



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

MEETING MINUTES OF Thursday, September 22, 2022

ITEM 1. - CALL TO ORDER

Call to order at 7:01 p.m. by Adam Gauthier, Chair of the Planning Board.

ITEM 2. – ROLL CALL

Adam Gauthier – Chair

Ray Ramsey – Vice Chair

Matt St. George

Randy Severance

Carl Anderson – Selectman Rep.

Ed Trzcinski – Alternate

MEMBERS ABSENT

Jim Adams – Selectman Alt Rep.

OTHERS PRESENT

Bonnie Theriault – Office Assistant

Dan Schroth

ITEM 3. – PUBLIC INPUT

Moved to the end.

ITEM 4. – APPROVAL OF MINUTES OF THE MAY 12, 2022 & AUGUST 25, 2022 MEETING

Approval of minutes is tabled at this time.

ITEM 5. – REVIEW OF DRAFT LAND DEVELOPMENT REGULATIONS

Bonnie Theriault began the review of the draft updated Land Development Regulations starting with page 11: - Section 1.16 Planning Board Rules of Procedure – *“The Planning Board’s Rules of Procedure are adopted under the authority NH RSA 676:1, as amended. The Board’s Rules of Procedure address the duties of officers, quorums, administrative procedures, the procedures for testimony by the public and applicants at public hearings, and the overall conduct of public meetings. The Rules of Procedure are available on the Town’s website under the Planning Board’s pages.”*

Board members had asked if there were anywhere in the new regulations to appeal the Rules of Procedure, and Bonnie Theriault stated it falls under the "Administrative Appeal process," through the ZBA and is in Section 2.10 Appeals from a Planning Board Decision (currently on page 16 of the draft).

Page 12: **Section 2.2 Pre-Application Consultation** - The Board members agreed that when an applicant needs to meet with the TRC, the meeting will take place within two weeks of when the applicant places the request with the Planning Department at Town Hall.

Page 13-14: **Section 2.4 Design Review Plan** - #2 A Development Impact Summary Report as set forth in Section 5.1, along with a graphic and narrative site inventory (added 5.1). Also removed a comma and period in the middle of #3 on page 13. Page 14: #7, a. change the wording to - Obtain a Certification of Zoning Compliance form from the Zoning Administrator certifying zoning compliance.

Page 15: **Section 2.7 Voluntary Lot Mergers** - The Board discussed the RSA that was listed in this section RSA 674:39-a, with regard to the 5-year exemption. It was thought that it could be referencing the Involuntary Merged Lots. Bonnie Theriault will do more research on this section.

Page 16: **Section 2.10 Appeals from a Planning Board decision** - Any Planning Board action may be appealed to the Pittsfield Zoning Board of Adjustment or the Merrimack County Superior Court as set forth in Section 10.9. The Board added "Pittsfield Zoning Board of Adjustment" to this section.

Page 19: **Section 3.8 Special Investigations and Studies** – *"The Planning Board to require additional studies is set forth in Section 3.7: Special Investigations and Studies. Any cost for the Town's review of any special investigation or study, including both staff time and consultants utilized by the Town, is the responsibility of the Applicant pursuant to Section 11: Fees."* The Board decided to change the wording to - The Planning Board may require additional studies. Any cost for the Town's review of any special investigation or study, including both staff time and consultants utilized by the Town, is the responsibility of the Applicant pursuant to Section 11: Fees. The Board changed the "to" to "may require" and removed the additional wording of "is set forth in Section 3.7: Special Investigations and Studies."

Page 20: **Section 3.11 Public Improvements** – *"The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any development. If the Planning Board requires the construction or installation of public improvements then a financial guarantee shall be provided, in accordance with the requirements of Section 5: Assurances for Completion and Maintenance of Improvements. The amount of financial guarantee shall be approved by the Town's consulting engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the Town Counsel."* The Board changed the wording to - The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any development. If the Planning Board requires the construction or installation of public improvements then a financial guarantee shall be provided. The amount of financial guarantee shall be approved by Central NH Regional Planning Commission or the Town's consulting engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the Town Counsel.

Bonnie Theriault stated the CNHRPC has been reaching out to help with the regulation update, and she stated that the holdup of getting the regulations completed was due to her schedule and not on the part of the CNHRPC.

ITEM 6. MEMBERS CONCERNS

- a. Adam Gauthier stated that the Board had received the 2023 Zoning Amendment Calendar and the first date for the Board to receive Zoning Petitioned Amendments is Monday, November 14, 2022, and the last day to accept Petitioned Zoning Amendments is Wednesday, December 14, 2022. He went on to discuss some of the zoning changes that went into law this year and stated the Board should review the changes and decide which ones should be brought to the next town meeting. Discussion regarding possibly changing the districts for religious buildings in the zoning ordinance. This will be reviewed further and discussed at a future meeting.
- b. Randy Severance discussed the CIP update. He said they were reviewing Police, Fire, and Library budgets/requests, and other than inputting data, the Library has a water issue which is expected to cost \$4,800 to fix, is under the CIP threshold, and will be part of the Library's budget. He indicated that asbestos has been found in the children's reading section at the Library and the Library Trustees will be bringing a warrant article to address the asbestos issue for \$25,000. Currently, the Library staff have moved the children's area until the issue can be rectified. Randy Severance discussed changes to ordering a new ambulance. In the past, you could get one in about six months from the time you ordered it. Now, they are finding that it can take up to two years from the time you place the order to receive it. He said that the CIP members are working on figuring out how to fund the future ambulance as the current process of funding through Capital Reserve Funds is not collecting enough money to be able to pay the full price of the ambulance. He stated that it is a big change because of Covid and staff downsizing during the pandemic where parts are harder to get now. Randy Severance stated that this was the same issue for fire trucks as well.
- c. Adam Gauthier asked Select Rep Carl Anderson if there was any update on filling the Minute Taker position. Carl Anderson stated that the position is being advertised currently. Bonnie Theriault stated that Sabrina Smith has given her resignation notice and will no longer be preparing the minutes for the Board of Selectmen, the Planning Board, or the ZBA. Bonnie Theriault and the Board thanked Sabrina for all of her hard work and noted that she will be missed.
- d. Adam Gauthier stated that Michael Fairbrother contacted him through his Facebook page, asking for clarification from the last meeting about the lighting at Over the Moon Farmstead. He said that Mr. Fairbrother came away from the meeting thinking that the current lighting was sufficient but the Board had stated that the current lighting would be sufficient until the new lighting was installed in 6-8 weeks as noted in the information that was presented to the Board. Adam Gauthier said that he did not respond to Mr. Fairbrother through Facebook but did respond with the lighting information from the Site Plan Regulations. He said that Mr. Fairbrother responded that in his joy to be able to keep the tasting area operational, that level of detail got lost in his excitement and that they were still trying to source the lighting. The Board discussed that they gave Mr. Fairbrother a 60-day extension regarding getting the lighting in place. It is now two months beyond their extension, and the lighting is still not in place. Randy Severance suggested requesting that Mr. Fairbrother provide the Board with something in writing showing the status of the lights. Adam Gauthier stated that the Board already received that information at the June meeting, showing it would be a 6-8 week timeframe before the lights would be delivered. The

Board discussed that it has been over a year since Mr. Fairbrother was supposed to install the lighting as it was part of his Phase I application in June of 2021. Adam Gauthier said Mr. Fairbrother was supposed to come back to the Board, to let them know if there were any changes. Then, Mr. Fairbrother came back and stated that he did not have to continue with the lighting, which was not correct. The Board discussed the numerous times that Mr. Fairbrother did not follow through with the requirements of the site plan process, and stated that he has remained open without having his occupancy permit for Phase II and Phase III. Bonnie Theriault stated that she received a set of plans and mylar for Phase III, and Adam Gauthier had asked her to check with Scott LaCroix and Pete Pszonowsky, to check and be sure that all the items that were addressed through the site plan review, were completed. When Scott LaCroix came back to the office after the inspection, he indicated that there were items that had not been completed yet. So, Bonnie Theriault reached out to Mr. Fairbrother and Doug MacGuire to let them know that the plans would not be signed because there were items still pending. She said that is when Mr. Fairbrother reached out to Adam Gauthier through his private Facebook page. The Board discussed reaching out to Mr. Fairbrother to see where the lighting stands and discussed enforcement options. They agreed that a letter will be sent to Scott LaCroix asking for an update on the lighting project and the status of any other outstanding issues for Mr. Fairbrother's site plan review.

e. Adam Gauthier discussed the ZBA approval on a Special Exception for 13 Elm Street for two apartments approximately 650 sq ft and a commercial business area approximately 300 sq ft in the building. He said that one of the ZBA members approached him with concerns, and he said some of the concerns that he has are about the setbacks, boundaries of the building on one side is right up against the building, there is a 6 ½ foot Right-of-Way but if they have to build landings for their egress doors, they will be approximately table height, which will be outside of their boundaries. Adam Gauthier went on to say there is no evidence that the owner has received a variance for the project. He said the parking spots are going to need to be rented from a private parking lot. Carl Anderson said that a site plan review would address these issues. Adam Gauthier said he wasn't sure if an appeal of the ZBA decision was warranted or if it needed to be clarified with the applicant. Bonnie Theriault stated that the ZBA members discussed that any issues will be addressed when Mr. Wood goes to get a building permit. If he doesn't meet setbacks, Mr. Wood will be required to obtain a variance from the ZBA. The ZBA members discussed their opinion that Mr. Wood did not need a site plan review through the planning board. The Planning Board members discussed their opinion that Mr. Wood does need a site plan review for the commercial space. Adam Gauthier will clarify with Scott LaCroix about the site plan review.

ITEM 7. – PUBLIC INPUT

Dan Schroth stated that he is a Climate Activist and he shares information with people. He is here to speak with the Board because as the "Planning Board" he felt that the Board should be thinking about these issues for the future. Mr. Schroth discussed 3 dams in Pittsfield with vulnerabilities and said the Board should keep the dams in mind when looking at projects. He talked about the Federal funding for the high-hazard dams in the State of NH and said that the money will only address a few of the dams in need of repair.

Dan Schroth also discussed mass migration, where people move due to the increase in temperature, forest fires, etc., to different locations. He said that people are migrating to New Hampshire and many of them live on the streets until they end up in jail or a hospital due to a lack of housing. He asked if the Board

members were doing anything to plan for this type of mass migration. Dan Schroth said it is hard to plan for this type of issue but that the Board should be thinking about it going forward.

ITEM 8. - ADJOURNMENT

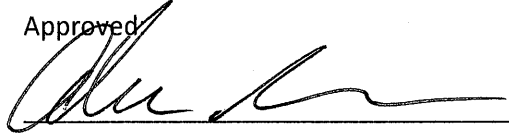
Matt St. George: I make a motion to adjourn at 8:41 p.m.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey– yes, Randy Severance – yes, Carl Anderson – yes.

Approved


Adam Gauthier, Chair

10/13/2022
Date