

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

DATE: Thursday, September 7, 2017

AGENDA ITEM 1: Call to Order

Chair Clayton Wood called the meeting to order at 7:00 P.M.

AGENDA ITEM 2: Roll Call

Planning board members present:

Clayton Wood (chair),

Daren Nielsen (vice-chair),

Jim Pritchard (secretary),

Paul Nickerson,

Carole Richardson (selectmen's ex officio member), and

Adam Gauthier (alternate)

Planning board members absent:

Leroy Corson (alternate),

James Hetu (alternate), and

Jim Adams (alternate for the selectmen's ex officio member)

Pittsfield town officials appearing before the planning board: Jesse Pacheco, building inspector.

Members of the public appearing before the planning board: Jim Gamble, Kevin Gibson, and Bill Miskoe.

“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 5: Development of a recommendation under RSA 41:14-a, I, on Jim Gamble's proposal to buy town-owned 37 Main Street.

- a. Consideration of Bill Miskoe's motion to defer the recommendation on Jim Gamble's proposal to buy town-owned 37 Main Street.
- b. Development of the recommendation on 37 Main Street if Bill Miskoe's motion to defer fails.

Bill Miskoe's written motion to defer the recommendation on Jim Gamble's proposal to buy town-owned 37 Main Street states the following reason for requesting the deferral:

"My attorneys have requested time to prepare for the appearance, and cannot be ready in time for the regular meeting in September."

Clayton Wood invited Bill Miskoe and Jim Gamble each to speak for five minutes.

Bill Miskoe said that he wanted the board to defer its recommendation because, first, the library has some difficulties with the Gamble proposal, second, Bill Miskoe's lawyers need more time to prepare to address the Gamble proposal, third, Jim Gamble might change his proposal to satisfy the library, and, fourth, he, Bill Miskoe, wanted the additional time to work with Jim Gamble to propose something better than Jim Gamble's current proposal.

Jim Gamble said that he wanted to build an extension on the back of the building to accommodate handicapped access. Jim Gamble said that he planned for the ground floor of the existing building to be a coffee shop, and for the second floor to have two apartments. Jim Gamble said that Bill Miskoe had raised some concerns that Jim Gamble had not considered before. Jim Gamble said that he would agree to the motion to defer. Jim Gamble said that he needed a variance to build in a setback yard because the Veterans' Administration's guidelines for maneuvering a wheelchair in the handicapped access established the smallest projection possible from the back of the building.

Carole Richardson said that the board of selectmen wanted to sell 37 Main Street quickly because the back side of the building is open to the weather.

Daren Nielsen asked for confirmation that the back side of the building is open to the weather.

Carole Richardson said yes.

Jim Gamble said that he would secure the back side of the building from the weather.

Bill Miskoe said that the back side of the building had been open for months, that leaks through the roof were more destructive than the open back side, and that the building had been vacant for years.

Jim Pritchard moved to grant Bill Miskoe's motion to defer the board's recommendation on Jim Gamble's proposal to buy town-owned 37 Main Street to the board's regular meeting on October 5, 2017.

Clayton Wood seconded the motion.

Discussion:

Clayton Wood asked for confirmation that the building would have a business on the first floor and two apartments, which the zoning ordinance calls dwellings above business, on the second floor.

Jim Gamble said yes.

The board gave Jim Gamble and Bill Miskoe copies of the board's previous recommendation on the sale of 33 and 37 Main Street. This previous recommendation is appended at the end of the planning board minutes of July 26, 2016.

Daren Nielsen asked whether the barn and carriage house still had the hole in the roof.

Bill Miskoe said that "the barn is just there," that the barn is on library property, and that the barn would be demolished.

Vote to grant Bill Miskoe's motion to defer the board's recommendation on Jim Gamble's proposal to buy town-owned 37 Main Street to the board's regular meeting on October 5, 2017: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting "no": none. Abstaining: none.

Bill Miskoe said that he would work with Jim Gamble. Bill Miskoe said that the property being called 37 Main Street is actually 33 Main Street, tax map U-3, lot 45, because of the lot line adjustment that the board approved for Bill Miskoe on November 17, 2016.

AGENDA ITEM 3: Public Input

No public input.

AGENDA ITEM 4: Approval of the minutes of the August 3, 2017, meeting

Paul Nickerson moved to approve the minutes of August 3, 2017, as written in draft.

Daren Nielsen seconded the motion.

Jim Pritchard asked for the following changes:

Agenda item 2, page 1: Add “and” after “Paul Nickerson,”

Agenda item 5, page 2: Change the first two instances of the term “state fire marshal” to “state fire marshal’s office”

Vote to approve the minutes of August 3, 2017, with the changes that Jim Pritchard requested: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting “no”: none. Abstaining: none.

AGENDA ITEM 6: Development of a comment on No Worry’s request for property tax relief under RSA 79-E

Clayton Wood asked whether No Worry had finished its construction.

Building inspector Jesse Pacheco said that construction on the storage lockers in No Worry’s self-storage facility building at 1 Fayette Street was finished on the first floor and was in progress on the second floor. Jesse Pacheco said that the fire alarm system is active throughout the whole building.

Clayton Wood said that work that has been finished cannot receive property tax relief under RSA 79-E. (RSA 79-E:4, I.)

Jesse Pacheco said that the storage lockers are finished to the point of being able to be rented but that the second floor is not finished.

Clayton Wood asked whether the work was maintenance or substantial improvement.

Jesse Pacheco said that the work was substantial improvement.

Jim Pritchard said that he was unsure about what the planning board's role in an application for tax relief under RSA 79-E was, because RSA 79-E does not mention the planning board. Jim Pritchard said that the board of selectmen could certainly ask the planning board for an advisory opinion, so Jim Pritchard suggested that the planning board answer the questions that town administrator Cara Marston had asked the planning board in her e-mail of September 1, 2017:

“Your input is requested to help the Board of Selectmen determine if the application is proposing a use that provides public benefit and is consistent with our master plan or development regulations.”

Daren Nielsen said that he was concerned that the spirit of RSA 79-E was to encourage the restoration and preservation of historic buildings.

Jim Pritchard said that he agreed with Daren Nielsen in that the spirit of RSA 79-E was to encourage the restoration and preservation of historic buildings, but, Jim Pritchard said, because emphasis on historic buildings was only the spirit but not the letter of the law, Jim Pritchard said that fairness indicated that the board should follow its past practice in developing a recommendation without special consideration to whether a building was historic.

Clayton Wood said that he thought that RSA 79-E could be applied even to residential buildings.

Jim Pritchard said that his understanding was that RSA 79-E could not be applied to residential buildings.

(Comment of recording secretary Jim Pritchard: Clayton Wood appears to have been correct, and Jim Pritchard appears to have been mistaken. RSA 79-E:1, I, says,

“It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.”

and the definition of “qualifying structure” in RSA 79-E:2, II, does not distinguish between residential and nonresidential buildings:

“Qualifying structure” means a building located in a district officially designated in a municipality’s master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit “qualifying structure” according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify “qualifying structure” to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.

Finally, RSA 79-E:7, II, defines a public benefit that historically important residential buildings could potentially provide:

“It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located”

* * * * *End of comment by recording secretary Jim Pritchard)

Jesse Pacheco said that former economic development chair Ted Mitchell had said that RSA 79-E does not provide property tax relief for residential structures.

Clayton Wood repeated that work that has been finished cannot receive property tax relief under RSA 79-E.

Jim Pritchard said that the board of selectmen had applied RSA 79-E inconsistently. Jim Pritchard cited the Rustic Crust building at 31 Barnstead Road, tax map U-01, lot 1, which replaced a building that had not been in the RSA 79-E tax incentive district. Jim Pritchard said that the board of selectmen had granted Rustic Crust tax relief less than what the statute defines.

(Comment of recording secretary Jim Pritchard: RSA 79-E:2, VI, defines “tax relief” for a qualifying structure as follows

VI. “Tax relief” means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

* * * * *End of comment by recording secretary Jim Pritchard)

Kevin Gibson said that RSA 79-E has no special emphasis on restoration and preservation of historic buildings.

Adam Gauthier asked about how RSA 79-E controlled the increase in tax assessment.

Jesse Pacheco said that restoration meant returning a building from a nonfunctioning state to a functioning state and that No Worry had returned a building from a nonfunctioning state to a functioning state.

Clayton Wood said that the planning board should respond to No Worry’s application in the same way as the planning board had responded to other applications under RSA 79-E in the past.

Jim Pritchard said that the planning board should specifically address the questions that town administrator Cara Marston had asked the planning board in her e-mail of September 1, 2017:

“Your input is requested to help the Board of Selectmen determine if the application is proposing a use that provides public benefit and is consistent with our master plan or development regulations.”

Jim Pritchard said that the planning board could say that No Worry’s use conforms to the applicable development regulations—zoning regulations, site plan review, state building code, and state fire code—because (1) No Worry conforms to the zoning ordinance by having received a special exception for the building’s use as a self-storage facility, (2) No Worry conforms to the site plan review regulations by having received an exemption from site plan review, and (3) No Worry conforms to the state building code and state fire code by having received a building permit for the construction as a self-storage facility and by having had the building inspector inspect the work. Jim Pritchard said that No Worry’s use conforms to the master plan by having received a special exception for the building’s use as a self-storage facility. Jim Pritchard said that No Worry’s use provides the public benefit of renovating a building that had been deteriorating.

Jim Pritchard moved the board to comment as he had just suggested.

Clayton seconded the motion.

Discussion:

Jim Pritchard said that he wanted to add a fourth part to the comment, namely, that the board agrees with No Worry’s statements in the “Public Benefit” section of No Worry’s application:

Enhances the economic vitality of the designated area: Yes: Bring business to Pittsfield in a building that was vacant over 10 years

Enhances and improves a culturally or historically important structure: No.

Promotes development of the designated area, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B: Yes: Improve safety systems, sprinkler, fire, security, heat.

It increases residential housing in urban or town centers: No.

* * * * *End of No Worry's statements in the "Public Benefit" section of No Worry's application

Paul Nickerson reviewed the public benefit conditions and said that he agreed with No Worry's statements of public benefit.

Vote to comment on No Worry's application under RSA 79-E as Jim Pritchard said in his amended motion: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting "no": none. Abstaining: none.

AGENDA ITEM 7: Arthur Laro's request for a letter saying that the planning board does not require a survey for certain property conveyances that do not include subdivision or relocation of boundaries

The board agreed to send Arthur Laro a letter saying that the planning board does not require a survey for certain property conveyances that do not include subdivision or relocation of boundaries. The board reasoned that it could do no harm in sending the letter because the letter was accurate and because, in any case, the letter would not bind the planning board.

AGENDA ITEM 8: Consideration of the Loudon Zoning Board of Adjustment's meeting of August 24, 2017, regarding the New Hampshire Motor Speedway

Jim Pritchard said that he had attended the Loudon Zoning Board of Adjustment's meeting of August 24, 2017, regarding the New Hampshire Motor Speedway, and that his main concerns had been (1) the potential that the camping use at the speedway had to attract invasive insects via out-of-state campfire wood that out-of-state campers bring to the campsites and (2) whether the speedway's security was adequate to prevent such invasive insects. Jim Pritchard identified the emerald ash borer, which has already invaded New Hampshire, and the Asian longhorned beetle, which has not yet been found in New Hampshire, but which has been found in Worcester,

Massachusetts, and in Boston, Massachusetts. A letter that Tim Meeh, 341 Shaker Road, Canterbury, New Hampshire, submitted to the Loudon Zoning Board of Adjustment includes a map showing the area that the emerald ash borer has infested in New Hampshire. The center of this area is approximately at the speedway. Tim Meeh's letter is appended at the end of this minutes document. Another letter, from Sam Durfee, of the Central New Hampshire Regional Planning Commission, describes the problem of the emerald ash borer and the Asian Longhorned beetle and is appended at the end of this minutes document.

Jim Pritchard, Daren Nielsen, and Paul Nickerson agreed that Jim Pritchard and Clayton Wood would investigate the speedway's security against invasive insects and that, because the Pittsfield Planning Board would not meet again before the Loudon Zoning Board of Adjustment's next meeting, Jim Pritchard and Clayton Wood would be authorized to put the Pittsfield Planning Board in a formal position of opposing the speedway project if Jim Pritchard and Clayton Wood were to decide that the speedway's current security is inadequate to prevent invasive insects.

Paul Nickerson said that state law prohibits importing firewood from out of state.

Adam Gauthier said that the speedway had the New Hampshire Forest Service checking and confiscating firewood. (Comment of recording secretary Jim Pritchard: Merrimack County forester Tim Fleury told Jim Pritchard on September 13, 2017, that the New Hampshire Division of Forests and Land, under the New Hampshire Department of Resources and Economic Development, has charge of securing the speedway from campfire wood that does not have proper certification.)

Daren Nielsen said that the speedway should be paying for the state inspections.

AGENDA ITEM 9: Review a repeal of the town meeting's 1998 adoption of building codes

Jim Pritchard said that the board had already reviewed this repeal proposal on July 6, 2017, and that Captain Tyler, of the Pittsfield Fire Department, had approved the wording of the repeal proposal. Jim Pritchard said that the

repeal proposal was on tonight's agenda if the board wanted to set a date for the public hearing.

The board did not set a date for a public hearing on the repeal proposal.

AGENDA ITEM 10: Review three zoning amendments:

- a. Amendment 1, for the definition of "agriculture";
- b. Amendment 2, to make home occupations permitted by right in the Suburban District and in the Rural District; and
- c. Amendment 3, currently in conceptual form, for article 4, Nonconforming Uses and Lots

Amendment 1:

Amendment 1 would change the definition of "agriculture" from the state definition effective on August 10, 2014, to the current state definition, effective June 16, 2016.

Amendment 2:

Amendment 2 would change the permitting of home occupations in the Suburban District and in the Rural District from by special exception to by right.

Amendment 3:

Amendment 3 is currently in conceptual form and would include case law quotations to make the law of nonconforming uses more accessible by being in the zoning ordinance.

Jim Pritchard said that he wanted to have zoning ordinance administrator Jesse Pacheco, who had left the meeting by this time, review the proposed case law quotations to see whether Jesse Pacheco agrees that the proposed case law citations are appropriate and complete. Jim Pritchard said that the current zoning provision on expansion (article 4, section 3, (a), (3)):

"A not-conforming use may be expanded by a VARIANCE from the Zoning Board of Adjustment."

was difficult to understand and was in fact erroneous under *New London Land Use Association v. New London Zoning Board of Adjustment*, 130 N.H. 510, 543 A.2d 1385 (1988):

“Nonconforming uses may be expanded, where the expansion is a natural activity, closely related to the manner in which a piece of property is used at the time of the enactment of the ordinance creating the nonconforming use.”

Paul Nickerson said that there was case law saying that nonconforming uses could be expanded anywhere within a building but not outside the building.

Jim Pritchard cited *Hampton v. Brust*, 122 N.H. 463, 446 A.2d 458 (1982), as case law saying that the area that a nonconforming use occupies cannot be expanded even within a building:

“RSA 31:62 provides that a zoning regulation applies, with respect to an existing structure or use, only to ‘alteration of a building for use for a *purpose* or in a *manner substantially different* from the use to which it was put before alteration.’ (Emphasis added). In this case, the arcade portion of the building cannot be expanded into a section of the building that had been a gift shop, a use different from a penny arcade.” (Emphasis added by the New Hampshire Supreme Court.)

Paul Nickerson said that six different judges would decide the same case six different ways.

Kevin Gibson said, “you can always find conflicting precedent for any issue.”

Jim Pritchard said that the case law quotations were intended to help not just the town’s code enforcement officer but also property owners. Jim Pritchard said that knowing the law helps property owners because knowing the law tells property owners, both developers and abutters, what a property owner can and cannot do lawfully with his property. Jim Pritchard disputed the claim that case law always conflicts. Jim Pritchard cited *Grandfathered - The Law of Nonconforming Uses and Vested Rights*, by H. Bernard Waugh. Jim Pritchard said that this treatise cites a large number of supreme court cases to describe the law of nonconforming uses. Jim Pritchard said that he had used the *Grandfathered* treatise in choosing what Jim Pritchard thought were the most conceptually basic and essential cases. (Comment of

recording secretary Jim Pritchard: Jim Pritchard also used New Hampshire Practice (2010 edition), Volume 15, chapters 8 and 11, Peter J. Loughlin.)

Clayton Wood asked Paul Nickerson to bring his case law to the board's next meeting. Clayton Wood said that he hoped that the volume of case law quotations could be reduced; the quotations currently occupy a little more than eight pages.

Jim Pritchard described certain grandfathering matters that come to the zoning ordinance administrator's office. (Comment of recording secretary Jim Pritchard: Jim Pritchard is the interim secretarial assistant to the zoning board of adjustment.) Jim Pritchard explained that the current draft of zoning ordinance article 4 was intended to get the board's opinion on the new article 4 in concept.

The board asked Jim Pritchard to review the case law quotations with Jesse Pacheco and to continue working on amendment 3.

The board did not set a date for a public hearing on either amendment 1 or amendment 2.

AGENDA ITEM 11: Conceptual discussion of amendments to the subdivision regulations to consider the state fire code

Jim Pritchard raised the following two questions to the board:

1. Should the subdivision regulations' standard for the width of the traveled way of a new road be increased from the current 22 feet to 24 feet, in agreement with several other towns' regulations and in agreement with the larger of two conflicting requirements (20 feet and 24 feet) in the state fire code? (See subdivision regulations, article 12, section 1, (b), (2), Table of Minimum Road Design Standards, Roadway Width (page 78 of 99); NFPA 1 (2009), section 17.3.7.1 ("The provisions of 17.3.7 and NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, shall be used to determine the design, clearances, and provisions for emergency access (ingress and egress)."); NFPA 1141 (2008), section 5.3.6 ("Fire lanes intended for one-way travel shall provide a minimum of 16 ft (5 m) in width of traveled way. Fire lanes providing two-way travel shall be a minimum of 24 ft (7.3 m) in width of traveled way."); NFPA 1 (2009), section

18.2.3.4.1.1 (“Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).”)

2. Should the planning board deny subdivision approval on class V (town-maintained) highways that do not conform to the state fire code?

Several board members said that enforcing the state fire code under the conditions in Pittsfield is unreasonable.

The board deferred action on this agenda item pending more information from highway agent George Bachelder about the extent to which class V highways in Pittsfield do not conform to the state fire code.

AGENDA ITEM 12: A letter of thanks to fire chief Peter Pszonowsky and fire marshal Don Tyler for their help in Jeremy Everson’s case

Jim Pritchard said that he had proposed the letter and that he thought that the fire department had done a heroic job in helping the planning board and in helping Jeremy Everson. The letter says as follows:

Dear Chief Pszonowsky and Captain Tyler:

The planning board thanks and commends you for your exceptional work and help in guiding the board through the state fire code, in educating the board about emergency rescue procedures, and in finding a way that Jeremy Everson could satisfy the fire department’s fire-safety needs on a lot whose access from a class VI highway had made the lot unbuildable as Mr. Everson had bought it.

Sincerely,

Clayton Wood
Chair
For the Pittsfield Planning Board

Clayton Wood said that he had received much positive informal comment from Pittsfield’s residents on the cooperation between the planning board and the fire department in Jeremy Everson’s case. Clayton Wood said that he favored sending the letter of thanks.

Paul Nickerson agreed that the fire department's help had been exceptional.

Jim Pritchard moved to approve the proposed letter of thanks to fire chief Peter Pszonowsky and fire marshal Don Tyler for their help in Jeremy Everson's case.

Clayton Wood seconded the motion.

Discussion: No further discussion.

Vote to approve the proposed letter of thanks to fire chief Peter Pszonowsky and fire marshal Don Tyler for their help in Jeremy Everson's case: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting "no": none. Abstaining: none.

AGENDA ITEM 13: Selectman's Report

Carole Richardson had nothing to report.

AGENDA ITEM 14: Members' Concerns

Members' concern 1: Jim Pritchard's concern with enforcement of the state fire code in new subdivision lots.

Jim Pritchard said that the board could discuss whether the state fire code's dimensional requirements for access roads were reasonable, but in the end, the fire chief decides whether a building permit conforms to the state fire code. (RSA 155-A:7, I.)

Daren Nielsen said he did not know how much time to spend on the problem of enforcing the state fire code, because the problem seemed to have no solution. Daren Nielsen said that he did not understand exactly what Jim Pritchard was proposing.

Jim Pritchard said that he was addressing the question of new subdivision on class V highways that do not conform to the state fire code and where the new lots will have "a pretty high bar to getting a building permit." Jim Pritchard said that neither the planning board, the zoning board of adjustment, nor the board of selectmen can grant a variance from the state fire code. Jim Pritchard said that the board of selectmen would not be

allowed any input whatsoever because the lots at issue would not be on any class VI highway. Jim Pritchard said that he was trying to get the planning board to think about what it should require in new subdivisions.

Daren Nielsen asked for confirmation that Jim Pritchard was talking about lots in new subdivisions.

Jim Pritchard said yes.

Paul Nickerson said that the board would have to enforce the state law when the board considered whether to approve a new subdivision.

Members' concern 2: Adam Gauthier's concern with the planning board's comment on No Worry's application for tax relief under RSA 79-E

Adam Gauthier asked what the board had decided as a comment on the No Worry application (agenda item 6).

Clayton Wood explained the comment.

Adam Gauthier said that he had asked about the comment because RSA 79-E set a threshold for rehabilitation of "at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less." (RSA 79-E:2, IV.)

AGENDA ITEM 15: Public Input

Kevin Gibson said that whether to approve No Worry's application for tax relief under RSA 79-E was "pretty black and white: are they in the downtown or village sector and (b) is the renovation that they are proposing or have already—I don't know if they're proposing it or if they have already done it—is it 15% of the combined value of that building?" Kevin Gibson said that the board of selectmen's application of RSA 79-E seemed to be a "slippery slope."

Kevin Gibson said that historical buildings outside the RSA 79-E district could qualify for property tax relief under RSA 79-E. (RSA 79-E:2, II, in part: "Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock.")

AGENDA ITEM 16: Adjournment

Paul Nickerson moved to adjourn the meeting.

Clayton Wood seconded the motion.

Vote to adjourn the planning board meeting of September 7, 2017: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting “no”: none. Abstaining: none. The planning board meeting of September 7, 2017, is adjourned at 8:45 P.M.

Minutes approved: October 5, 2017

Clayton Wood, Chairman	Date

I transcribed these minutes (not verbatim) on September 9, 2017, from the digital audio recording that Chairman Clayton Wood made during the meeting on September 7, 2017, and uploaded to the Internet.

Jim Pritchard, planning board recorder and secretary

Attachments:

1. Letter of Tim Meeh, 341 Shaker Road, Canterbury, New Hampshire, describing his problem with the emerald ash borer and his concern with the Asian longhorned beetle, and including the New Hampshire Department of Resources and Economic Development’s map of emerald ash borer management zones.
2. Letter of Sam Durfee, of the Central New Hampshire Regional Planning Commission, describing the problem of the emerald ash borer and the Asian longhorned beetle.

Submitted by Tim Meeh 341 Shaker Road Canterbury, NH 03220

~~7/27/2017~~ 8-24-2017

My Wife and I have owned and operate North Family Farm on Shaker road in Canterbury for the last 42 years.

Our products are hay, Maple Syrup and Firewood

A few years ago we discovered that Emerald Ash Borers have infested our ash trees.

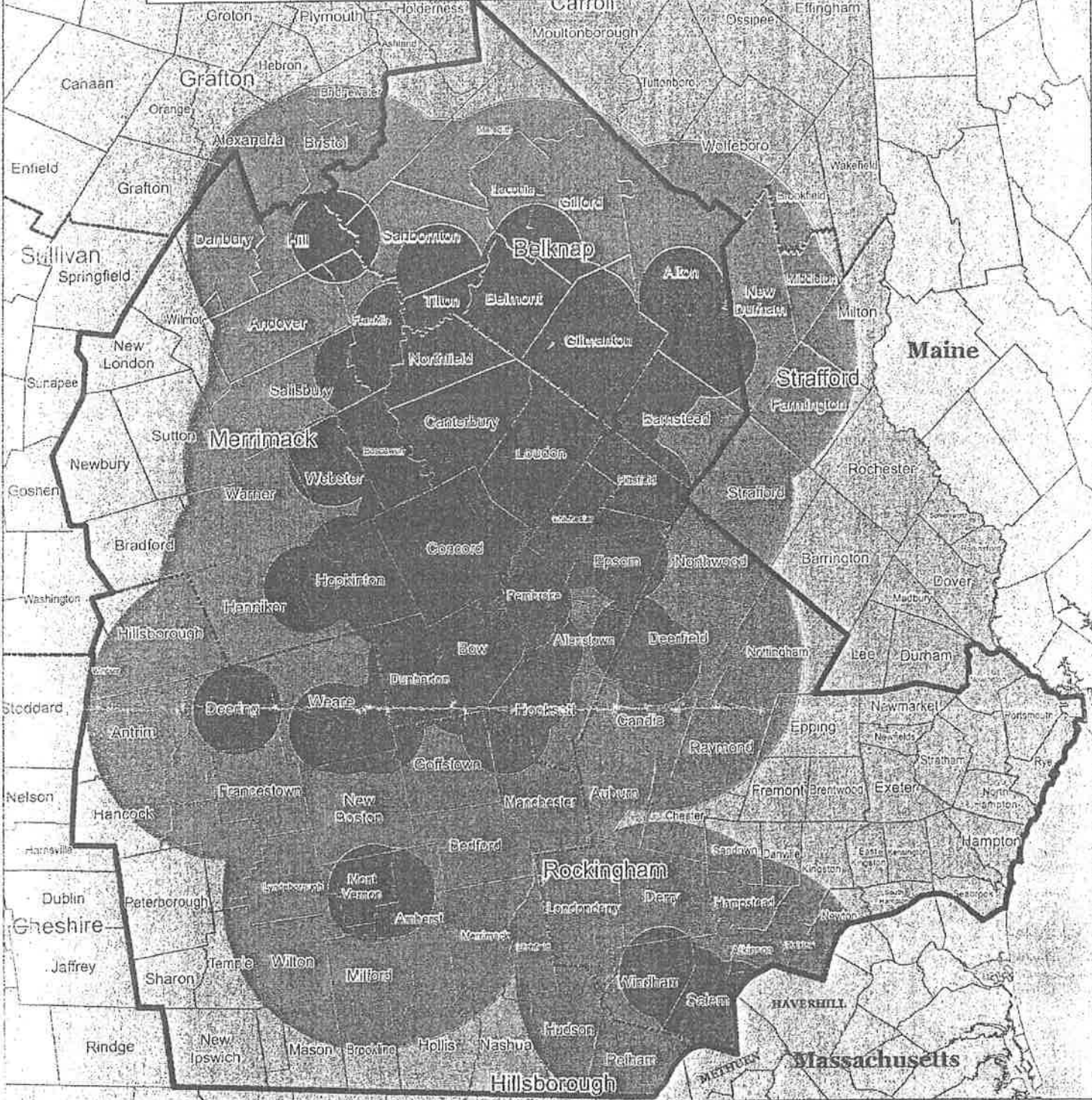
UNH Extension foresters tell us that all the ash trees will die because of the Emerald Ash Borer infestation. This loss will cost the landowners of the state many millions of dollars.





It is all but certain that the emerald ash borer arrived here in firewood brought here by campers. There is a quarantine and best management practices in place for anyone moving firewood within the state. We are careful to follow these rules.

In our woods there are two ongoing research projects and seminars being carried out by the US Forest Service and the UNH Extension service. Those folks say that although there is no way to prove it, it is most likely that the Emerald Ash Borer infestation originated at the campground here at the speedway. See the Emerald Ash Borer infestation map.

There are other damaging invasive bugs on the watch list that are waiting to catch a ride on firewood. Of particular concern is the Asian Longhorn Beetle whose favorite host is Sugar Maple trees. The Asian Longhorn Beetle is already only 40 miles over the boarder in Mass. If the Asian Longhorn Beetle arrived here the maple trees would die too and maple syrup would become a thing of the past.

Emerald Ash Borer Management Zones



-  EAB Generally Infested Area
-  EAB Potential Expansion Area (10 Miles)
-  EAB Alert Area (>10 Miles)
-  Quarantine Area



Date: 5/22/2017



State of New Hampshire
Department of Resources & Economic Development



Emerald Ash Borer (EAB)

Found in Concord in March 2013, presence confirmed in Hopkinton in 2014, as a non-native insect the Emerald Ash borer has no predators to keep the population in check. Infected ash trees typically die within 3 to 5 years. Strategies in place to reduce the spread of the emerald ash borer include a quarantine of all hardwood firewood, as well as all ash nursery stock in Belknap, Hillsborough, Merrimack, and Rockingham counties.

The University of NH Cooperative Extension has created an Emerald Ash Borer Preparation Checklist for New Hampshire Towns and Cities:

https://extension.unh.edu/resources/files/Resource004970_Rep7070.pdf

Transporting firewood is the primary cause for spreading EAB. Firewoodscout.org is a resource for campers to find local firewood in New Hampshire. Remember the phrase “buy it where you burn it”.

Adult EAB feed on the foliage of ash trees, but do not cause much damage. It is the larvae that bore into the inner bark and feed on the cambium (tissue layer involved in plant growth) which kills the tree.

Asian Longhorned Beetle (ALB)

Found in Worcester, MA in August of 2008 and in Boston in July 2010. As of August 2010, not found in NH yet

Nhbugs.org provides resources for correctly identifying ALB and reporting methods.

In 2011, NH passed a firewood quarantine banning importation of untreated firewood without a commercial or home heating compliance agreement. Home owners can transport fire wood from approved counties outside of New Hampshire by willing out and submitting a Firewood Quarantine Homeowner Compliance Agreement online at nhdf.org. The approved counties outside of New Hampshire consist of all of Vermont, Franklin, Oxford, Androscoggin, Cumberland, and York counties of Maine.

ALB attacks maple, box elder, birch, American elm, American horse chestnut, poplar, and willow. The only known method of eliminating ALB is to destroy the trees by chipping or burning.

Sources: NHBugs, n.d. *Emerald Ash Borer, Hemlock Woolly Adelgid, Elongate Hemlock Scale.*

<http://nhbugs.org/>.

<http://www.nhaudubon.org/asian-long-horned-beetle-emerald-ash-borer/>

In truth, Mr. Meeh’s concerns are well-founded. The environmental and economic services NH’s trees provide are invaluable and the State seems to be at the beginning of a crisis that, so far, has no solution or end in sight. We have no way to accurately estimate the extent of future infestation of the EAB or ALB, but with the ban on out of state importation of firewood, the hope is the spread of these insects will slow.