

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

DATE: Thursday, June 21, 2018

AGENDA ITEM 1: Call to order

Chair Clayton Wood called the meeting to order at 7:04 P.M.

AGENDA ITEM 2: Roll call

Planning board members present:

Clayton Wood (chair),
Daren Nielsen (vice-chair),
Jim Pritchard (secretary), and
Paul Nickerson

Planning board members absent:

Carl Anderson (selectmen's ex officio member),
Adam Gauthier (alternate),
James Hetu (alternate), and
Jim Adams (alternate for the selectmen's ex officio member)

Pittsfield town officials appearing before the planning board: Carole Richardson, selectman.

Members of the public appearing before the planning board: Ralph Odell, chair of the master plan committee.

“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

No public input.

AGENDA ITEM 4: Approval of the minutes of the June 7, 2018, meeting

Clayton Wood moved to approve the minutes of June 7, 2018, as written in draft.

Daren Nielsen seconded the motion.

Discussion:

Clayton Wood said that the notices of decisions attached to the minutes were helpful reference.

Jim Pritchard asked for the following changes:

Agenda item 2, page 1: Change

“Matt Routhier, landscape architect for Pittsfield Self Storage; and Mike McDonough, owner of Pittsfield Self Storage”

to

“Mike McDonough, owner of Pittsfield Self Storage; and Matt Routhier, landscape architect for Pittsfield Self Storage”

so that the names of the members of the public appearing before the planning board are in alphabetical order.

Agenda item 9, page 29: Add the following sentence at the beginning of the agenda item:

“Clayton Wood replaced Adam Gauthier on the board.”

Agenda item 9, page 29: Add the following two lines after the statement of the vote approving the minutes of May 3, 2018:

After the meeting, Jim Pritchard made the following additional correction:

Agenda item 6, page 17: Change “June 14, 2018” to “June 21, 2018”

*****End of the second correction to agenda item 9, page 29.

Vote to approve the minutes of June 7, 2018, with the changes that Jim Pritchard requested: carried 4 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul Nickerson. Voting “no”: none. Abstaining: none.

After the meeting, Jim Pritchard made the following additional correction to the minutes of June 7, 2018:

Agenda item 8, page 28: In the statement of the vote to recommend in favor of the sale of town-owned tax map U-5, lot 14 to the historical society, change “Clayton Wood” to “Adam Gauthier”

AGENDA ITEM 5: Consideration of a draft letter from the planning board to the board of selectmen regarding the septic system site plan violation by the business at 121 Barnstead Road, current tax map R-15, lot 6-1, and formerly tax map R-15, lot 6, before the subdivision that was approved on June 7, 2018

The board considered a draft letter summarizing the board’s decision of June 7, 2018, on how to act on the septic system site plan violation by the business at 121 Barnstead Road, current tax map R-15, lot 6-1, and formerly tax map R-15, lot 6, before the subdivision that was approved on June 7, 2018.

Clayton Wood told Carole Richardson, who was present in the audience, that the planning board had not reviewed the board of selectmen’s records of the Carson violation.

Carole Richardson asked whether the name of the person that the town had been holding responsible (in 2000), “Floyd Graham,” was mistaken and should instead be “Floyd Carson.”

Jim Pritchard said that Floyd Graham had been the applicant for site plan review.

Daren Nielsen said that the way that the condition of site plan approval had been worded:

“A septic design must be submitted within 90 days or alternate sanitary facility installed.”

had been inviting problems because a septic design could be submitted but not installed.

Jim Pritchard said that making the septic design part of the site plan would oblige the applicant for site plan approval to install the septic system according to the design.

Daren Nielsen said that enforcement of such a condition would be difficult and that a better way would be to have made actual installation of the septic system a condition of site plan approval.

Jim Pritchard said that the condition of site plan approval from 1997 had been carelessly written and that carelessly written conditions of approval had been common many years ago. Jim Pritchard said that inspection and enforcement typically happens during the building inspection for an occupancy permit. Jim Pritchard said that Daren Nielsen had asked a good question: How does the board enforce a condition of site plan approval when no building permits are involved?

Clayton Wood moved to send the draft letter as written to the board of selectmen.

Jim Pritchard seconded the motion.

Discussion: No discussion.

Vote to send the draft letter as written to the board of selectmen: carried 4 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul Nickerson. Voting “no”: none. Abstaining: none.

The planning board’s letter to the board of selectmen regarding the septic system site plan violation by the business at 121 Barnstead Road, current tax map R-15, lot 6-1, and formerly tax map R-15, lot 6, before the subdivision that was approved on June 7, 2018, is attached at the end of this minutes document.

AGENDA ITEM 6: Public hearing on an amendment to the town's master plan for seven new chapters: Introduction, Demographics, Transportation, Housing, Municipal Operation, Recreation, and Education

Ralph Odell gave a Microsoft PowerPoint presentation of the seven proposed chapters of the master plan.

Board members discussed various points of the presentation, with emphasis on the town's property-assessment practices. Clayton Wood said that the assessor's assessment model for buildings was based strictly on size and not on how easily the building would sell. Clayton Wood said that he had used a spreadsheet to analyze the town's last revaluation and that old, less sellable homes had seen their assessments increase in the town's last revaluation while new, more sellable homes had seen their assessments decrease. Jim Pritchard said that the board of selectmen should make the assessor use a model that agreed with market prices. Jim Pritchard said that the board of selectmen had announced that it would not second guess the assessor, but, Jim Pritchard said, second guessing the assessor was a function of the board of selectmen. Jim Pritchard, Paul Nickerson, and Daren Nielsen agreed with Clayton Wood's objection to how the town assesses property. Board members discussed but did not agree on how lake-front properties influence taxes.

Jim Pritchard moved to adopt the seven new chapters that the master plan committee had presented for the master plan.

Clayton Wood seconded the motion.

Discussion:

Clayton Wood said that the individual chapters should be marked with their adoption dates so that the chapters would show which chapters were old and which chapters were new.

Jim Pritchard and Clayton Wood said that Ralph Odell had done an extraordinary amount of work in writing the new chapters of the master plan.

Vote to adopt the seven new chapters that the master plan committee had presented for the master plan: Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul Nickerson. Voting "no": none. Abstaining: none.

AGENDA ITEM 7: Selectman's report

Neither Carl Anderson nor Jim Adams was present to report. Carole Richardson had nothing to report in place of Carl Anderson and Jim Adams.

AGENDA ITEM 8: Members' concerns

Clayton Wood's concern with the new historic homes zoning district:

Clayton Wood asked Jim Pritchard about Jim Pritchard's progress on drafting a zoning amendment for the new historic homes zoning district.

Jim Pritchard said that other matters had delayed his work on the historic homes project but that it was very much on his mind. Jim Pritchard said that Daniel Welch had identified all single-family dwellings in the Commercial and Light Industrial/Commercial zoning districts and that he, Jim Pritchard, needed to transfer this information onto the tax maps in order to make a graphic representation of Daniel Welch's information.

Clayton Wood's concern with the status of Pittsfield Self Storage's application for site plan approval:

Clayton Wood asked whether Pittsfield Self Storage had replied to Jim Pritchard's e-mail asking whether Pittsfield Self Storage were withdrawing its application for site plan approval. (Comment of recording secretary Jim Pritchard: Pittsfield Self Storage had sent Jim Pritchard an e-mail saying that Pittsfield Self Storage would not revise and submit its site plan in time for consideration at the board's meeting on July 5, 2018.)

Jim Pritchard said that he had heard nothing from Pittsfield Self Storage in reply.

Jim Pritchard's concern with the board's practice of not rejecting incomplete applications on formal review:

Jim Pritchard said that he was concerned that the board's practice of granting continuances to applicants who have applied for formal review but do not have complete applications is unlawful (RSA 676:4, I, (b)), and that the board's practice of finding incomplete applications complete made the

board appear to be biased in favor of the applicant. Jim Pritchard said that he agreed with Brandon Giuda's statement on April 13, 2018, that the surveyor was responsible for bringing the board a correct plan for formal review.

Clayton Wood said that the board should be practical in deciding which deficiencies must be corrected before the applicant can proceed in the review, and which deficiencies could be let stand while the review continued. Clayton Wood said that insisting on error-free plans would discourage developers. Clayton Wood said that the board might have to require preliminary review to accommodate the need to correct errors that exist in the application's initial submission. Clayton Wood said that the board should keep the application moving through the process.

Clayton Wood's concern with support for the board's decision on the Carson subdivision and the septic system site plan violation:

Clayton Wood said that the planning board's minutes of August 6, 2015, had given very good support for the board's decision on the Carson subdivision and the septic system site plan violation.

Paul Nickerson said that the board's decision had been what the law required the board to do.

Jim Pritchard said that he had done his very best to present the meeting as it had happened and to present Brandon Giuda's concerns completely and as Brandon Giuda had made his concerns.

AGENDA ITEM 9: Public input

No public input.

AGENDA ITEM 10: Adjournment

Clayton Wood moved to adjourn the meeting.

Paul Nickerson seconded the motion.

Vote to adjourn the planning board meeting of June 21, 2018: carried 4 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul

Nickerson. Voting “no”: none. Abstaining: none. The planning board meeting of June 21, 2018, is adjourned at 9:00 P.M.

Minutes approved: July 5, 2018

Clayton Wood, chairman

Date

I transcribed these minutes (not verbatim) on June 22, 2018, from the digital audio recording that Chairman Clayton Wood made during the meeting on June 21, 2018, and uploaded to the Internet.

Jim Pritchard, planning board recorder and secretary

Attachment: The planning board’s letter to the board of selectmen regarding the septic system site plan violation by the business at 121 Barnstead Road, current tax map R-15, lot 6-1, and formerly tax map R-15, lot 6, before the subdivision that was approved on June 7, 2018.

June 21, 2018

Pittsfield Board of Selectmen
Town of Pittsfield
85 Main Street
Pittsfield, NH 02363

Dear board of selectmen:

In 1998, the planning board had a number of communications with former town administrator Fred Welch about enforcing the condition of the planning board's conditional approval of the site plan of the business on what was 121 Barnstead Road, tax map R-15, lot 6, in 1997 and 1998. For example, Fred Welch's letter of March 24, 1998, to Floyd Graham, 121 Barnstead Road, Pittsfield, NH 03263, in part says,

The Planning Board has requested that I write regarding your June 19, 1997, [sic, June 5, 1997] conditional site plan approval for your commercial operations at 121 Barnstead Road in Pittsfield. The Planning Board approved your application on the condition that a copy of the State Septic System approval be furnished to the Town and incorporated in the Board's formal file.

The only septic system approval forwarded to the Town was a copy of the approval dated March 5, 1986, for the mobile home located on the same parcel.

I am instructed to require the filing of a copy of the septic approval for the garage within the next 30 days and failing such filing the Board will take whatever action is required by the statutes to enforce compliance.

The planning board also had Fred Welch write as follows to the New Hampshire Department of Environmental Services on May 13, 1998:

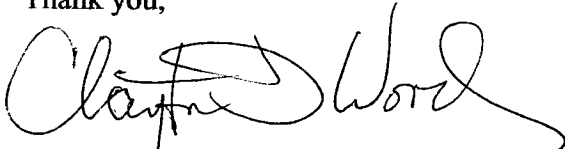
The Planning Board of the Town of Pittsfield formally requests that the Department investigate the current septic system located on this property and if the necessary permits are issued to file a copy with this agency.

A copy of each of these two letters of Fred Welch is attached. The planning board's notice of decision of June 5, 1997, conditionally approving the site plan is attached.

At the planning board's recent review of the subdivision of now former tax map R-15, lot 6, abutter Brandon Giuda complained on June 7, 2018, that the business on former tax map R-15, lot 6, had never satisfied the condition of the business's conditional site plan approval and that the planning board should withhold final approval of the subdivision until the business had a proper well and septic system. (Planning board

minutes, June 7, 2018, agenda item 4, page 15.) The planning board did not agree that it should use subdivision approval as enforcement leverage in this case, but the board agreed with Brandon Giuda's basic complaint, that is, that the town should enforce the condition of the business's conditional site plan approval requiring a proper septic system. (Planning board minutes, June 7, 2018, agenda item 11, page 29.) Therefore, the planning board respectfully requests that the board enforce this condition of the conditional site plan approval.

Thank you,

A handwritten signature in black ink that reads "Clayton Wood". The signature is fluid and cursive, with the first name being more prominent.

Clayton Wood
Chair
Pittsfield Planning Board

Attachments:

1. The planning board's notice of decision of the meeting of June 5, 1997, approving the site plan of CWR Concepts, Inc., upon the condition that "A septic design must be submitted within 90 days or alternate sanitary facility installed."
2. Town administrator Fred Welch's letter of March 24, 1998, to Floyd Graham, 121 Barnstead Road, Pittsfield, NH 03263.
3. Town administrator Fred Welch's letter of May 13, 1998, to the New Hampshire Department of Environmental Services.
4. The planning board's minutes of June 7, 2018.