

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

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**MEETING MINUTES OF Thursday June 11, 2020**

**CALL TO ORDER**

Call to order at 6:03 P.M. by Larry Konopka, Chair of the Zoning Board of Adjustment

**MEMBERS PRESENT**

Larry Konopka, Chair  
Pat Heffernan, Vice-Chair  
George Bachelder  
Arthur O'Hara

**MEMBERS ABSENT**

Mike Cabral  
Carole Dodge - Alternate  
Scott Jackson - Alternate  
Scot Palmer - Alternate

**MEMBERS OF THE PUBLIC APPEARING BEFORE THE BOARD**

Kerry Asquith

**AGENDA REVIEW**

None.

**NEW BUSINESS**

**a. Public Hearing - rescheduled from March 12, 2020**

**1. Application for a Variance – Waive dimensional side setback – 12 Foss Avenue – U6-7**

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, Article 3, Section 4, (h) Table of Dimensional Requirements - Minimum Setbacks in the Suburban W/S Zoning District.

The time and place of the hearing: Thursday, March 12, 2020, at 6:00 P.M., at Pittsfield Town Hall, 85 Main Street, Pittsfield, NH, which has been continued to June 11, 2020 at 6:00 P.M. The proposal is to waive the dimensional setback requirement of 25' for the purpose of building a 15'X57' foundation for a 14'X56' manufactured home, so the front of the home can be placed parallel to Foss Ave, on said lot, in the Suburban W/S Zoning District. Subject property: Tax Map U6

Lot 7, 12 Foss Avenue, owned by Donald Rose, Jr.

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

Larry Konopka asked for a motion to open the application for discussion.

Pat Heffernan: I motion to open the application for discussion.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 4-0-0.

Larry Konopka stated that the application had been opened for discussion. Larry then read the introduction for rules of procedure before proceeding;

The way this public hearing will proceed is we will go through the criteria with the applicant, Kerry Asquith, then the Board will open to public input. There will be a 3-minute time frame for any public input so that everybody has a chance to speak. Please address the Chairman when speaking. We will allow the applicant to answer any concerns or any additional information they wish to present. Public input and the application will then close and the Board will go into deliberation. At that point, the Board will either decide to act or continue the public hearing to a date set.

Larry Konopka addressed Kerry Asquith and invited him to introduce himself and explain what his purpose was for the request.

Kerry Asquith stated that he had been looking for quite a while for a land lot to purchase for his son on a quiet street that would be a perfect place for a home. He said that he already had a couple of contractors come and look at the lot he purchased and that there was one contractor he wanted to settle with if he can get approval from the Board. There was a bit of an issue with placing a home on the lot as is because there was a significant slope from the front to the back. The contractor he would like to settle with has plans to backfill some of the land going lengthwise due to the amount of topology making it very difficult to build on. By backfilling, the contractor would be able to change the topology and level the ground out in order to put a slab in for the single wide home to set on. This would alleviate any concerns for sliding while allowing a home to be placed parallel to the street, coinciding with the other houses on the road that are also facing the street. Kerry stated that the home would also be hooked into Town sewer and water which was a big reason for the purchase. This plan would not only be reasonable as far as costs, but for aesthetic reasons as well. Another issue going forward was that the property would stick out 7 feet upon the abutter Donald L. Rose Jr.'s property, but Kerry stated that he had also included a written approval from the abutter for permission to proceed if the plans were found acceptable by the Board.

Larry Konopka said that the Board did receive the letter included in the application request from Donald L. Rose Jr. dated February 14, 2020 and stated for the record;

I, Donald L. Rose Jr., hereby approve the Variance Application Request to be submitted by Kerry Asquith for 12 Foss Ave., Tax Map U06 Lot 7, currently owned by me. The request will be for a

7-foot variance outside the standard 25-foot setback to accommodate the mobile home he intends to put on the lot. Thank you.

Larry Konopka said that there was also a letter from the Zoning Ordinance Administrator at that time, Carl Anderson, dated February 27, 2020. Stated for the record;

Review of Request:

As stated by the applicant, the proposed house would extend into the setback as per Article 3 Section 4 (h).

Determination:

A variance from ZBA would be required to approve building as proposed.

Larry Konopka asked Kerry Asquith if he had a copy of the application so the Board could go through the facts in support of allowing the variance and that Kerry could answer as well as state any additional information. Kerry affirmed that he did have a copy of the application in front of him. For the record, Larry Konopka read the following questions;

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

Kerry Asquith answered; The variance does not impact surrounding areas or abutters.

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

Kerry Asquith answered; The variance would not adversely affect the public interests, and is in line with the overall ordinance objectives.

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

Kerry Asquith answered; The strongest case for this variance is that the existing lot remains undeveloped and an eyesore to this beautiful private/small street. Adding this home would improve the overall neighborhood appearance and, over time, improve the valuation of the surrounding homes. The proposed home is very much in-line with the existing structures on the street.

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

Kerry Asquith answered; The new home should actually improve valuations over time.

Question 5.

Unnecessary hardship

a. 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 because:

i. 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 because:

Kerry Asquith answered; The topography of this lot possesses a significant challenge to building a home within the designated building envelop. This challenge involves a very steep slope in grade from front to back of the lot. Placing the foundation and the house lengthwise front to back could satisfy requirements, but was deemed to be very difficult and costly to build, as per contractors quoting the site work.

- and -

ii. The proposed use is a reasonable one because:

Kerry Asquith answered; The proposed house is comparable to surrounding homes on Foss Ave.

Larry Konopka asked if anyone on the Board had any questions or comments before opening for Public Input. Attending ZBA Board members said they were satisfied with everything as presented.

Public Input was opened at 6:20 P.M.

Paul Nickerson said he was here because this lot has gone before the Board before and when there was a special check on with the lot it dated back to 1617. He said the front of the original house was right up against the street like most of them there now. Paul Nickerson said that the lot came before the Planning Board and they had wanted to change the boundary lines to make the lots equal, which they did. He said he agreed with Kerry Asquith, it is a bad lot like he said, it drops off into the river. Paul Nickerson then supplied maps of what was originally approved by the Planning Board with a house instead of a trailer.

The Board said that they were familiar with the maps and already had copies of their own.

Paul Nickerson said that they were 100-foot lots and said that he was right in that you use up 7 feet one way and that the sewer line that went through the front wall was still there.

There was some unintelligible cross discussion between Paul Nickerson and Kerry Asquith about the lot map.

Larry Konopka interrupted and reminded Paul Nickerson that anyone speaking must address the Zoning Board of Adjustment with their concerns.

George Bachelder let Kerry Asquith know that Paul Nickerson needed to address the Board members with his concerns and that they would then open it back up for Kerry Asquith to speak afterwards.

Paul Nickerson then addressed the Board and said that his concerns were that if the applicant wanted to put a garage on the lot, he wouldn't be able to because of the lot size. Paul Nickerson said that the lot isn't up to specs for suburban because it's a half an acre and not an acre and a half. In order to get a garage legally, the building would need to be pushed back another 25 feet to do it which would be another 10 feet of fill deep.

Larry Konopka said that he didn't believe Kerry Asquith was here tonight to talk about a garage.

Pat Heffernan said that he wasn't trying to be rude, but the garage had nothing to do with what the Zoning Board and applicant were here doing tonight.

Larry Konopka asked if anyone else wanted to add Public Input. Public Input was closed at 6:25 P.M.

Larry then asked Kerry Asquith if he had any comments or concerns going forward.

Kerry Asquith said that he had not thought about a garage, his son is a millennial and that he just needs a small house for him to live in and a place to put the car. He said that he hadn't brought up a garage with his son and that there were limited funds. He said that it was thoughtful for Mr. Nickerson to bring the topic up, but it sounded like it isn't something that is going to happen once this gets built without spending a lot of money.

Larry Konopka informed Kerry Asquith that they would now enter into deliberation and will either take a vote tonight or continue a public hearing at a later date. The Board invited Kerry to stay if he wanted to. Larry asked if the Board had any further questions before taking a vote. The Board members said they were satisfied with what was before them in moving forward.

Arthur O'Hara: I make a motion to accept this variance proposal as written to waive the dimensional setback requirement of 25' for the purpose of building a 15'X57' foundation for a 14'X56' manufactured home, so the front of the home can be placed parallel to Foss Ave, on said lot, in the Suburban W/S Zoning District. Subject property: Tax Map U6 Lot 7, 12 Foss Avenue, owned by Donald Rose, Jr.

George Bachelder: Second.

Discussion: None.

Motion carried 4-0-0.

Larry Konopka thanked Kerry Asquith for coming in and welcomed him to Pittsfield. Larry apologized for any delays due to COVID-19 and also stated that there was a 30-day appeal period, withstanding.

#### **OLD BUSINESS**

None.

#### **ZONING ADMINISTRATOR'S REPORT**

None.

#### **MEMBERS CONCERNS**

The Board exchanged various ideas for future improvements in the town of Pittsfield. Members also discussed working on Zoning Ordinances and sending an email out to meet with the members of the Planning Board and Select Board sometime in the future.

Pat Heffernan: I motion for the ZBA Board members to start working on Zoning Ordinances with plans to meet and present them to the Planning Board and Select Board once everything comes together.

George Bachelder: Second.

Discussion: None.

Motion carried 4-0-0.

#### **PUBLIC INPUT**

None.

#### **MINUTES**

##### **a. Thursday, May 14, 2020**

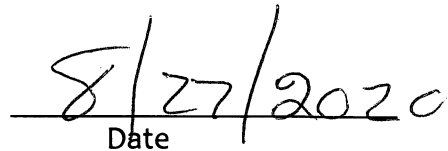
ZBA minutes of Thursday, May 14, 2020 were presented for the Board's approval.  
Arthur O'Hara motioned to approve the ZBA minutes from Thursday, May 14 2020.  
Pat Heffernan: Second.  
Discussion: None.  
Motion carries 3-0-1. George Bachelder abstained because he wasn't at the last meeting.

**ADJOURNMENT**

Pat Heffernan: I make a motion to adjourn at 6:41 PM.  
Arthur O'Hara: Second.  
Discussion: None.  
Motion carried 4-0-0.

Approved:

  
Lawrence J. Konopka, Chair

  
Date