Benjamin stated the setback is 10 feet on all sides. Mr. Hetu suggested if the deck is dropped back to six feet there would be about five and a half usable feet. He asked the Board members if that addresses the concerns. Mr. Aubertin stated he would be fine but he wants to know where Mr. Bachelor would be on it.

Mr. Heffernan suggested setting this off until the next meeting to find out what Mr. Bachelor thinks about it. Mr. McDowell stated he is taking time off to come to the meeting. He asked if he has to be present if it is just to get an answer from Mr. Bachelor. Mr. Hetu stated he doesn't have to be present; he was trying to come up with another solution to run by Mr. Bachelor. Mr. Aubertin asked Mr. McDowell if the six feet is adequate for him. Mr. McDowell stated it would be adequate.

Mr. Heffernan asked Mr. McDowell what the minimum he would be willing to go back. Mr. McDowell stated it would be the six feet. He stated he would want to be able to open the door and have room for rocking chairs.

Mrs. Rollins asked Mr. Heffernan if he spoke to Mr. Bachelor today. Mr. Heffernan stated yes, this morning. Mrs. Rollins asked if his concern was not only hitting the deck but also what will happen with the snow removal. Mr. Heffernan stated it was part of it but his major concern was if they put curbs in there they will not be able to do it and keep the sidewalk away from his place to keep the snow plow from hitting it. There was further discussion of the placement of the deck and other homes in the area with similar decks.

Mr. Hetu suggested they have a board member, Mr. Bachelor and the applicant meet to discuss options. Mr. Aubertin stated they could get a letter from Mr. Bachelor with his thoughts on it.

The Board determined to talk to Mr. Bachelor and make a decision at the next meeting, October 13, 2016. The Board will let Mr. McDowell what Mr. Bachelor says about this when they receive a response.

MEMBERS CONCERNS

Mrs. Benjamin stated she has another meeting on October 13, 2016 so she won't be present.

The Chair asked what they want to do with the minutes taker. Mrs. Hetu explained she had resigned from the town however she did tell Ms. Marston she could do ZBA if they wanted to her. The Chair explained he saw the resignation this morning and he had not informed him Mrs. Hetu was resigning from the Select Board and could still do theirs because they don't meet for several hours. Mrs. Hetu suggested they take a vote either way so the Select Board knows what is going on.

Mr. Heffernan asked if anyone put money in next year's budget. The Chair stated not that he knows of. Mr. Hetu stated they keep holding the budget at the same as the prior year. Mrs. Hetu stated the fact the ZBA voted to not have a minutes taker present will save them money. She stated there was money in the budget from last year and if they keep it the same there will be money. Mr. Heffernan stated that is fine but they have to get some money together to propose to the Budget Committee so they can have Mr. Pacheco do some work.

Mrs. Hetu asked how many meetings they have each month. Mr. Hetu stated they have one or two per month. He stated his figures were off of two meetings a month. He stated they would have about \$2,000 they could throw at Mr. Pacheco. Mr. Heffernan wants to make sure they have money in the budget should they want to do some training. He suggested they look at that and see what the Budget Committee is going to do.

Mr. Aubertin stated it depends on what is going on as far as how many meetings. He asked what they spent last year on it. Mr. Hetu stated the Budget Committee cut down the Land Use budget because of Mr. Pritchard taking over the minutes for Planning Board at no cost. He stated if they don't use their money Mr. Heffernan's concern is valid. He

stated there are two separate things: one vote in someone for the minutes taker and then have a meeting with the Budget Committee over Mr. Pacheco's time. He stated they also need to talk to the Budget Committee about a secretary for the Land Use boards.

The Board agreed to determine what they need for money and go to the Budget Committee with the numbers.

Mr. Hetu suggested they make a motion for who the recording secretary would be. Mr. Heffernan stated he would like to know if Mrs. Ramsey is interested or not. Mrs. Hetu suggested they have to things; first who is doing the minutes in the long-term and then who would be doing them in the interim.

Motion. Mr. Heffernan made a motion to have Mrs. Hetu do the minutes until they determine who is going to do it in the long-term. Mrs. Benjamin seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain– Yes;Mr. Heffernan – Yes; Mr. Hetu – Abstained; Mr. Aubertin –Yes; andMrs. Benjamin- Yes. The Chair declared the Motion passed.

Mr. Heffernan asked what they have for money in their budget right now. The Chair stated he thought it was in the low \$4,000s. Mr. Hetu stated the Budget Committee combined the ZBA with the Planning Board last year. Mr. Heffernan doesn't think the boards should be combined. Mr. Hetu stated the Board Secretary line budget for 2015 was \$4,490. He stated it doesn't include FICA, Medicare, postage, or any training. He stated he calculated the minutes taker would be \$1,500 and the rest of the line they could use for the Building Inspector. He stated Planning Board doesn't pay a secretary.

The Chair stated they don't know how much time Mr. Pacheco is going to need. He doesn't think it will be a lot now that they amended their procedures to have an administrative assistant. Mr. Hetu asked if they will take the money for the assistant out of the ZBA budget because it will come out of the \$2,000 they were saving. He stated last year they were at \$8,200 total budget for ZBA and Planning Board together.

Mr. Hetu stated they pay a lot for advertising in the newspaper. The Chair stated for the ZBA, it is all paid by the applicant. He stated other than the secretary and training there really isn't anything else. He stated they are probably pulling things over such as paper and supplies. Mrs. Benjamin asked if the money from applications allocated within the general fund they created for the two boards. The Chair stated it is something they should find out. He stated he knows the charge is not always the same for each application.

Mr. Hetu asked what the contracted services for Central Regional Planning Commission were for. Mr. Heffernan stated it would be the Master Plan and subdivision applications. He suggested they ask Ms. Marston about having the two boards separated. Mr. Aubertin asked if under the State rules they are under the Planning Board. Mr. Hetu stated they are

