

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 through 4) proposed by the planning board. The time and place of each public hearing is **Monday, January 22, 2018**, 7:00 PM, at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH, unless weather forces a postponement, in which case the time of the hearing will be Thursday, January 25, 2018, 7:00 PM, or Monday, January 29, 2018, 7:00 PM, if weather forces another postponement on January 25, 2018.

Zoning ordinance amendment no. 1, if adopted, will amend the town zoning ordinance as follows: amend article 2, section 3, Definitions, 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.

Zoning ordinance amendment no. 2, if adopted, will amend 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.

Zoning ordinance amendment no. 3, if adopted, will amend 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.

Zoning ordinance amendment no. 4, if adopted, will amend 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.

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>