



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

MEETING MINUTES OF Thursday July 25, 2019

CALL TO ORDER

Call to order at 6:03 P.M. by Larry Konopka

MEMBERS PRESENT

Larry Konopka Chairman
Scot Palmer
Pat Heffernan
Scott Aubertin
Carole Dodge - Alternate
Scott Jackson - Alternate
Mike Cabral - Alternate

MEMBERS ABSENT

George Bachelder
Mitch Emerson - Alternate

Larry Konopka asked if the board was ok with Carole Dodge stepping forward as a voting member, and the board agreed.

MINUTES

a. July 11, 2019

Mike Cabral inquired with the board about being a voting member for the minutes since he was a voting member at the last meeting, the board agreed and Pat Heffernan stepped down for the discussion and voting of the minutes.

Mike Cabral inquired about the voting results of the documents that were voted on and Ammy Ramsey stated she believes she went by the recording but will go back and check.

Mike Cabral: I make a motion to approve the July 11, 2019 minutes as written.

Scot Palmer: Second.

Discussion: None.

Motion carries 4-0

Mike Cabral stepped down and Pat Heffernan stepped forward.

NEW BUSINESS

a. Public Hearings

1. Application for a Variance – waive side dimensional setback, 111 Fairview Drive
Larry Konopka read the Notice of Public Hearing as follows:

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33, I, (a), (2). And RSA 676:7 on an application for a variance from Pittsfield Zoning Ordinance, Article 3, Section 4, (d) Minimum Setbacks in the Suburban (W & S) Zoning District.

The time and place of the hearing is Thursday, July 25, 2019, 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address is Bruce Tibbetts, 111 Fairview Drive, Pittsfield NH 03263.

The proposal is to waive the dimensional setback requirement of 25' for the purpose of locating a 10' by 20' shed at 3' from the side property line (stone wall) in the Suburban (W & S) Zoning District. Subject property is Tax Map R22 Lot 28, 111 Fairview Drive, owned by Bruce and Candi Tibbetts.

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

Carole Dodge: I make a motion to open the application for discussion.

Scot Palmer: Second.

Discussion: None.

Motion carries 5-0

Larry Konopka invited Bruce Tibbetts to come up to go through the application.

Larry Konopka asked Bruce Tibbetts to explain the purpose of the variance, Bruce Tibbetts stated that he is requesting a waiver of the dimensional setback requirement of 25' for the purpose of locating a 10' by 20' shed at 3' from the side of the property line (stone wall) because if they went by the 25' setback that would put the shed in the middle of the property.

Larry Konopka stated they would now go through the criteria as follows:

Question 1. Granting the variance would not be contrary to the public interest because:

Bruce Tibbetts answered; the placement of the shed will not alter the essential character of the neighborhood, will not overcrowd the parcel, or threaten the public health, safety, or welfare.

Question 2. If the variance were granted, the spirit of the ordinance would be observed because:

Bruce Tibbetts answered; the character of the suburban neighborhood will be enhanced with a new accessory structure.

Question 3. Granting the variance would do substantial justice because:

Bruce Tibbetts answered; the desired placement of the shed will not cause harm to the general public and will allow the property owner to add to the assessed value of the property in a manner that looks nice.

Question 4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Bruce Tibbetts answered; the shed is a new structure, of solid construction, that adds value to the parcel. The shed's appearance is aesthetically in accordance with the suburban neighborhood. The landowner abutting the setback line in request is ok with the placement of the shed. Carole Dodge inquired with Bruce Tibbetts if he received a letter or anything from the neighbor, and Bruce Tibbetts stated no but could if needed.

Question 5. Unnecessary Hardship:

Bruce Tibbetts answered; with the layout of the existing structures on the parcel, the dimensional setback requirements do not allow for the ideal placement for the shed.

The board looked at some pictures of the shed.

Larry Konopka opened the public hearing to the public input.

There was no public input.

Larry Konopka closed public input.

Larry Konopka asked the board if they would like to go through the criteria.

Carole Dodge: I make a motion to not go through the criteria.

Pat Heffernan: Second.

Discussion: None.

Motion carries 5-0

Larry Konopka inquired if the board would like to proceed with a motion.

Carole Dodge: I make a motion to grant the variance as requested to waive the requirement of the conventional setbacks.

Pat Heffernan: Second.

Discussion: Larry inquired with Carole to include the name and address. Carole Dodge stated yes and stated that the applicants name is Bruce Tibbetts at, 111 Fairview Drive Pittsfield NH, Tax Map R22 Lot 28. The waiver is for the setback dimensional from 25' to 3'. Larry Konopka stated that the board agrees it meets the spirit of the ordinance.

Motion carries 5-0

Larry Konopka informed Bruce Tibbetts that there is a 30-appeal process.

Larry Konopka took a few minutes to explain to Carole Dodge and Pat Heffernan the reason for the board to go through the criteria before voting. Larry Konopka also stated at the last board meeting the board took time to approve the use of the Public Hearing Format.

2. Application for a Variance – addition to nonconforming structure, 280 Dowboro Road

Larry Konopka stated that he has purchased animals from the applicant and inquired with the board to see if they are ok with him staying as a voting member, the board was fine with that. Pat Heffernan stated he has done some electrical work for them as well, and the board agreed that Pat Heffernan was ok to stay as a voting member.

Larry Konopka read the Notice of Public Hearing as follows:

The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33, I, (a), (2). And RSA 674:33, I, (b), and RSA 676:7 on an application for a variance from Pittsfield Zoning Ordinance, 4, section 3, (c)(2)(B) Nonconforming Uses and Lots in the Rural Zoning District.

The time and place of the hearing is Thursday, July 25, 2019, 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address is Connie Pierce and Mike White, 280 Dowboro Road, Pittsfield NH 03263.

The proposal is to allow an approximately 1,000 sf addition to an existing nonconforming 2-family residence, in the Rural Zoning District. Subject property Tax Map R49-3, 280 Dowboro Road.

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

Carole Dodge: I make a motion to open the application for discussion.

Scot Palmer: Second.

Discussion: None.

Motion carries 5-0

Larry Konopka stated the Zoning Administrator's determination is that the proposed addition would also be non-conforming, and a 1000 sf. Expansion is "substantial." The proposal violates article 4, non-conforming uses & lots, section 3, (c)(2)(b), a variance would be required by the ZBA.

Larry Konopka inquired with the board if they are ok with that and they stated yes.

Larry Konopka asked if the applicants could introduce themselves and explain why they would like a variance.

Mike white introduced herself as the owner of the property, and her friend Connie Pierce. Mike White stated that they are here for the variance because they would like Connie Pierce to move in and help as they are getting older. Mike White explained that the problem with the rooms upstairs is that you can only stand up in the middle of the room and they would like to make the place more comfortable as a living space.

Cynthia Theriault introduced herself and explained that she has helped them design the space and with the variance paperwork. Cynthia Theriault also presented the board with a photo as well.

Larry Konopka stated they received their letter as well and asked her to explain it a little bit. Cynthia Theriault stated they are requesting a variance from section 3, (c)(2)(b) to build an addition to provide one-story living on the front unit of this two-family home, and explained what that will include.

Cynthia Theriault read through the conditions as follows:

- A. The variance will not be contrary to the public interest.

Cynthia Theriault answered; This is a private residence on private property. The expansion is for residential purposes and will not affect the safety or welfare of the public. The applicant and owner have considered creating a new lot from the existing 18-acre lot, however, prefer to build an addition on the existing building. The preference is to keep the parcel of land in its traditional use.

- B. The spirit of the ordinance is observed.

Cynthia Theriault answered; The proposed expansion is designed to blend in with the existing building.

C. Substantial justice is done.

Cynthia Theriault answered; The proposed use is consistent with the historic use of the property.

D. The values of surrounding properties are not diminished.

The values of the abutting properties will not be diminished. Improvements to the property could potentially increase the value of the surrounding properties. This addition is designed to preserve the open space and rural character of the property and Dowboro Road. Cynthia also explained that there is a buffer currently in the right-of-way and a large pine tree will be taken down but replaced.

E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(1) Cynthia Theriault answered; The property is an existing non-conforming use and the expansion will be designed to maintain the aesthetic character of the existing farmhouse and surrounding property. No change in use is proposed as a result of this expansion. The lot is 18-acres in size and therefore the approximate 1,000 sf addition will not render the premises proportionally less adequate.

(2) The proposed is to have a first-floor master suite and shared laundry. It also includes a dining area and living room. Currently, the bedroom is on the attic floor of the front unit and a small corner of the kitchen is used for dining. There is no existing space in either unit for laundry, the expansion proposes to remedy that with a shared laundry room, accessible from each unit.

Larry Konopka inquired about the buffer and Cynthia Theriault explained what will stay and what will be removed.

Scott Aubertin inquired about the addition being closer to the road, and there was some discussion pertaining to the change. It was stated that currently the home is 19'3" from the road and with the addition it will be 15'7".

Scott Palmer inquired if the addition will look like the existing structure and Cynthia Theriault stated yes.

Scott Aubertin inquired if that section of the road is a state road, and Scott Jackson stated it is. Scott Aubertin asked Larry Konopka if they are able to give a variance on a state road, Larry Konopka stated he spoke with George Bachelder and he stated that they can move forward because the state usually does not get involved. Scott Aubertin stated that he has heard of some people having a hard time with putting up a fence and just wanted to make sure this is something they can do. There was some discussion pertaining to this subject and it was decided to move forward.

Larry Konopka opened the meeting for public input.

Adam Gauthier inquired if the state was noticed. Larry Konopka stated he does not see them on the abutters list. Larry Konopka went and checked with Bonnie Theriault and stated she did not talk with the state because she has talked with them in the past and they would only like to be notified when it involves the road. The board discussed the situation and decided to move forward.

Larry Konopka closed public input.

Larry Konopka inquired with the board about going through the criteria.

Carole Dodge stated she would like to address the non-conformity because the house is pre existing and the addition is not and that would cut into the set back. Carole Dodge suggested stating the cut into the set back to make it clear that they understood that they knew construction was going to impact the set back more than the pre existing structure.

Larry Konopka went through the criteria guidelines as follows:

1. The variance is not contrary to the public interest.
Carole Dodge commented that she feels they covered everything well.
2. The spirit of the ordinance is observed.
Larry Konopka stated yes it would be observed because it would be consistent with the surrounding properties. Larry Konopka presented pictures of the surrounding properties.
3. Substantial justice is done.
Larry Konopka stated that there would be no harm to the general public. There was some discussion pertaining to the addition looking the same and the advantage of the reason for the addition is to help the property owners.

Larry Konopka inquired with the board if they wanted to move forward with the motion. Scot Palmer inquired if he had a motion ready, and Larry Konopka stated yes and he can read it and then Carole Dodge can add to the motion concerning the footage and the setbacks. Larry Konopka read his portion of the motion as follows:

Motion to approve the variance request submitted by Connie Pierce and Mike White at 280 Dowboro Road Tax Map R49 Lot 3 for Section 3, (C)(2)(B) for non-conforming uses lot in a rural zone. The board agrees that the spirit of the ordinance would be observed as described in the application submitted. Carole Dodge added the non-conformity comes from the front set back and that the original house is grandfathered and that is non-conforming and the new addition does fall into the non-conformity and the front set back needs to be released at 15'7".

Carole Dodge: I make that motion.

Scot Palmer: Second.

Discussion: None.

Motion carries 5-0

Larry Konopka informed the applicant that there is a 30-day appeal process.

Larry Konopka also called for a motion to return \$18.75 to the property owner Mike White because the overpaid.

Carole Dodge: So moved.

Scot Palmer: Second.

Discussion: None.

Motion carries 5-0

b. Process for Minutes review

The board had a discussion about reviewing the minutes when they are prepared. The board thought it was a good idea to direct the draft minutes to the chair as well as the TA. Which would allow the chair to forward to board members.

OLD BUSINESS

None.

ZONING ADMINISTRATOR'S REPORT

None.

MEMBERS CONCERNS

Carole Dodge expressed her concern about that last one they had with the setbacks being missed. Carole Dodge suggested having a meeting with Carl Anderson to discuss the concern she has. Scott Aubertin inquired about what was missed. Carole Dodge stated that if they had never mentioned the setbacks the board could have missed it and only went by a non-conforming lot. There was some discussion pertaining to the wording that was presented.

Larry Konopka informed Ammy that she is doing a great job and that was not what he was referring to that his concern was with the posting and understands that is not her responsibility. Ammy Ramsey stated that she will do what is asked of her. There was some further discussion pertaining to making changes to the minutes. Larry Konopka stated that everyone makes mistakes and he just doesn't want to have something put on the board with a motion that states it was granted when it wasn't and if it is sent to him to look over so that can be prevented.

Larry Konopka inquired with the board if they have any questions or would like to make any changes to the Public Hearing Format or the Introduction Rules of Procedure. Pat Heffernan stated he would catch up with him. Carole Dodge stated she thought when he inquired about going through the criteria, he was asking the board if they wanted to or not because that is what they used to do. Larry Konopka explained the reason he would like to go by the Public Hearing Format.

PUBLIC INPUT

Adam Gauthier inquired about the Public Hearing Format that he had and Larry Konopka stated he did not have the updated form before the corrections.

Carole Dodge: I make a motion to adjourn.

Scott Aubertin: Second.

Discussion: None.

Motion carries 5-0

Approved:

 11/14/19