

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

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**MEETING MINUTES OF Thursday September 12, 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  
George Bachelder  
Carole Dodge - Alternate  
Scott Jackson - Alternate  
Mike Cabral – Alternate

**MEMBERS ABSENT**

Mitch Emerson - Alternate

**AGENDA REVIEW**

None.

**NEW BUSINESS**

**a. Review of public hearing format**

Larry Konopka mentioned he made a few changes to the Public Hearing Format and described those changes to the board. Larry Konopka inquired with the board if they have any questions or suggestions, there were none. Larry Konopka called for a motion to accept the changes.

Pat Heffernan: I make that motion.

Scot Palmer: Second.

Discussion: None.

Motion carries 5-0

**b. Public Hearings**

**1. Application for Special Exception – Accessory Dwelling Unit, 108 Berry Pond Road, R31-11**

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

The entire structure appears as a new single-family residence with garage attached.

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

The use is new construction in an area of single-family homes.

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.

Access way is town-maintained Road, and no nuisance or Hazard will be created by a single B.R. residence property is 5 acres with as much off-street parking as necessary.

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

Electrical entrance 200 amp. Heat will be separate LPG unit. Septic system is 3 B.R. design – primary residence is 2 B.R. septic system is shared with principal residence.

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

Accessory apartments are allowed by special exception based on certain criteria, all of which are met. Zoning ordinance intent is to comply with state RSA 674:72.

All conditions specific to the proposed use. The zoning ordinance requires various uses to satisfy permitting conditions specific to the 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.

(b) The house will contain 1 principal & 1 accessory unit and no others.

(c) (1) Acc. Apt. will share a wall with the principal unit.

(2) Acc. Apt. & principal unit will have a door between the two units.

(3) The gross door area will be 750 sf.

(4) The property owner will occupy the principal unit

## **2. Application for a Variance - Waive dimensional setbacks front and side, 16 Watson Street, U5-59**

Purpose of the variance

To widen foot print of previous deck width and not toward the road.

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

It does not impede or block any view what so ever. It does not come closer to the street than previous deck.

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

It will only improve the equity of the house at 16 Watson Street and could only improve the surrounding neighborhood and valuation of surrounding properties.

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

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:

And – ii. The proposed use is a reasonable one because:

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.

### **3. Application for a Variance – Waive dimensional setbacks rear, 33 Main Street, U3-45**

Purpose of the variance

We need additional space for a kitchen to be used for the bed and breakfast and café and to establish egresses for the caretaker apartment. We would also like to have outdoor seating for the café.

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

Establishing this business would encourage economic development and benefit the town.

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

It would enhance the vitality of downtown Pittsfield.

Granting the variance would do substantial justice because:

It would allow us the space needed to establish our business and would still give the library the space it

Needs to access parking spaces.

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

Property values will go up because the area will be beautiful and useful.

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:

Establishing the business would not be able to be realized.

And – ii. The proposed use is a reasonable one because:

It will give us the needed space for a kitchen and for bathrooms for the bed and breakfast rooms.

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.

Currently there isn't enough space to put in the kitchen needed for the bed and breakfast rooms and to be able to comply with required codes.

Larry Konopka read the Zoning Administrators as follows:

12' addition to rear of building and proposed deck on north side of building extend 5' into rear setback in Article 3, Section 4 Dimensional Regulations (h). Variance required.

Larry Konopka inquired with the board if they had any questions, and there were none.

Larry Konopka opened the meeting for public input, and there was none and closed public input.

Larry Konopka inquired with the board if they had any input, and there was none.

Pat Heffernan: I make a motion to accept this.

George Bachelder: Second.

Discussion: Larry Konopka clarified the motion is to approve the variance from Pittsfield Zoning Ordinance, Article 3, Section 4, (h) Dimensional Regulations – Minimum Setbacks in the Commercial Zone for Paul & Gladys Strickhart. Waive the requirement of 10' for the purpose of additional kitchen space, to be used for a bed-and-breakfast and Café; and to establish egresses for the caretaker apartment, and to include an outdoor seating area for the café. This project would include a 12' addition to the rear of the building and proposed deck on the North side of the building extending 5' into rear setback, in the Commercial Zoning District. Subject property is Tax Map U3 Lot 45, 33 Main Street, owned by Paul & Gladys Strickhart.

Motion carries 5-0

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

#### **4. Application for a Variance and Special Exception – Accessory Dwelling Unit in Suburban Zoning District, 41 Cameron Drive, R20-2-1**

Larry Konopka announced item number 4, and read the Public Hearing Notices 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 Suburban W/S Zoning District.

The time and place of the hearing is Thursday, September 12, 2019, 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address is Karen & David Greenwood, 41 Cameron Drive, Pittsfield NH 03263

The proposal is to allow an accessory apartment in an unattached garage, in the Suburban Zoning District. Subject property Tax Map R20-2-1, 41 Cameron Drive.

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

Larry Konopka called for a motion to accept the application and open for discussion.

Scot Palmer: I make that motion.

Pat Heffernan: Second.

Discussion: None.

Motion carries 5-0

Karen Greenwood and her daughter Brandi came forward to speak with the board regarding this application.

Larry Konopka read the Zoning Administrators determination as follows:

Review of request:

R20 Lot 2-1 is in the suburban W/S district. This does not affect the proposal however, Article 2,3 definitions states accessory apartment © shall share a common wall or be under the same roof as the principal dwelling unit, and (2) an interior door between the accessory and principal units.

Determination:

Proposal for an accessory apartment in a building (garage) that is detached from the principal dwelling unit is not allowed by the ordinance. A variance would be required as well as a special exception.

Larry Konopka asked the following questions from the variance application and

Purpose of the variance:

Unattached garage with accessory apartment.

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

In line with current residency. -see attached document for further explanation-

Granting the variance would do substantial justice because:

Keep the family together. -see attached document for further explanation-

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

Adding to assessed value. -see attached-

Carole Dodge read additional information that was submitted by the applicant as follows:

The reason we are asking for the unit to be unattached are:

We feel the sight is appropriate for the location as it will be within the setback, it will allow plenty of room for off street parking. This will not affect any of the neighbors, as it will be similar on appearance as the house. This will increase our property taxes bringing more revenue to the town without an increase in population. This will also not affect the town water and sewer current usage. As there will be no increase in population, as we will not be adding any person(s) to the household.

Currently there is no culvert on Norris or Cameron Drive to divert the snow melt and water drainage. Norris Rd. near Cameron Dr. is pitched toward Cameron Dr. Therefore the melting snow and rain comes off Norris Rd. down Cameron Dr. Most of it gets diverted into our driveway to our back-yard drainage system.

Snow removal would be easier as we will be able to push the snow into your yard instead of building snowbanks higher toward the road making it safer backing in and out of the driveway.

Attaching to the house we would lose a good part of the driveway therefore there would be parking space loss for current residing family members. Plus family and friends that visit would defiantly have to park in the street. If we were to attach the unit to the house, we would have to park in the street. If we were to attach the unit to the house, we would have to add additional fill toward the roadway of our property to divert the water and snowmelt possible causing problems to other neighbor's drainage systems and or hazardous roadway

#### 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:

Keeps family together – see attached-

And – ii. The proposed use is a reasonable one because:

In line with neighborhood -see attached-

The reason we are asking for the accessory apartment are:

My daughter and husband currently reside in the household. We would like to provide my adult children semi-independent living arrangement. As we are aging, have medical issues and feel this would give them the option to live closer to care for us. This will also help offset the cost of living as we would like to reside in our resident as long as possible.

Larry Konopka inquired with the board if they had any questions, and there were none.

Larry Konopka opened for public input, and there was none and Larry Konopka closed public input.

Scot Palmer inquired why a variance and special exception are included together. Carl Anderson stated that a variance is needed before the special exception is considered. There was some discussion to clarify a few details concerning the size of the project and current size.

Larry Konopka inquired with the board if they would like to move forward with this application.

Pat Heffernan: I make a motion to approve this application, Larry Konopka stated that Pat made a motion to approve the variance from Pittsfield Zoning Ordinance, Article 2, Section 3, (b), (1), (2), (4) Accessory Apartment in the Suburban W/S Zoning District. The applicants' name and address is Karen & David Greenwood, 41 Cameron Drive, Pittsfield, NH 03263. The proposal is to allow an accessory apartment in an unattached garage, in the Suburban Zoning District. Subject property Tax Map R20-2-1, 41 Cameron Drive not to exceed 750 square feet family occupied.

Scott Jackson: Second.

Discussion: None.

Motion carries 5-0

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

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 Suburban W/S Zoning District, according to Pittsfield Zoning Ordinance, Article 3, Section 3, (b)m (2) Special Exception (6) Accessory Apartment.

The time and place of the hearing are Thursday, September 12, 2019, at 6:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants' name and address is Karen & David Greenwood, 41 Cameron Drive, Pittsfield, NH 03263.

The proposal is to add an Accessory Dwelling Unit to the subject property identified as Tax Map R20, Lot 2-1.

The proposed work area is located at 41 Cameron Drive, 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 and Brandi went through the application as follows:

Purpose of the special exception:

Unattached 24x36 garage with one-bedroom accessory apartment.

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

None.

Was this or any similar request denied in the past?

No.

Proposed use of the property concerned:

Unattached garage with accessory.

Type and number of existing structures:

2 – 1 house with shed.

Number of dwelling units existing:

1

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

None.

Will your request require subdivision approval?

No.

Will your request require a site plan approval?

No.

Explain your proposal fully:

The reason we are asking for the unit to be unattached are:

Snow melt and rain comes off Norris Rd., down Cameron Dr. and most of it come down our driveway into our back-yard drainage. Most of the tie causing flooding of the basement. Snow removal would be easier as we will be able to push the snow into our back yard instead of building snow banks higher toward the road making it safer backing in and out of the driveway. Attaching to the house we would lose a good part of the driveway therefore would be parking space loss of family and friends that visit. Causing them to park in the street.

The reason we are asking for the accessory apartment are:

My daughter and husband currently reside in the house hold. We would like to provide my adult children semi-independent living arrangement. As we are aging, have medical issues and feel this would give them the option to live close to care for us This will also help offset the cost of living as we would like to reside in our resident as long as possible.

Larry Konopka inquired with the board if they had any questions, and there were none.

Larry Konopka opened the meeting for public input, and there was none and closed public input.

Larry Konopka inquired with the board if they had any input, and there was none.

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

Pat Heffernan: I make a motion to accept, Larry Konopka stated Pat is making a motion for the special exception to allow for an Accessory Dwelling Unit in the Suburban W/S Zoning District, according to Pittsfield Zoning Ordinance, Article 3, Section 3, (b), (2) Special Exception (6) Accessory Apartment. The applicants' name and address is Karen & David Greenwood, 41 Cameron Drive, Pittsfield, NH 03263 Tax Map R20-2-1, 41 Cameron Drive not to exceed 750 square feet.

George Bachelder: Second.

Discussion: None.

Motion carries 5-0

Larry Konopka stated that there is a 30-day appeal process and there was some discussion pertaining to the 750 square feet living space and where they can find some information to clarify the details.

c. Review number of ZBA meetings per month

Larry Konopka mentioned that there are times when there is not a lot going on, and he would like to have one scheduled meeting on the 2<sup>nd</sup> Tuesday of the month and call another if needed for the 4<sup>th</sup> Tuesday of the month.

## **OLD BUSINESS**

None.

## **ZONING ADMINISTRATOR'S REPORT**

Carl Anderson stated he does not have a report.

## **MEMBERS CONCERNS**

None.

## **PUBLIC INPUT**



None.

## MINUTES

a. Thursday July 25, 2019

Larry Konopka inquired with the board if they had a chance to read over the minutes. George Bachelder stepped down so Carole Dodge could step forward to vote on the minutes. Carole Dodge requested a change for page 6 and 7. Carole Dodge would like it to be compressed and read what she would like it to say.

Larry Konopka called a for a motion with the amendments.

Carole Dodge: I make that motion.

Mike Cabral: Second.

Discussion: None.

Motion carries 5-0

## ADJOURNMENT

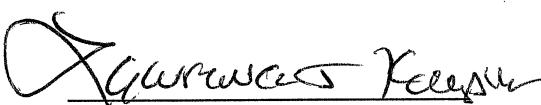
Scot Palmer: I make a motion to adjourn.

Pat Heffernan: Second.

Discussion: None.

Motion carries 5-0

Approved:

 11/14/19