

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

MEETING MINUTES OF Thursday August 27, 2020

CALL TO ORDER

Call to order at 6:00 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
Mike Cabral
Scott Jackson – Alternate

MEMBERS ABSENT

Carole Dodge - Alternate
Scot Palmer – Alternate

OTHERS PRESENT

Bonnie Theriault, Administrative Assistant

MEMBERS OF THE PUBLIC APPEARING BEFORE THE BOARD

Adam Gauthier of 212 Catamount Road, Applicant
Richard Hunsberger of 190 Catamount Road
Janice Osborne of 1500 Upper City Road, Applicant

AGENDA REVIEW

None.

NEW BUSINESS

a. Public Hearing - rescheduled from March 12, 2020

1. a. 6:15 PM: Application for a Variance and Special Exception – Unattached Accessory Dwelling Unit in the Rural Zoning District R22-6, 212 Catamount Road – Gauthier (Walsh)

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 2, Section 3, (c), (1), (2), Accessory Apartment in the Rural Zoning District.

The time and place of the hearing is Thursday, August 27, 2020, 6:15 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' name and address are Adam & Jillian (Walsh) Gauthier, 212 Catamount Road, Pittsfield NH 03263.

The proposal is to allow a detached garage with accessory apartment, in the Rural Zoning District. Subject property Tax Map R22, Lot 6, 212 Catamount Road.

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

Larry Konopka addressed the applicant Adam Gauthier and asked him to come forward to address the Board.

Arthur O'Hara: I motion to open discussion for the variance application.

Mike Cabral: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka explained the rules and procedures along with the process of how the meeting would be held before proceeding to ask the facts in support of granting the variance.

Larry Konopka stated that the variance is requested under Article 2, Section 3, (c), (1), (2) of the Zoning Ordinance and asked Adam Gauthier to explain the purpose of the variance:

Adam Gauthier answered; A detached garage with an Accessory Dwelling Unit.

Question 1. Granting the variance will not be contrary to the public's interest because:

Adam Gauthier answered; It would not diminish the character of the area and it will only increase the surrounding property values.

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

Adam Gauthier answered; The character of the area stays intact, property values increase, and no additional on street parking is needed.

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

Adam Gauthier answered; Surrounding property values will only increase.

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

Adam Gauthier answered; The use is a new feature to the property using all new materials and the Accessory Dwelling Unit will add value to said property and surrounding properties.

Question 5. Unnecessary Hardship

a. Owing to special condition 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:
Adam Gauthier answered; The Zoning restriction as applied interferes with reasonable use of the property considering the huge setting of the property.

-and-

ii. The proposed use is a reasonable one because:

Adam Gauthier answered; The variance would not injure the public or private rights of others.

b. 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 of it.

Adam Gauthier answered; The layout of the land makes the project cost prohibited to go in other directions. When you come down the 400+ foot driveway to my property, just on the backside of my house is a drop off so to add on to the house I would have to build up the backside and it would take a lot of material to fill in.

Larry Konopka presented pictures of the property to the Board members and asked if they had any questions before opening up for Public Input.

Richard Hunsberger of 190 Catamount Road addressed the Board stating that he had no issues with the plans presented.

Larry Konopka closed Public Input.

Larry Konopka then opened up discussion with the Board members to go over the criteria and make sure the application had answered all the questions for the variance. All Board members agreed with the application and felt that the applicant had answered all the questions for the approval of variance.

Pat Heffernan asked what Adam Gauthier's plans were for water and sewer.

Adam Gauthier stated that they were already hooked up to town water supply and that he was working with DES to see if a plan was already on file for sewer and if not, he was aware that he would need to have it drawn out. Adam Gauthier stated that the line runs down the 400' length of his driveway to the house so that he would easily be able to tap into the lines.

Pat Heffernan: I motion to accept this variance as written for Adam and Jillian (Walsh) Gauthier of 212 Catamount Rd. Pittsfield, N.H. Tax Map R22, Lot 6, Zoning District: Rural.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka closed the Public Hearing and let Adam Gauthier know that there is a 30-day appeal period for the variance.

Larry Konopka opened the Public Hearing for Special Exception on an unattached Accessory Dwelling Unit in the Rural Zoning District for Tap Map R22-6, 212 Catamount Road for Adam and Jillian (Walsh) Gauthier.

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, IV, and RSA 676:7 on an application for a special exception to allow for an Accessory Dwelling Unit in the Rural Zoning District, according to Pittsfield Zoning Ordinance, Article 3, Section 3 Special Exception (6) Accessory Apartment.

The time and place of the hearing are Thursday, August 27, 2020, 6:30 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' name and address are Adam & Jillian (Walsh) Gauthier, 212 Catamount Road, Pittsfield NH 03263.

The proposal is to add a one level, one bedroom detached accessory dwelling unit with a 20' X 20' living space, and 20' X 20' single car garage with utility space to the subject property identified as Tax Map R22, Lot 6.

The proposed work area is located at 212 Catamount Road, Pittsfield NH.

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

Larry Konopka addressed Adam Gauthier stating that he had already explained the rules of procedure during the variance proceedings and asked Adam Gauthier if he understood them. Adam Gauthier said that he understood and was all set.

Larry Konopka stated the application was for a Special Exception under Article 3, Section 3 Special Exception (6) and asked Adam Gauthier to explain the purpose of the Special Exception: Adam Gauthier answered; One level, one bedroom detached accessory dwelling with a 20x20 living space, a 20x20 single car garage and utility space.

Question 1. Describe any existing variances, special exceptions, and other permits now in effect with regard to the property concerned:

Adam Gauthier answered; None that I am aware of.

Question 2. Was this or any similar request denied in the past:

Adam Gauthier answered; No.

Question 3. Present use of the property concerned:

Adam Gauthier answered; Right now, we have a single-family residential home.

Question 4. Proposed use of the property concerned:

Adam Gauthier answered; To add a detached garage with accessory dwelling.

Question 5. Type and number of existing structures on the property:

Adam Gauthier answered; Three, we have the primary house, a 10x12 shed and a 8x8 chicken coop.

Question 6. Number of dwelling units:

Adam Gauthier answered; One.

Question 7. Number of off-street parking spaces available to the proposed use whenever the proposed use needs them:

Adam Gauthier answered; I listed five but there are more spaces available for use.

Question 8. Will you require a subdivision approval:

Adam Gauthier answered; No.

Question 9. Explain your proposal fully (attach additional sheets if necessary):

Adam Gauthier answered; To build a 20x40 detached structure. 20x20 living pace and a 20x20 for a single car garage & utility room.

Question 10. Explain how the proposed use will satisfy the following conditions. Use additional sheets if necessary.

A. The use shall not be detrimental or offensive to the neighborhood:

Adam Gauthier answered; I believe the use shall not be detrimental or offensive to the neighborhood due to the location being set back off the road 400+ feet. All set backs will be met and will have a buffer of trees surrounding property.

B. The use shall not diminish the value of any of the surrounding properties:

Adam Gauthier answered; The use will only increase the value of the surrounding properties.

C. The use, its parking needs, and its access ways shall be no nuisance or serious hazard to pedestrian or vehicular traffic. Parking needs shall be deemed a nuisance if parking needs force vehicles to park on a street or on a nearby property:

Adam Gauthier answered; The use and its parking needs will not cause any nuisance or serious hazard to pedestrian or vehicular traffic. The use will only be increasing vehicular traffic by one car. Said property of use has plenty of space for parking.

D. The use shall have adequate and appropriate facilities and utilities to ensure the proper operation of the use:

Adam Gauthier answered; The property is currently hooked up to Pennichuck. I will be tapping into the water line, will access current electric and septic, and will upgrade if necessary.

E. The use shall be in harmony with the general purpose and intent of the zoning ordinance (RSA 674:33, IV)

Adam Gauthier answered; I believe the use satisfies most of the general purposes and intentions of the zoning ordinance.

F. All conditions specific to the proposed use. The zoning ordinance requires various uses to satisfy permitting conditions specific to use in addition to conditions A through E above.

Check to see whether the proposed use is defined in the zoning ordinance, article 2, Interpretation Rules and Definitions, section 3, Definitions. If the zoning ordinance requires the proposed use to satisfy conditions specific to the proposed use, then article 2, section 3, will define the use, and the definition entry will either list the permitting conditions or point to the permitting conditions.

Adam Gauthier answered; It is a detached 20x40 Accessory Dwelling with a single car garage.

Larry Konopka asked if Bonnie Theriault had anything to add. Bonnie Theriault stated that all of the paper work is in, everything seems good, and noted that there was a discussion about the septic and as Adam Gauthier had stated he is in the process with DES and knows that it is a requirement in order to get the building permit.

Larry Konopka asked the Board members if they had any questions.

Pat Heffernan wanted to know what kind of service he had in the house since Adam Gauthier had talked about tapping it.

Adam Gauthier stated that there was an electrical pole close to his home that he would be tapping for a separate service to the building for his mother.

Larry Konopka opened and closed Public Input before going into deliberation with the Board members to go over the criteria and make sure the application had answered all the questions for Special Exception. All Board members agreed with the application and felt that the applicant had answered all necessary questions for approval.

Mike Cabral: I motion to approve the Special Exception for Adam and Jillian (Walsh) Gauthier of 212 Catamount Rd. Pittsfield, N.H. Tax Map R22-6 to add a one level, one bedroom detached accessory dwelling unit with a 20' X 20' living space, and 20' X 20' single car garage with utility space.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka thanked Adam Gauthier for coming in and let him know that there was a 30-day appeal process.

2. b. 6:45 PM: Application for a Variance and Special Exception – Unattached Accessory Dwelling Unit in the Rural Zoning District R18-8-1, 1500 Upper City Road – Osborne

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 2, Section 3, (b), (1), (2), (4) Accessory Apartment in the Rural Zoning District.

The time and place of the hearing is Thursday, August 27, 2020, 6:45 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' name and address are Peter & Janice Osborne, 1500 Upper City Road, Pittsfield NH 03263.

The proposal is to allow a detached garage with accessory apartment, in the Rural Zoning District. Subject property Tax Map R18, Lot 8-1, 1500 Upper City Road.

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

Larry welcomed the applicant Janice Osborne of 1500 Upper City Road and invited them to address the Board.

Mike Cabral: I motion to open discussion for the variance application.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka explained the rules and procedures along with the process of how the meeting would be held before proceeding to ask the facts in support of granting the variance.

Larry Konopka stated that the variance is requested under Article 2, Section 3, (c), (1), (2) of the Zoning Ordinance and asked Janice Osborne to explain the purpose of the variance:

Janice Osborne answered; We have a relative currently living with us that is not able to care for herself as well as two children who have lost their parents to cancer so my house is full. I need to be able to move my sister-in-law in with me because she is currently living with my father-in-law and his wife. My father-in-law's wife has progressive Alzheimer's and the stress is too much for him. Peter and I needed a garage anyway for storing items we inherited from his father years ago, so we have decided to build a garage for storage as well as an apartment above so that my sister-in-law can move in with us.

Question 1. Granting the variance will not be contrary to the public's interest because:

Janice Osborne answered; It's on my private property so the public would not be impacted at all, including visibility from the road.

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

Janice Osborne answered; The variance would adhere to all ordinances as required for such a structure. As required and related the attached garage and accessory apartment proposed. So, any of the requirements in place will be met.

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

Janice Osborne answered; It would allow housing for a member of our family and town to be able to have the living situation needed while maintaining substantial requirements to all town ordinances.

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

Janice Osborne answered; Although this building will be larger (40x30) than the building we took down (28x28), it will be in the same exact position and just a little bit larger so it wouldn't change the surroundings or impact it at all.

Question 5. Unnecessary Hardship

a. Owing to special condition 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:

Janice Osborne answered; The proposed project is on private property, in a rural area, and will not intersect with the general public in any way.

-and-

- ii. The proposed use is a reasonable one because:

Janice Osborne answered; There will be no negative impact on the public nor the environment but will allow us to provide for our relative.

b. 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 of it.

Janice Osborne answered; Not applicable.

Larry Konopka asked Janice Osborne if she had anything else, she would like to add before opening for Public Input.

Janice Osborne said that the structure will be used just like the storage shed they had before. The only addition will be the apartment (750 ft or less) for a single woman currently living in Pittsfield who is moving back due to medical reasons.

Bonnie Theriault asked if there would be an updated plan for the upstairs apartment.

Janice Osborne stated that the builder is Center Hill Barns, LLC. for the garage and that she would be designing the upstairs to be partly used as storage and another part as the living quarters. Janice Osborne said that once the design is solid, she will bring the final design into Bonnie Theriault.

Mike Cabral wanted to know what direction the garage would face.

Janice Osborne stated that her house now faces a field, so the garage would be facing her house. So, it would be like double houses facing each other and that the apartment would have windows facing the field in back as well.

Pat Heffernan noted that DES has the septic split away and wanted to know if electricity would be split from the house as well.

Janice Osborne stated that there is an electric pole that is already there and that it would be an independent service with a separate bill tapped into the same pole.

Bonnie Theriault said that Janice Osborne currently has a three bedroom house and wanted to know if the septic was being added for five bedrooms.

Janice Osborne stated that when the house was originally built it should have said that it was a three bedroom home, as it currently is now, and the septic would be used for a total of four bedrooms with the apartment.

Larry Konopka opened and closed Public Input.

Larry Konopka then opened up discussion with the Board members to go over the criteria and make sure the application had answered all the questions for the variance. All Board members agreed with the application and felt that the applicant had answered all the questions for the variance.

Mike Cabral: I motion to accept this variance as written for Peter & Janice Osborne, 1500 Upper City Rd. Pittsfield, N.H. Tax Map R18, Lot 8-1, Zoning District: Rural.

Pat Heffernan: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka closed the Public Hearing for variance and let Janice Osborne know that there is a 30-day appeal period.

Larry Konopka opened the Public Hearing for Special Exception on an Accessory Dwelling Unit in the Rural Zoning District for Tax Map R18, Lot 8-1, 1500 Upper City Road for Peter and Janice Osborne.

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, IV, and RSA 676:7 on an application for a special exception to allow for an Accessory Dwelling Unit in the Rural Zoning District, according to Pittsfield Zoning Ordinance, Article 3, Section 3,(b), (3) Special Exception (6) Accessory Apartment.

The time and place of the hearing are Thursday, August 27, 2020, at 6:45 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' name and address are Peter & Janice Osborne, 1500 Upper City Road, Pittsfield NH 03263.

The proposal is to add a detached storage garage with an accessory apartment to the subject property identified as Tax Map R18, Lot 8-1. The proposed work area is located at 1500 Upper City Road, Pittsfield NH.

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

Larry Konopka addressed Janice Osborne stating that he had already gone over the rules of procedure during the variance proceedings and explained that the Special Exception process would go the same way.

Larry Konopka stated the application was for a Special Exception under Article 3, Section 3 Special

Exception (6) and asked Janice Osborne to explain the purpose of the Special Exception:
Janice Osborne answered; To allow us to build a detached storage garage with an accessory apartment for a disabled relative.

Question 1. Describe any existing variances, special exceptions, and other permits now in effect with regard to the property concerned:
Janice Osborne answered; None.

Question 2. Was this or any similar request denied in the past:
Janice Osborne answered; No.

Question 3. Present use of the property concerned:
Janice Osborne answered; Primary residence.

Question 4. Proposed use of the property concerned:
Janice Osborne answered; Primary residence with secondary dwelling.

Question 5. Type and number of existing structures on the property:
Janice Osborne answered; A single family home with an attached garage.

Question 6. Number of dwelling units:
Janice Osborne answered; One existing, Two proposed.

Question 7. Number of off-street parking spaces available to the proposed use whenever the proposed use needs them:
Janice Osborne answered; None.

Question 8. Will you require a subdivision approval:
Janice Osborne answered; No.

Question 9. Explain your proposal fully (attach additional sheets if necessary):
Janice Osborne answered; We have removed a detached 28x28 storage garage and propose to replace it with a 40x30 detached storage garage with an accessory apartment to increase needed storage area and provide living accommodations for a disabled relative.

Question 10. Explain how the proposed use will satisfy the following conditions. Use additional sheets if necessary.

A. The use shall not be detrimental or offensive to the neighborhood:

Janice Osborne answered; The proposed structure is consistent with the current use and character of the neighborhood. The new building will allow us more needed storage room and allow us to provide a private residence for the care of our relative without disturbing the present neighborhood.

B. The use shall not diminish the value of any of the surrounding properties:

Janice Osborne answered; The use of the proposed project is consistent with the current use of our rural residential neighborhood.

- C. The use, its parking needs, and its access ways shall be no nuisance or serious hazard to pedestrian or vehicular traffic. Parking needs shall be deemed a nuisance if parking needs force vehicles to park on a street or on a nearby property:

Janice Osborne answered; There will be no added parking needs or additional access to our property related this proposed project. There is, and will not be, need for any street parking.

- D. The use shall have adequate and appropriate facilities and utilities to ensure the proper operation of the use:

Janice Osborne answered; The storage garage that was taken down had access to electric services and the new storage garage will have electric and water access. The accessory apartment will have electric, water, heat, and well water access. All are available from the existing utilities on this property.

- E. The use shall be in harmony with the general purpose and intent of the zoning ordinance (RSA 674:33, IV)

Janice Osborne answered; The rural zoning of this property is used as a private residence. The proposed project does not change the current use of this property.

- F. All conditions specific to the proposed use. The zoning ordinance requires various uses to satisfy permitting conditions specific to use in addition to conditions A through E above. Check to see whether the proposed use is defined in the zoning ordinance, article 2, Interpretation Rules and Definitions, section 3, Definitions. If the zoning ordinance requires the proposed use to satisfy conditions specific to the proposed use, then article 2, section 3, will define the use, and the definition entry will either list the permitting conditions or point to the permitting conditions.

Janice Osborne answered; Article 2, Section 3, Interpretation Rules and Definitions : ACCESSORY APARTMENT (see page 9 attached).

Larry Konopka asked the Board members if they had any questions. Bonnie Theriault stated that the paper work was finished and that Scott LaCroix would need an updated building plan for the apartment layout when it was finished.

Janice Osborne said that she would provide the plan after they figure out, in relation to the septic tank, where the bathroom and kitchen would be to make sure it flows properly.

Larry Konopka opened and closed Public Input before going into deliberation with the Board members to go over the criteria and make sure the application had answered all the questions for Special Exception. All Board members agreed with the application and felt that the applicant had answered all necessary questions for approval.

Pat Heffernan: I motion to approve the Special Exception for Peter & Janice Osborne of 1500 Upper City Rd. Pittsfield, N.H. Tax Map R18, Lot 8-1 for a detached Accessory Dwelling Unit under two conditions; that the apartment be equal to 750 square feet or less and the updated apartment layout be submitted to the Town for their records.

Arthur O'Hara: Second.

Discussion: None.

Motion carried 5-0-0.

Larry Konopka thanked Janice Osborne for coming in and let her know that there was a 30-day appeal process.

OLD BUSINESS

None.

ZONING ADMINISTRATOR'S REPORT

None.

MEMBERS CONCERNS

Board members agreed to meet September 24, 2020 to start working on the ordinances. Larry Konopka stated that he would also like to work on Accessory Dwelling Units, see what other Towns are doing in regards to regulations, and to bring the regulations for Pittsfield up to date.

Arthur O'Hara: I motion to have a work session for September 24, 2020.

Mike Cabral: Second.

Discussion: None.

Motion carries 5-0-0.

PUBLIC INPUT

None.

MINUTES

a. Thursday, August 13, 2020

ZBA minutes of Thursday, August 13, 2020 were presented for the Board's approval.

Mike Cabral: I motion to approve the ZBA minutes from Thursday, August 13, 2020 with corrections to three clerical errors.

Arthur O'Hara: Second.

Discussion: None.

Motion carries 4-0-1. George Bachelder abstained.

ADJOURNMENT

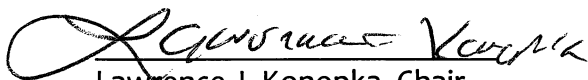
Pat Heffernan: I make a motion to adjourn at 7:23 P.M.

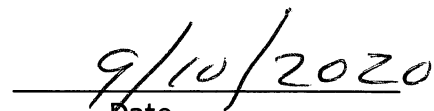
Mike Cabral: Second.

Discussion: None.

Motion carried 5-0-0.

Approved:


Lawrence J. Konopka, Chair


Date