Notice of Public Hearing

The Pittsfield Planning Board will hold public hearings pursuant to RSA 675:3, II, on four zoning ordinance amendments (numbered 1, 2, 3, and 4) proposed by the planning board. The time and place of each public hearing is **Thursday, November 3, 2016**, 7:00 PM, at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH.

Amendment No. 1, if adopted, will amend the town zoning ordinance as follows: amend the permitting conditions for an accessory apartment stated in article 2, definition of "accessory apartment," by adding the following permitting conditions:

(1) The ACCESSORY APARTMENT shall have an interior door between the PRINCIPAL DWELLING UNIT and the ACCESSORY APARTMENT, but this door is not required to remain unlocked. (RSA 674:72, III.)

(2) The ACCESSORY APARTMENT shall have a floor area that is less than or equal to 75 percent of the floor area of the PRINCIPAL DWELLING UNIT unless 75 percent of the floor area of the PRINCIPAL DWELLING UNIT is less than 750 square feet. If 75 percent of the floor area of the PRINCIPAL DWELLING UNIT is less than 750 square feet, then the ACCESSORY APARTMENT shall have a floor area that is less than or equal to 750 square feet. (See RSA 674:72, VII.) In this condition, "floor area" of a DWELLING UNIT means the sum of the areas of all floors of the DWELLING UNIT, as measured from the exterior faces of the walls or from the center line of a wall separating the two DWELLING UNITS.

(3) The ACCESSORY APARTMENT shall be in a DWELLING that the owner of the DWELLING occupies. The owner may occupy either the PRINCIPAL DWELLING UNIT or the ACCESSORY DWELLING UNIT. (See RSA 674:72, VI.)

The purposes of Amendment No. 1 are (1) to conform to state law (RSA 674:72, III) by requiring a door, which is not required to remain unlocked, between the principal dwelling unit and the accessory dwelling unit and (2) to impose conditions of relative size and owner occupancy in order to ensure that a permissible accessory apartment is truly accessory to the principal dwelling unit and is not half of a duplex.

Amendment No. 2, if adopted, will amend the town zoning ordinance as follows: amend article 2, definition of "open space," to include the phrase "other than fences more than 50 years old and permanent boundary markers" as follows: **OPEN SPACE:** "OPEN SPACE" means land where no STRUCTURES other than fences more than 50 years old and permanent boundary markers are on or in the land.

The purpose of Amendment No. 2 is to permit old fences and permanent boundary markers on or in land designated as open space.

Amendment No. 3, if adopted, will amend the town zoning ordinance as follows: amend article 2, definition of "street" as follows: (1) reorder the currently listed New Hampshire Supreme Court cases and (2) add the following citation of Gossler v. Miller: Gossler v. Miller, 107 N.H. 303, 221 A.2d 249 (1966) ("A sidewalk is a component part of the highway...")

The purpose of Amendment No. 3 is to make clear that a sidewalk is part of the adjacent highway.

(This notice of public hearing is continued on the next page.)

Notice of the planning board's public hearing on November 3, 2016, continued:

Amendment No. 4, if adopted, will amend the town zoning ordinance as follows:

(1) Amend article 2, Interpretation Rules and Definitions, to add definitions for "nonconforming activity," "nonconforming structure," "conforming lot," and "nonconforming lot."
(2) Amend article 2, definition of "nonconforming use" to delete superseding uses from the definition of "nonconforming use."
(3) Amend article 4, Nonconforming Structures, Lots, and Uses, as follows:
    (a) Rename the article as Nonconforming Uses and Lots.
    (b) State the authority and purpose of the regulation of nonconforming uses and of nonconforming lots.
    (c) Provide that the merger of every two or more lots shall be exempt from zoning requirements for area and frontage.
    (d) Revise the requirements for building on contiguous nonconforming lots under common ownership so that contiguous nonconforming lots under common ownership cannot be separated in ownership and remain buildable.
(4) Amend article 3, Zoning Districts, sections 3 and 4, to make citations of article 4 consistent with the amended article 4.

The main purpose of Amendment No. 4 is to close the current loophole in the current zoning requirement that contiguous nonconforming lots under common ownership must be merged in order to be buildable.

The full text of each amendment proposal is on file for public inspection at the town hall, 85 Main Street, Pittsfield, NH. To inspect the full text of a proposal, please speak to the planning board's acting administrative secretary, Jim Pritchard; the town administrator, Cara Marston; the town clerk, Erica Anthony; or the selectmen's administrative assistant, Bonnie Theriault. Each proposal is also on the town's web site: http://www.pittsfieldnh.gov