

**Pittsfield Planning Board
Town Hall, 85 Main Street
Pittsfield, NH 03263
Minutes of Public Meeting**

DATE: Thursday, January 7, 2016

AGENDA ITEM 1: Call to Order

Chair Clayton Wood called the meeting to order at 7:02 P.M.

AGENDA ITEM 2: Roll Call

Planning board members present:

Clayton Wood (chair),

Pat Heffernan (vice-chair),

Jim Pritchard (secretary),

Daren Nielsen,

Gerard LeDuc (selectmen's ex officio member), and

Paul Nickerson (alternate)

Planning board members absent:

Roland Carter (alternate) and

Eric Nilsson (alternate for the selectmen's ex officio member)

Members of the public appearing before the planning board: None.

“Members of the public appearing before the planning board” includes only members of the public who spoke to the board. It does not include members of the public who were present but who did not speak to the board.

AGENDA ITEM 3: Agenda Review

Clayton Wood said that he had no news or new business besides the review of the subdivision regulations.

Clayton Wood said that he and Jim Pritchard had spoken to the board of selectmen (on December 30) about inserting in the town meeting warrant an

article to revise the planning board's authority to regulate the subdivision of land according to current RSA 674:35, I, and that the board of selectmen had voted unanimously to insert the article in the town meeting warrant.

AGENDA ITEM 4: Public Input

No public input.

AGENDA ITEM 5: Approval of the Minutes of the December 17, 2015 Meeting

Gerard LeDuc moved to approve the minutes of December 17, 2015, as written in draft.

Daren Nielsen seconded the motion.

Discussion:

Jim Pritchard asked for the following changes:

Agenda item 3, page 2: Change "Clayton Wood said that the board had two land use applications" to "Clayton Wood said that the planning board had two land use applications"

Agenda item 8, page 10: Change "1998 and 1999" to "1997 and 1998"

Vote to approve the minutes of December 17, 2015, with the changes that Jim Pritchard requested: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Pat Heffernan, Clayton Wood, and Gerard LeDuc. Voting "no": none. Abstaining: none.

AGENDA ITEM 6: Subdivision Regulations Review.

The board agreed that it would keep, for historical purposes, an annotated version of subdivision regulations when the revision project is finished. The comments explain the revisions and cite reference materials.

Clayton Wood said that the board should not rush to adopt the new subdivision regulations before the town meeting approved the requested warrant article.

The board discussed whether to ask the board of selectmen for money for an engineering review of the new subdivision regulations. Jim Pritchard and Daren Nielsen suggested that an engineering review might be appropriate later but that Jim Pritchard should first continue interpreting the 2010 subdivision regulations via treatises or other references so as to minimize the expense of an engineering review.

The board discussed the town meeting warrant article that the board was asking the board of selectmen to propose and why this warrant article was important relative to the town meeting warrant article (article 13) that the town meeting had approved on March 10, 1964. The proposed warrant article says as follows:

“Are you in favor of authorizing the town planning board to approve or disapprove, in its discretion, plats and to approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved and to which streets, water, sewer, and other utility mains, piping, connections, or facilities within subdivisions shall be installed? (See RSA 674:35, I.) If this article passes, then the town clerk shall have the duty to file with the register of deeds of Merrimack County a certificate of notice showing that the planning board has been so authorized and giving the date of such authorization. (RSA 674:35, II.) The purpose of this article is to revise the planning board’s authority to regulate the subdivision of land according to current RSA 674:35, I. The planning board’s current authority to regulate the subdivision of land is according to RSA chapter 31, sections 19-29, effective 1955, which the town meeting granted on March 10, 1964, under warrant article 13.”

The 1964 warrant article, which the town meeting approved, says as follows:

“To see if the Town will vote to authorize and empower the Planning Board to approve or disapprove, in its discretion, plats showing new streets or the widening thereof, or parks, and upon adoption of this article it shall be the duty of the Town Clerk to file with the Registry of Deeds of the County of Merrimack, a certificate or note showing that the said Planning Board has been so authorized, giving the date of authorization, as provided in Sections 19-29 inclusive, Chapter 36 of the New Hampshire Revised Statutes annotated, 1955.”

Jim Pritchard said that adopting the new warrant article was important because the town meeting of March 10, 1964, might not have approved the planning board's authority to approve or disapprove subdivision plats if the "new streets" limitation had not been in the warrant article.

Clayton Wood said that adopting the new warrant article was important because there was no notice recorded in the Merrimack County Registry of Deeds giving notice of the board's authority under current RSA 674:35, I, even though there is a notice recorded in the Merrimack County Registry of Deeds giving notice of the board's authority under the prior law, which did not authorize the board to regulate the subdivision of land with no new streets. (RSA 674:37: "After the certificate of notice referred to in RSA 674:35, II and the regulations referred to in RSA 674:36 have been filed with the appropriate recording officials, no plat shall be filed or recorded ... until it has been approved by the planning board.")

Clayton Wood said that adopting the new warrant article was important because the new subdivision regulations would have to replace the current regulations' citation of article 12 of the town meeting of March 4, 1975, with something else because article 12 of the town meeting of March 4, 1975, did not pass. If the town meeting does not adopt the currently proposed warrant article, then the subdivision regulations will have to replace article 12 of the town meeting of March 4, 1975, with a citation of article 13 of the town meeting of March 10, 1964, which did not give the planning board authority to approve or disapprove subdivision plats showing no new streets.

Clayton Wood said that adopting the new warrant article was important because some governmental agency should have at least the authority to decide whether a subdivision plat conforms to the zoning ordinance.

Jim Pritchard and Daren Nielsen said that adopting the new warrant article was important because the register of deeds might be reluctant to record an unapproved subdivision plat showing no new streets. Jim Pritchard said that it is a crime (a misdemeanor) for a register of deeds to record an unapproved plat from a municipality that has authorized its planning board to regulate the subdivision of land. (RSA 676:18.)

Paul Nickerson asked about the relation of the two warrant articles to the subdivision regulations.

Clayton Wood said that the planning board itself adopts subdivision regulations (RSA 674:35, II; RSA 674:36, I; and RSA 675:6) but that the planning board first needs the town meeting to authorize the planning board to adopt subdivision regulations (RSA 674:35, I).

Jim Pritchard said that, if the town were voting the planning board's authority for the first time now, then the town would have to vote the authority of current RSA 674:35, I, and that the town could not vote the authority of the 1955 statute.

The board then reviewed the draft subdivision regulations dated January 4, 2016, and agreed to make the following revisions or clarifications:

Article 3, section 3, (e) (page 17): "The building inspector shall notify the board's third-party consultant that the board has received the application."

The board agreed to change this regulation so that the board's administrative secretary will notify the board's third-party consultant. (Comment of recording secretary Jim Pritchard: The same change will apply to article 5, section 2, (d) (page 41).)

Article 3, section 3, (g), (4) (page 17): "The board's determinations of the application's completeness and merits during the design review shall be by consensus of board members, not by formal motion and vote, and shall use the phrase 'for purposes of design review,' for example, 'Do board members agree that the application is complete (or incomplete) for purposes of design review?' or 'Do board members agree that the application satisfies (or does not satisfy) the requirements of the subdivision regulations for purposes of design review?'"

The board agreed to change this regulation as follows:

"The board's determinations of the application's completeness and merits during the design review shall be by nonbinding consensus of board members, not by formal motion and vote, and shall use the phrases 'by nonbinding consensus' and 'for purposes of design review,' for example, 'Do board members agree by nonbinding consensus that the application is complete (or incomplete) for purposes of design review?' or 'Do board members agree by nonbinding consensus that the application satisfies (or

does not satisfy) the requirements of the subdivision regulations for purposes of design review?”

Article 4, section 1, (d), (16) (page 22): “Every sheet showing land in a town other than Pittsfield shall show the other town’s approval of the way that the sheet shows the land in the other town.”

The board agreed to clarify, with wording not yet determined, what “the other town’s approval of the way that the sheet shows the land in the other town” means.

Clayton Wood said that the registry of deeds requires the endorsement of the planning board of a town abutting a subdivision in Pittsfield even if the subdivision has no land actually in the abutting town.

Article 4, section 1, (d), (18), (Y) (page 29): “The location of all existing or proposed wells and 75-foot well radii extending from the wells. (See RSA 485-A:33, IV, (a), (4), (5), and (7); RSA 483-B:9, V, (c), (2), (A), (iii); RSA 483-B:9, V, (c), (2), (B); and New Hampshire Code of Administrative Rules, Env-Ws 1000.)”

The board agreed to delete “The location of” as being superfluous because the plan will show the location of the wells and the radii if the plan shows the wells and the radii themselves.

Jim Pritchard said that he had clarified that the bearings that a boundary survey must show must be true bearings. (Article 4, section 1, (d), (18), (D), (1) (page 23).) “Bearing” without further specification could mean either true bearing or compass bearing.

Jim Pritchard briefly discussed whether the survey precisions required for a boundary survey—distances measured to hundredths of a foot and bearings measured to seconds—are likely to be realized in practice. (Article 4, section 1, (18), (D) (page 23).)

Jim Pritchard said that he had added comments showing where the requirements for a construction plan had come from. (Article 4, section 1, (19), (G) (page 30).)

The board discussed article 4, section 1, (d), (19), (H) (page 33): “A plan to control storm water runoff, erosion, and sedimentation if the application proposes any one or more of the following activities: (a) to disturb a cumulative area greater than 20,000 square feet; (b) to disturb a cumulative area greater than 2,000 square feet of highly erodible soil, meaning any soil with an erodibility class (K factor) greater than or equal to .43 in any layer as found in table 3-1 of *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*, 1992; (c) to disturb a cumulative area greater than 2,000 square feet on a slope greater than 15%; (d) to disturb a cumulative area greater than 2,000 square feet within 50 feet of either a body of water, a continuous or intermittent watercourse having a defined channel, or soil having a water transmission rate less than .15 inches per hour (3.8 millimeters per hour); (e) to disturb a cumulative area greater than 2000 square feet of a WETLANDS or a floodplain; (f) to construct a STREET; or (g) to subdivide for three or more building LOTS or DWELLING UNITS; except that standard agricultural and silvicultural practices do not have to have a plan to control storm water runoff, erosion, and sedimentation. In this subparagraph, “to disturb” an area means to remove the area’s vegetation and expose the underlying soil.”

Jim Pritchard said that these conditions for when an erosion-control plan would be required had come from *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*. (Comment of recording secretary Jim Pritchard: Jim Pritchard later clarified that the proposed conditions had come, with some relaxation, from *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* (August 1992, appendix F, section 3 (page F-2).) Jim Pritchard said that the existing conditions (of current subdivision regulations section 10, D, 1, (page 37)) for when an erosion-control plan is required are as follows:

“All subdivisions except minor subdivisions involving less than five (5) acres shall prepare and construct adequate erosion and sediment control measures and prepare plans for runoff erosion and sediment control.”

“All subdivisions except minor subdivisions involving less than five (5) acres” can be restated as “All subdivisions that create more than three lots or that include 5 acres or more.” This condition for requiring an erosion and sediment control plan seems overly broad because a large subdivision could

create only two lots and disturb soil only minimally. Jim Pritchard said that the new conditions for requiring an erosion-control plan would apply to fewer projects because the new conditions are more specific.

Daren Nielsen expressed concern that the soil analysis might be too difficult.

Jim Pritchard said that the United States Department Agriculture Soil Conservation Service had done substantial soil mapping and that these soil maps are often available in electronic format. Jim Pritchard said that soil analysis is important to prevent erosion from construction activities that will remove the vegetation from the ground.

Clayton Wood said that he would have to leave the meeting, and he asked Jim Pritchard to summarize the work remaining to be done on the subdivision regulations.

Jim Pritchard listed (1) more work on erosion control, (2) road construction, and (3) survey monuments (permanent boundary markers) on curves. Jim Pritchard said that he hoped that he could finish the erosion-control regulations by citing the model regulations in *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* for matters other than road construction, and by citing the New Hampshire Department of Transportation's *Manual on Drainage Design for Highways* for road construction.

Clayton Wood left the meeting at 8:30 PM.

Pat Heffernan replaced Clayton Wood as acting chair.

Paul Nickerson sat in Clayton Wood's place.

Jim Pritchard said that, in relation to regulations for erosion control and road construction, he wanted to read the model regulations before citing them.

Jim Pritchard said that, for an alteration of terrain permit under RSA 485-A:17, the New Hampshire Department of Environmental Services would make the applicant provide soil information. Jim Pritchard said that his understanding was that most of the soil information could come from the United States Department of Agriculture Soil Conservation Service. Jim

Pritchard said that he had not expected to impose a requirement for a high intensity soil survey.

Daren Nielsen asked when erosion control might be necessary in a subdivision project.

Pat Heffernan and Gerard LeDuc cited road construction projects that had happened.

Jim Pritchard said that he had been concerned that the 2,000 square foot area, which triggers a requirement for an erosion-control plan in some special cases, might be too small. Jim Pritchard said that the conditions in article 4, section 1, (d), (19), (H), had come, with some relaxation, from *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*.

Pat Heffernan said that the conditions of article 4, section 1, (d), (19), (H), (for triggering an erosion-control plan) seemed reasonable, that the department of environmental services would typically oversee most construction, but that he, Pat Heffernan, had a colleague who might be able to give a more informed opinion.

Jim Pritchard referred to a comment on page 71 of the draft subdivision regulations and said that the model subdivision regulations of Southwest Regional Planning Commission cite *Model Stormwater Management and Erosion Control Regulation*, by the New Hampshire Association of Conservation Districts, Water Quality Committee. Jim Pritchard said that he wanted to find this reference to use it as an aid to understanding some of the current (2010) erosion-control regulations. Jim Pritchard said that he had not found this reference, that he had written to the New Hampshire Association of Conservation Districts, but that he had not yet received a reply.

Jim Pritchard repeated that he hoped that he could finish the erosion-control regulations by citing the model regulations in *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* for matters other than road construction, and by citing the New Hampshire Department of Transportation's *Manual on Drainage Design for Highways* for road construction.

Jim Pritchard said that he had another treatise to read on road construction, namely, the New Hampshire Department of Transportation's *Standard Specifications for Road and Bridge Construction*.

AGENDA ITEM 7: Selectman's Report

Gerard LeDuc said that the board of selectmen had made fire chief Peter Pszonowski full time from part time and that the board of selectmen had hired a new police officer, from Chichester, to replace Officer Webber who has become the school's resource officer. ("Resource officer" means a police officer working in the school.)

AGENDA ITEM 8: Members' Concerns

No board member stated any concerns.

AGENDA ITEM 9: Public Input

No public input.

AGENDA ITEM 10: Adjournment

Gerard LeDuc moved to adjourn the meeting.

Jim Pritchard seconded the motion.

Vote to adjourn the planning board meeting of January 7, 2016: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Pat Heffernan, Paul Nickerson, and Gerard LeDuc. Voting "no": none. Abstaining: none. The planning board meeting of January 7, 2016, is adjourned at 8:56 P.M.

Minutes approved: February 4, 2016

Clayton Wood, Chairman

Date

I transcribed these minutes (not verbatim) on January 9, 2016, from notes that I made during the planning board meeting on January 7, 2016, and from a copy that Chairman Clayton Wood made on January 8, 2016, of the town's digital recording of the meeting.

Jim Pritchard, planning board recorder and secretary