



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

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**MEETING MINUTES of Thursday, July 14, 2016**

**CALL TO ORDER**

The Zoning Board of Adjustment Meeting for July 14, 2016 was called to order by the Chair at 7:05p.m.

**MEMBERS PRESENT**

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

**PUBLIC OFFICIALS**

Gerard LeDuc, Selectman  
Cyndi Hetu, Minutes Clerk

**OTHERS PRESENT**

Jim Pritchard

**MINUTES**

Mr. Hetu suggested in the future they use last names. He mentioned Karen Greenwood had a representative however it is not mentioned in the minutes. He suggested they change page 8 paragraph four and the second to last one from "precedence" to "presidents".

Mr. Hetu asked that they add to the first paragraph, of page 9, where the Chair explained why they were granting was because owner owned both lots.

Mr. Hetu asked that they shorten the large section in the back of the minutes.

Mrs. Rollins asked if on page 2 where it says Geraldine Healy was seated at table with representative and if that representative was mentioned in the application. The Chair stated it was a nephew.

Ms. Benjamin stated in application they have to list specific persons who are going to speak on their behalf so it should be in the minutes. Mr. Aubertin stated it was with the application that Randy Greenwood would be a representative.

Mr. Heffernan doesn't think they should change to last names on the minutes. Mr. Hetu stated the Board of Selectmen and other boards do it.

Motion. Mr. Heffernan made a motion to accept the minutes for June 23, 2016 with the corrections. Mr. Hetu 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 Ms. Dodge- Abstained. The Chair declared the Motion passed.

**PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION OF ACCESSORY APARTMENT AT 61 EATON ROAD, TAX MAP R17, LOT 07-04.**

The Chair read “The Pittsfield Zoning Board of Adjustment will hold a Public Hearing pursuant to RSA 674:33,IV, and RSA 676:7 on an application for a special exception for an accessory apartment according to Pittsfield Zoning Ordinance article 3, section 3, (b), (2) and (6); article 6, sections 2 and 3; and article 2, section 3, ACCESSORY APARTMENT. The time and place of the hearing is Thursday, July 14, 2016 at 7:00pm at Pittsfield Town Hall, 85 Main Street, Pittsfield, New Hampshire 03263.

The applicant name and address is Steven Marquis, 61 Eaton Road, Pittsfield, NH 03263. The proposal is for a 24 foot by 38 foot accessory apartment above a 3 stall garage at 61 Eaton Rd, tax map R17, lot 07-04. The application for a special exception is on file for public inspection at the town hall, 85 Main St, Pittsfield, NH 03263.”

Mr. Aubertin recused himself as he has done work for Mr. Marquis. Mr. Palmer will fill in for Mr. Aubertin on this item.

Mr. Marquis explained they are adding to the backside of the house and it will be parallel to it. He stated they will be able to pipe the plumbing through to connect with the kitchen plumbing. He stated it will be a 3 cell garage, a kitchen, 2 bedrooms, bathroom, and an office and storage area for his parents. He stated his dad has stage 4 cancer and is forced to sell their house. He stated it will get his dad closer to him and be helpful to his autistic son.

Mr. Palmer asked where the accessory apartment would be. Mr. Hetu stated the second last page shows the house and the accessory apartment.

The Chair stated they need to go through criteria.

The Chair read Criteria A “The specific site is an appropriate location for the proposed use or structure.” Mr. Marquis stated will not detrimental to the neighborhood. He

explained Mr. Aubertin put a seven bedroom septic system in place and it has been approved. He doesn't think it will hurt the neighborhood

The Chair read Criteria B. "The proposal will not be detrimental, injurious, obnoxious, or offensive to the neighborhood." Mr. Marquis stated it will not hurt neighborhood; will be ecstatically pleasing.

The Chair read Criteria C. "There will be no undo nuisance or serious hazard to pedestrian or vehicular traffic including the location and design of access ways and off-street parking. Mr. Marquis driveway is very long and has plenty of parking. He stated there will be a three stall garage. He set it back so it will not be in the way of the existing stall.

The Chair read Criteria D. "Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure." Mr. Marquis stated they have 8 gal +/-min in the well. He stated they were advised by plumber to install a second furnace. He stated the plumbing will be under the bathroom so there will be a 9 x 18 utility room.

The Chair read Criteria E. "The proposed use or structure is consistent with the spirit of the Town's zoning ordinance and the intent of the Town's master plan." Mr. Marquis stated they have no intention of ever renting it; he has no use for tenants. He stated he would be happy to have something which says it's only an accessory apartment.

The Chair asked the Board if there were any questions.

Mr. Heffernan asked if the sidelines and setbacks squared away. Mr. Marquis explained they set the house towards the left side of the lot so it is within those setbacks and has the entire area in the back to work with. Mr. Heffernan asked if there were any problems with the neighbors. Mr. Marquis stated not that he knows of.

The Chair expressed concern and asked where they are going to go between the two of them. Marquis explained there is an eight foot deck where they would go out the kitchen door, onto the deck, and into the accessory apartment.

Mr. Hetu expressed concern with rather it is an accessory apartment or not because there is no direct connection between the two. He stated he wants to protect the town further on down the road. He stated they are essentially approving two houses within this lot. Mr. Heffernan stated they are within their purview to do so, application says they will not rent it, and if he does it is Housing Standards issue. Ms. Dodge stated on all of the previous in-law apartments they have always put in place a yearly check to make sure it is being used for family or a guest house.

The Chair expressed concern as to rather 11 feet is considered a common wall without a door to connect the two. He stated Mr. Pacheco had some concern with this as well. Mr. Hetu stated it is not satisfying the definition of an accessory apartment but rather a

duplex. The Chair stated the last one they did they required a walk through and he would want to do one for this. Mr. Marquis it would be possible but he would have to put a hallway in there and take out some of his kitchen cabinets. He stated he would have to be creative with the electrical wiring.

Mr. Marquis showed Mr. Heffernan what he would have to do to connect the two. Mr. Heffernan suggested building a mud room to connect the two. Mr. Hetu stated it gets them closer to the definition of the accessory apartment so then it would just be the size of the apartment. Mr. Marquis stated it would be a 26 by 34 foot cape which has 24 by 38 foot accessory apartment.

Ms. Dodge asked if the apartment will be above the garage. Mr. Marquis stated yes it will be above the garage. Ms. Dodge stated the floor above the garage will be the accessory apartment; living space is smaller.

Mr. Heffernan said he can make the mud room any size they want. Mr. Marquis stated the stairway will come off the front and will be going into a banking.

Mr. Hetu asked why they can't call it an addition rather than an accessory apartment. He explained his concern is a law coming into play in a year which restricts them from limiting the accessory apartment. He stated once house is sold it has apartment which can be rented. Ms. Dodge stated it will still be single family with accessory; however, the problem is if they put an addition and another house they are looking at a taxable duplex. She stated it depends on the motion in the end and how it goes on the deed.

Mr. Hetu asked if they can make a motion which stipulates if the new law goes into effect the matter would have to be reheard by the Board. She stated you are looking ahead to something where they don't know exactly what is going on down the road; they have to deal with what they have now. She stated they can't go back and revisit them.

The Chair opened to public.

Mr. Clattenburg stated he doesn't think putting a clause in that they can't rent it will help him because they also have handicap children whom has moved into a dwelling next to Marquis and pays rent. He stated it is hard to find a place to put a handicap child in this place. He stated in the future Mr. Marquis may want to put the child in it. Mr. Aubertin stated it wouldn't be a problem because it would still be an accessory apartment.

Mr. Clattenburg stated she has no problem with anything Mr. Marquis is proposing; it is his property and he needs to do what he needs to do. She stated she is in favor of him moving in parents to help with his son. She stated she is in full support of Mr. Marquis doing whatever he needs to do to support his family.

Mr. Pritchard explained the Zoning Ordinance says accessory apartment has to have a common wall with main building. He stated there was a comment about the size and there is a case which if accessory is bigger than the main building than it is not an accessory

apartment. He stated new law doesn't say anything as far as renting but does say intent is to increase affordability of home. He stated it won't prohibit municipality from renting.

The Chair closed the hearing to the public.

Mr. Heffernan stated put the mud room in there it will be the way to go. Mr. Marquis asked if an 8 by 8 would be good enough. Mr. Hetu stated they were looking for interior access between the two buildings.

Motion. Mr. Hetu made a motion to approve special expectation of the accessory apartment with the common access entry adjustment. 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. Palmer - Yes; and Ms. Dodge- Yes. The Chair declared the Motion passed.

The Chair informed Mr. Marquis of 30 day appeal process. Mr. Marquis asked if they have to wait 30 days to get the permits. Mr. Hetu explained they don't have to wait but someone can start appeals process within 30 days.

## **MEMBERS CONCERNS**

The Chair stated Mr. Pacheco couldn't make it tonight. He stated Mr. Pacheco, Mrs. Ramsey, and Mr. Hetu hadn't gotten together yet. Mr. Hetu stated he had spoken to Mr. Pacheco and Mrs. Ramsey at separate times. He explained Mr. Pacheco had not seen the application that was before them tonight and a Selectman had made the determination.

Mr. Hetu presented a chart of the current process and a proposed process. He explained current process of when an applicant comes in. He stated proposed change shows Mrs. Ramsey makes application determinations. He thinks proposed application takes Mr. Pacheco out of it and not sure they are working together. Mr. Heffernan stated Mr. Pacheco needs to stay in the loop and not go directly through Mrs. Ramsey.

The Chair stated he spoke to Mr. Pacheco and he knew nothing about this application. Mr. Heffernan stated Mr. Pacheco needs to be in the loop.

Mr. Aubertin asked if there is a set criteria which says if they need the paperwork for a variance or special exception. Mr. Hetu said Mr. Pacheco's main concern is he checks history to see if previous determinations have been made on the property which Mrs. Ramsey doesn't have access to. He stated this prevents Mr. Pacheco from issuing permits without knowing things. Mr. Heffernan stated Ms. Fritz used to field a lot of this stuff and now that she is gone this has come to light.

Mr. Aubertin asked if this is the issue that Mrs. Ramsey wanted to help. Ms. Dodge stated that is where the Rules & Procedure come in. She stated they get those changed the way

they need to be and have the Building Inspector look at the final application before it comes before the ZBA.

Mr. Aubertin stated they should have the applicant fill it out and then Mr. Pacheco can review it before going to ZBA. Mr. Hetu stated real issue is Mr. Pacheco doesn't have secretarial support. Mr. Heffernan agreed with Mr. Hetu. Mr. Hetu stated Mr. Pacheco as administrator is supposed to do it. Ms. Dodge stated Rules & Procedures need to be changed around. She stated Ms. Fritz did all the administrator tasks and Mr. Pacheco saw the final application. Mr. Aubertin asked who is on the hook. Mr. Hetu stated it has to be Mr. Pacheco's responsibility the whole way through.

Mr. Hetu stated he went through the budget and if they were tighter on the board secretary they could put some funds to Mr. Pacheco doing more of these things. Mr. Aubertin asked how many hours go into the applications. The Chair stated it depends on the application as they are unique. He stated Mr. Pacheco said it is time consuming.

Mr. Hetu stated he did some number crunching and assuming they have two meetings a month at two hours they could cover minutes for \$1,400 and their current budget for board secretary is \$4,500. He said if they move some money over to Jesse they could have 2 hours more a week. Mr. Heffernan asked why pay anyone at all if Mrs. Ramsey can do it at no cost to them. Ms. Dodge stated Mr. Hetu is saying having a recorder and then have Mr. Pacheco do everything else. Mr. Hetu stated it seems to streamline everything and keep it all in one place.

Mr. Palmer asked why BOS is cutting Mr. Pacheco hours at all. The Board asked Mr. LeDuc if he had an answer for that. Mr. LeDuc stated they are going to have to ask the entire BOS that. Mr. Heffernan said they are trying to save money but are doing so in the wrong place; they are cutting him off at the knees.

The Chair had spoken to Mr. Pacheco and he will be having a review with BOS and if ZBA put this off again Mr. Pacheco would have a better idea of what he could do. Mr. Heffernan agreed with that and Mr. Pacheco needs to be in the room as well as Mrs. Ramsey.

Motion. Ms. Dodge made a motion to table until the next meeting and get more information and answers from those this will affect. Mr. Heffernan seconded the Motion. There was no additional discussion.

## **PUBLIC INPUT**

Mr. Pritchard commented on the discussion of administrator position impacts him because the planning board rules make the planning board secretary. He is hearing apparently a selectman said that position is not coming back and is going to be spread around. He thinks spreading it around isn't a good idea. He suggested they have one person doing admin functions for all land use boards. He suggested they look at some of the issues and be masters of their own destiny. He stated the ordinance say ZBA gets to

