

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

**DATE:** Thursday, February 1, 2018

**AGENDA ITEM 1:** Call to Order

Chair Clayton Wood called the meeting to order at 7:07 P.M.

**AGENDA ITEM 2:** Roll Call

Planning board members present:

Clayton Wood (chair),  
Daren Nielsen (vice-chair),  
Jim Pritchard (secretary), and  
Adam Gauthier (alternate)

Planning board members absent:

Paul Nickerson,  
Carole Richardson (selectmen's ex officio member),  
James Hetu (alternate), and  
Jim Adams (alternate for the selectmen's ex officio member)

Pittsfield town officials appearing before the planning board: None.

Members of the public appearing before the planning board: Roland Carter.

“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:** Public Input

Adam Gauthier sat in place of Paul Nickerson.

No public input.

**AGENDA ITEM 4:** Approval of the minutes of the January 18 and January 22, 2018, meetings

Clayton Wood moved to approve the minutes of January 18, 2018, as written in draft.

Adam Gauthier seconded the motion.

No board member stated any problems in the draft minutes.

Vote to approve the minutes of January 18, 2018, as written in draft: carried 4 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Adam Gauthier. Voting “no”: none. Abstaining: none.

Clayton Wood moved to approve the minutes of January 22, 2018, as written in draft.

Adam Gauthier seconded the motion.

No board member stated any problems in the draft minutes.

Vote to approve the minutes of January 22, 2018, as written in draft: carried 3 - 0 - 1. Voting “yes”: Jim Pritchard, Daren Nielsen, and Clayton Wood. Voting “no”: none. Abstaining: Adam Gauthier.

**AGENDA ITEM 5:** Appointment with Roland Carter and Jared Reynolds

Jared Reynolds, economist from the University of New Hampshire Cooperative Extension, was absent, so Roland Carter asked the board to postpone the appointment to an as yet unknown date.

The board agreed.

**AGENDA ITEM 6:** Review of the ballot questions for the planning board’s proposals to the March 2018 annual town meeting

Jim Pritchard moved to approve the ballot questions for the proposed repeal of local building code provisions and for the four proposed zoning amendments as the ballot questions were drafted on January 22, 2018.

Clayton Wood seconded the motion.

Discussion:

Jim Pritchard said that the ballot questions had come from the hearing notices for the five proposals.

Vote to approve the ballot questions for the proposed repeal of local building code provisions and for the four proposed zoning amendments as the ballot questions were drafted on January 22, 2018: carried 4 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Adam Gauthier. Voting “no”: none. Abstaining: none.

The approved ballot questions are attached at the end of this minutes document.

**AGENDA ITEM 7:** Review of the planning board’s submission to the annual town report

Clayton Wood said that the submission should include thanks to the fire department for the support that the fire department had given to the planning board in the Everson case last summer.

The planning board’s submission to the annual town report is attached at the end of this minutes document.

**AGENDA ITEM 8:** Potential regional impact to Pittsfield of a wireless telecommunication facility in Hooksett, New Hampshire

Jim Pritchard moved the board to find that the telecommunication facility in Hooksett will have no regional impact to Pittsfield.

Clayton Wood seconded the motion.

Discussion:

Daren Nielsen asked how a telecommunication facility as far away as Hooksett could possibly have regional impact to Pittsfield.

Jim Pritchard said that the tower (described in the notice as being 150 feet high) might be visible somewhere in Pittsfield.

**AGENDA ITEM 9:** Notice of the New Hampshire Office of Strategic Initiatives's annual spring planning and zoning conference on April 28, 2018

Jim Pritchard said that the notice was self-explanatory. The conference will be on April 28, 2018, and registration for the conference will open on February 27, 2018.

Clayton Wood said that the conference was worth attending.

**AGENDA ITEM 10:** Selectman's Report

There was no selectman's report because Carole Richardson was absent.

**AGENDA ITEM 11:** Members' Concerns

Daren Nielsen said that he would be absent from the board's meeting on March 1 because he had a job commitment that would conflict with the meeting.

Jim Pritchard said that the board might not be able to give Donald Rose Jr. a full board on March 1 because Jim Pritchard would be disqualified and because Paul Nickerson might still be absent. The board will have a hearing on March 1 on Donald Rose Jr.'s application to approve a lot line adjustment, and Jim Pritchard will be disqualified because he represented Donald Rose Jr. when Donald Rose Jr. applied for a zoning variance for this project.

**AGENDA ITEM 12:** Public Input

No public input.

**AGENDA ITEM 13:** Adjournment

Jim Pritchard moved to adjourn the meeting.

Clayton Wood seconded the motion.

Vote to adjourn the planning board meeting of February 1, 2018: carried 4 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Adam Gauthier. Voting “no”: none. Abstaining: none. The planning board meeting of February 1, 2018, is adjourned at 7:24 P.M.

Minutes approved: March 1, 2018

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Clayton Wood, chairman

Date

I transcribed these minutes (not verbatim) on February 3, 2018, from the digital audio recording that Chairman Clayton Wood made during the meeting on February 1, 2018, and uploaded to the Internet.

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Jim Pritchard, planning board recorder and secretary

Attachments:

1. The planning board’s approved ballot questions for the proposed repeal of local building code provisions and for the four proposed zoning amendments.
2. The planning board’s submission to the annual town report.

Planning board approved ballot questions for the planning board's proposals to repeal building code provisions and to amend the zoning ordinance, for the March 13, 2018, town meeting (Proposed January 22, 2018; approved February 1, 2018).

Ballot question for local building code repeal:

Are you in favor of repealing, as proposed by the planning board, all of the building code provisions that the town meeting voted to adopt under article 2 of the March 10 and 14, 1998, town meeting warrant?

The purpose of repealing these building code provisions is to avoid conflicts with the state building code and the state fire code.

Ballot question for zoning ordinance amendment no. 1:

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board for the town zoning ordinance as follows: amend article 2, definition of "agriculture," to add the words indicated following by underlining and to delete the words indicated following by strikethrough:

**AGRICULTURE:** "AGRICULTURE" means agriculture as defined in RSA 21:34-a, II, effective ~~August 10, 2014~~ June 16, 2016.

The purpose of Amendment No. 1 is to adopt the State of New Hampshire's most recent definition of "agriculture" and thereby remain in conformance to the state's right-to-farm law, RSA 674:32-a through RSA 674:32-d.

Ballot question for zoning ordinance amendment no. 2:

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board for the town zoning ordinance as follows: Amend article 3, section 3, (b), (6), Table of Uses and Districts, as follows:

- (1) Change the permitting of home occupations to permitted by right in the Suburban District and in the Rural District, where home occupations are now permitted as special exceptions.
- (2) Change the permitting of bed-and-breakfasts to permitted by right in the Urban District and in the Suburban District, where bed-and-breakfasts are now permitted as special exceptions.

The purposes of amendment no. 2 are (1) to remove the zoning board of adjustment's review of home occupations in the Suburban and Rural zoning districts and (2) to remove the zoning board of adjustment's review of bed-and-breakfasts, which are a type of home occupation, in the Urban and Suburban zoning districts.

Ballot question for zoning ordinance amendment no. 3:

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board for the town zoning ordinance as follows: Amend article 3, section 3, (b), (6), Table of Uses and Districts, as follows:

- (1) Change how the table shows the permitting of home occupations from permitted by right in the Commercial District to prohibited in the Commercial District.
- (2) Change how the table shows the permitting of bed-and-breakfasts from permitted as special exceptions in the Commercial District and in the Light Industrial/Commercial District to prohibited in the Commercial District and in the Light Industrial/Commercial District.

The purpose of amendment no. 3 is to comply with the state law of nonconforming uses because (1) home occupations and bed-and-breakfasts are by definition accessory uses of single-family dwellings, (2) existing single-family dwellings in the Commercial and Light Industrial/Commercial zoning districts are nonconforming uses because the zoning ordinance prohibits single-family dwellings in these two districts, and (3) the state law of nonconforming uses prohibits expanding a nonconforming use to the extent to which adding an accessory use to a principal use may expand the principal use.

Ballot question for zoning ordinance amendment no. 4:

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board for the town zoning ordinance as follows: amend article 4, Nonconforming Uses and Lots, to add quotations from New Hampshire Supreme Court case law on nonconforming uses and lots and to codify the New Hampshire state law of nonconforming uses into the zoning ordinance.

The purposes of amendment no. 4 are (1) to increase the use-it-or-lose-it time of abandonment of nonconforming uses from the current one year to two years to agree with the state law of abandonment of variances and special exceptions, (2) to provide guidelines for allowed expansion or change of nonconforming uses, (3) to provide guidelines for unlawful expansion or change of nonconforming uses, and (4) to add a process to correct unlawful expansion or change of nonconforming uses.

## Planning Board

2017 kept the planning board busy with a variety of projects.

The board began development of zoning amendment proposals early in the summer and continued the process into 2018. The board ultimately proposed four zoning amendments: (1) an amendment to adopt the state of New Hampshire's most recent definition of agriculture, the purpose of this amendment being to remain in conformance to the state's right-to-farm law, RSA 674:32-a through RSA 674:32-d; (2) an amendment to permit by right home occupations, including bed-and-breakfasts, in districts where home occupations are currently permitted as special exceptions; (3) an amendment to show home occupations, including bed-and-breakfasts, as prohibited in the use table in districts where single-family dwellings are prohibited, the purpose of this amendment being to remove conflict with another part of the zoning ordinance and with the state law of nonconforming uses; and (4) an amendment to codify the state law of nonconforming uses into the zoning ordinance. The board also proposed a repeal of local building code provisions that the town voted to adopt in 1998 but that now conflict with state law. The town meeting will decide on March 13, 2018, whether to approve these five proposals.

Other projects overlapped the zoning-amendments project. The planning board gave a property owner an advisory opinion on whether a proposed subdivision would create a nonconforming lot. The planning board gave the board of selectmen four advisory opinions: first, on whether a lot on a class VI highway conformed to the state fire code's requirements for building; second and third, on two proposals to buy town-owned 33 Main Street, near the Josiah Carpenter Library; and, fourth, on an application for property tax relief under RSA 79-E. The planning board considered the potential regional impact of the New Hampshire Motor Speedway's proposal to do concerts and overnight camping in Loudon, and the planning board ultimately sent the Loudon Planning Board a letter of opposition based on concerns about invasive insects in imported firewood. Finally, the planning board reviewed and ultimately approved an application for subdivision approval and an application for lot line adjustment approval.

The planning board thanks Fire Chief Peter Pszonowsky, Fire Marshal Captain Don Tyler, and the rest of the Pittsfield Fire Department for guiding the board through the state fire code and for explaining and demonstrating emergency rescue procedures and equipment as they relate to the access road leading to the site of an emergency. The fire department's guidance was invaluable to the planning board in developing the planning board's advisory opinion to the board of selectmen on whether a lot on a class VI highway conformed to the state fire code's requirements for building.

The planning board thanks volunteers Leroy Corson, Adam Gauthier, and James Hetu for serving as alternates to the planning board, and Jim Pritchard for serving as recording secretary and acting administrative secretary.



The planning board thanks the volunteer members of the master plan committee, who this year were Ralph Odell, chair; Ted Mitchell, secretary; Jim Pritchard, planning board representative; Roland Carter; and Helen Schoppmeyer.

The planning board gives special thanks to former planning board chair Ted Mitchell, who is reducing his involvement in town affairs in order to have more time to care for his elderly mother. Ted's contributions are too numerous to list in full, but among his more important contributions are member and ultimately chair of the planning board, member and secretary of the master plan committee, Pittsfield representative to the Central New Hampshire Regional Planning Commission and several subcommittees of CNHRPC, food pantry volunteer, member and ultimately chair of the economic development committee, member of the beautification committee, and extensive contributor to the Pittsfield school system. The planning board is grateful to Ted for his service and wishes him and his family the best.

Clayton Wood, chair

Daren Nielsen, vice-chair

Jim Pritchard, secretary

Paul Nickerson, member

Carole Richardson, selectmen's ex officio member

Adam Gauthier, alternate

James Hetu, alternate

Jim Adams, alternate for the selectmen's ex officio member