

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

DATE: Thursday, July 6, 2017

AGENDA ITEM 1: Call to Order

Chair Clayton Wood called the meeting to order at 7:05 P.M.

AGENDA ITEM 2: Roll Call

Planning board members present:

Clayton Wood (chair),

Daren Nielsen (vice-chair),

Jim Pritchard (secretary),

Paul Nickerson,

Adam Gauthier (alternate),

James Hetu (alternate), and

Carole Richardson (alternate for the selectmen's ex officio member)

Planning board members absent: Leroy Corson (alternate). Gerard LeDuc has resigned as the selectmen's ex officio member, and the board of selectmen has not appointed a replacement.

Pittsfield town officials appearing before the planning board: George Bachelder, highway agent, and Captain Don Tyler, fire marshal of the Pittsfield Fire Department.

Members of the public appearing before the planning board: Jeremy Everson, Tom Hitchcock, Scott Jackson, and Paul Richardson.

“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.

Carole Richardson sat in Gerard LeDuc's place.

AGENDA ITEM 3: Public Input

No public input.

AGENDA ITEM 4: Approval of the Minutes of the June 1, 2017, Meeting

Clayton Wood moved to approve the minutes of June 1, 2017, as written in draft.

Paul Nickerson seconded the motion.

Discussion:

No board member stated any problems in the draft minutes.

Clayton Wood said that the attached information from the Nottingham Zoning Ordinance was helpful.

Vote to approve the minutes of June 1, 2017, as written in draft: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carole Richardson. Voting “no”: none. Abstaining: none.

AGENDA ITEM 5: Review and comment under RSA 674:41, I, (c), (1), on whether the board of selectmen should authorize the issuance of building permits at 121 True Road (tax map R-13, lot 3), a class VI highway

Clayton Wood said that the town did not have a robust policy on whether to authorize the issuance of building permits on class VI highways and that Jim Pritchard had been working with the fire department and with the highway department to develop a recommendation for the board of selectmen on Jeremy Everson’s request to authorize the issuance of building permits at 121 True Road.

Jim Pritchard said that Jeremy Everson had come to the planning office on June 8 to make his request. Jim Pritchard said that he had been unable to find that the board of selectmen had ever authorized the issuance of building permits at 121 True Road even though there had been a house there before. Jim Pritchard said that the house could have preceded the version of RSA 674:41 that prohibits the issuance of building permits on class VI highways

unless the board of selectmen, after the planning board's review and comment, authorizes the issuance of building permits on class VI highways. Jim Pritchard said that he thought that the state legislature had enacted this requirement in 1983 (when the state legislature created RSA title 64).

Jim Pritchard said that the planning board should base its recommendation to the board of selectmen on standards. Jim Pritchard said that he had reviewed his notes from the planning board's past work on drafting a class VI highway development policy and that the notes had alerted him to the state law that "All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code." (RSA 155-A:2, I.) Jim Pritchard that the state law's requirement for compliance with the state fire code had led him to work with Captain Don Tyler, fire marshal of the Pittsfield Fire Department.

Jim Pritchard said that he had personally inspected the conditions on True Road and that Captain Tyler had also inspected the conditions on True Road and that Captain Tyler had identified a number of fire code violations that would make new construction impermissible. Jim Pritchard listed the most important violations of the state fire code, NFPA 1141, 2008 edition, section 5.2, Roadways, as follows:

- * The roadway surface will not support the weight of a fire truck in all weather conditions. (Section 5.2.2: Roadways shall be constructed of a hard, all-weather surface designed to support all legal loads of the jurisdiction.)
- * The roadway does not have a passable way that is wide enough to accommodate fire trucks and ambulances. (Section 5.2.3: Roadways shall have a minimum clear width of 12 feet (3.7 m) for each lane of travel, excluding shoulders and parking. Section 5.2.3.2: Provisions shall be made for drainage, snowbanks, parking, utilities, and the like such that they do not impinge on the minimum clear width.)
- * The vertical clearance is not everywhere 13 feet 6 inches or more. (Section 5.2.9: At least 13 ft 6 in. (4.2 m) nominal vertical clearance shall be provided and maintained over the full width of the roadway.)
- * The road does not have a circular turnaround that will accommodate fire trucks. (Section 5.2.8: Every dead-end roadway more than 300 ft (91 m) in

length shall be provided at the closed end with a turnaround having no less than a 120 ft (36.6 m) outside diameter of the traveled way.)

(Comment of recording secretary Jim Pritchard: “NFPA” stands for National Fire Protection Association. RSA 155-A:1, IV-a, defines “state fire code” as meaning “the state fire code as defined in RSA 153:1 and as amended by rules adopted pursuant to RSA 153:5.” RSA 153:1, VI-a, defines “state fire code” as meaning “the adoption by reference of the Life Safety Code 2015 edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.” NFPA 1, 2009 edition, directs to NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, 2008 edition, for the access conditions currently under consideration at 121 True Road.)

Jim Pritchard again quoted RSA 155-A:2, I, in part:

“All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code.”

Jim Pritchard also quoted RSA 155-A:4, II, sentence 2:

“No permit shall be issued that would not result in compliance with the state building code and state fire code.”

Jim Pritchard said that the fire code violations would make issuing a building permit at 121 True Road unlawful even if the planning board recommended favorably and even if the board of selectmen voted to authorize the issuance of building permits at 121 True Road.

Captain Tyler said that Jim Pritchard had accurately summarized the discussion that Jim Pritchard and Captain Tyler had had. Captain Tyler added some detail to the four violations that Jim Pritchard had listed. Captain Tyler said that the fire chief has some small discretion to make some adjustments but that the conditions on True Road are not close to meeting code and would damage fire department equipment. Even in best weather

conditions, an ambulance, which is the smallest of the fire department's vehicles, would have difficulty in accessing 121 True Road. Turning the vehicles around would be a problem, and some of the low-hanging branches would damage equipment on the vehicles. The fire trucks are taller and wider than the ambulances are and would have more difficulty than the ambulances would have. A fire at 121 True Road would require tanker shuttles because no fire hydrants are available nearby. Shuttling tankers would need to be able to pass each other, but there is no room where tankers could pass each other. A circular turnaround, if there were one, would be a place where fire trucks could pass each other because two fire trucks could be in a circular turnaround at the same time, but a three-point turnaround, such as exists in the driveway at 151 True Road, beyond 121 True Road, offers no opportunity for fire trucks to pass each other. Consequently, a three-point turnaround greatly slows the process of getting water to the fire. In poor weather, such as rain or snow, a fire truck could get stuck and completely block True Road and potentially trap other rescue vehicles and prevent them from responding to subsequent emergencies elsewhere in town. The Pittsfield Fire Department has no front-wheel drive ambulances or structural fire fighting trucks, and all such fire department vehicles have summer tires, which makes slipping off the road easy in winter. Provision for putting snow outside the traveled way appears to be inadequate, which would further reduce the width of the passable way in winter.

Clayton Wood asked about the condition of the road surface.

Captain Tyler said that he had estimated the condition of the road surface but that he expected that the road surface would remain a problem if the other conditions were made acceptable.

Clayton Wood invited George Bachelder to comment.

George Bachelder said that he did not know how tall fire trucks are but that logging trucks had operated on True Road (past 101 True Road, St. George residence) and had made no ruts even though the logging trucks are between 90,000 and 100,000 pounds. George Bachelder said that he had checked the road for ruts daily. George Bachelder said that True Road had been a town-maintained road when Gordon Foss was the highway agent 30 years ago. George Bachelder said that the width to which Captain Tyler had referred was two 12-foot-wide lanes, one lane in either direction. George Bachelder said that the right-of-way of True Road was only 1.5 rods (24.75 feet) wide

between stone walls. George Bachelder said that many town-maintained dirt roads in Pittsfield have rights-of-way only 18 feet wide but also have many houses on them. George Bachelder said that he guessed that the town could not issue building permits on these town-maintained roads with 18-foot-wide rights-of-way. George Bachelder said that many paved roads have traveled ways only 20 feet wide. George Bachelder said that the fire-code standards of passable width would make building permits unlawful throughout the town. George Bachelder cited Thompson Road as another town highway (part of which is class VI) whose right-of-way is only 1.5 rods (24.75 feet) wide. George Bachelder said that the town would have to take someone's private property in order get the width that the fire codes require. George Bachelder said that the planning board should be flexible in reality because otherwise the board would stop all building permits throughout town. George Bachelder said that the town would have to treat everyone the same as the town would treat Jeremy Everson at 121 True Road.

Clayton Wood asked whether the surface of the road would support emergency vehicles in winter.

George Bachelder said that the surface of the road had stood up for Mr. Tayler, at 151 True Road, and that the logging operations past 101 True Road had not damaged the surface of the road. George Bachelder said that the earlier part of True Road had been recently graveled. George Bachelder said that True Road is narrow but so are some class V (town-maintained) highways in Pittsfield. George Bachelder said that the highway department could not pass vehicles on some highways.

Clayton Wood asked for confirmation that some class V highways in Pittsfield do not meet the fire code standards, and Clayton Wood asked for examples of such class V highways.

George Bachelder said that many class V highways in Pittsfield are not close to meeting the fire code standards. George Bachelder said that the planning board had approved a subdivision (the Bicknell subdivision) on Governor's Road (tax map R-43, lots 10-1 through 10-8, approved on June 7, 2007) where the traveled way is about 16 feet wide and where the highway is class V. George Bachelder cited Clough Road as being the most heavily traveled dirt road in town and as having a spot, at the guardrails, where two cars cannot pass each other.

The planning board's notice of approval of the Bicknell subdivision is appended at the end of this minutes document.

Clayton Wood asked whether George Bachelder had anything else to add.

George Bachelder said that he thought that people should be allowed to build on class VI highways but not to subdivide on them. George Bachelder repeated that the town would have to deny building permits throughout town if the town were to deny a building permit at 121 True Road. George Bachelder repeated that most paved roads in town do not have 24 feet of pavement; George Bachelder said that some paved roads in town have 22 feet of pavement but that most paved roads in town have 20 feet of pavement.

Clayton Wood asked whether the traveled way of True Road were 20 feet wide.

George Bachelder said, "no, it's not 20 feet wide."

Captain Tyler said that he had measured in front of the driveway at 121 True Road and that he had found the traveled way of True Road to be 9 feet, which, Captain Tyler said, "was definitely a pinch point," and which "did not include snowbanks and so forth."

George Bachelder said that people who build on a class VI highway should have to sign a waiver of liability and should have to record it in the county registry of deeds. (RSA 674:41, I, (c), (2) and (3).)

Captain Tyler said that a 10-minute delay lets the fire grow and substantially increases the risk to firefighters. Captain Tyler said that the fire department does not respect a waiver of liability and does not refuse to respond to a fire because the fire has become too risky.

Carole Richardson asked for clarification of whether the fire department would not respond to a fire on True Road because the conditions on True Road would increase the risk of response or because the property owner had signed a waiver of liability.

Captain Tyler said that the fire department would respond but that the risk would be higher because of bad conditions on True Road.

Daren Nielsen asked whether there were other houses beyond 121 True Road.

George Bachelder said that there were two houses on one lot at 151 True Road. George Bachelder said that the property owner at 151 True Road maintained True Road to his driveway.

Clayton Wood said that the specifications that the board was discussing were typical of what other towns had in their class VI highway development policies. Clayton Wood said that the surface condition of the road and the width of the traveled way's being able to accommodate passing vehicles had become standard in other towns.

Clayton Wood invited Jeremy Everson to speak.

Jeremy Everson said that he had owned 121 True Road for four years as of this month and that he had maintained True Road from 101 True Road, owned by the St. Georges, to 121 True Road. Jeremy Everson said that the Taylor family maintains True Road from 121 True Road to 151 True Road. Jeremy Everson said that his driveway was indeed a pinch point and was the narrowest point on True Road. Jeremy Everson said that True Road had a pinch point at that spot because of a very old oak tree on one side of the road and a stone wall on the other side of the road. Jeremy Everson said that he might be able to remove the oak tree. Jeremy Everson said that he would need to improve True Road both for his own needs and for the fire department's needs. Jeremy Everson said that he would consider improving True Road to a town standard if there were a standard, but Jeremy Everson said that he was unaware of any such standard. Jeremy Everson said that he did know that other towns had standards. Jeremy Everson said that there was a spot, about 1/4 mile from Route 107, between Foss and St. George, where two vehicles could pass each other. Jeremy Everson said that he had brought large equipment in to 121 True Road. Jeremy Everson said that he intended to improve True Road but not if the town denied him a building permit. Jeremy Everson said that True Road beyond his driveway at 121 True Road became substantially rougher and was the responsibility of the Taylors, who live at 151 True Road. Jeremy Everson said that he would need the Taylors' cooperation in improving True Road from 121 True Road to 151 True Road and in providing a circular turnaround. Jeremy Everson said that the circular turnaround that the Taylor's driveway could

accommodate would not be big enough for two fire trucks to occupy at the same time, and thus, in effect, to pass each other. Jeremy Everson said that he wanted to build at 121 True Road because, first, he was the pastor of the Baptist church; second, he currently lived in the parsonage next door on Park Street; third, the neighborhood where he currently lives is bad; so, fourth, he wants to move to a place out of the center of town in order to protect his two teenage children. Jeremy Everson said that he had not intended to build immediately when he had bought 121 True Road four years ago, but Jeremy Everson said that he was now financially able to build and that, consequently, he would like to build.

Captain Tyler said that Jeremy Everson could build a circular turnaround at Jeremy Everson's own driveway instead of at 151 True Road (Taylor property). Captain Tyler said that a circular turnaround at the 121 True Road (Everson property) would not help the property owners at 151 True Road if they should need a building permit.

Daren Nielsen asked whether anyone had estimated what work True Road would need to satisfy the fire department.

Jim Pritchard said that in 1989, the board of selectmen had adopted a class VI highway development policy. Jim Pritchard said that the state had adopted a statewide building code and a statewide fire code since then and that these codes superseded the 1989 policy but that the 1989 standards did exist and that Jeremy Everson could look at them to estimate what improvements might be necessary.

Jeremy Everson said that he had seen the 1989 standards, that the standards required 16 inches [sic, 18 inches] of gravel beneath 6 inches of crushed gravel, and that class V dirt highways in Pittsfield did not meet the 1989 standards.

George Bachelder said that the 1989 standards had been for subdivision on class VI highways. George Bachelder said that the town had used the 1989 standards to stop subdivisions on class VI highways and that the town had in fact used the 1989 standards to stop a three-lot subdivision of the lot at 121 True Road. George Bachelder said, "That's a subdivision standard that we had at the time, with that gravel requirement. And that was to stop subdivisions on the class VI road. That's what that is. It makes it too expensive."

Paul Nickerson asked whether Jeremy Everson had enough land to make a turnaround.

Jeremy Everson said, "Upon coming in to our driveway, a logging truck can turn full circle. It can turn around. It's about a 5-point turn, but he can turn around and then back up the hill to load the trucks and drive back out again."

Paul Nickerson asked Captain Tyler, "would that be acceptable, if he has a big enough at that house for a turnaround for the fire trucks?"

Captain Tyler said that the fire department would consider a specific proposal to see whether the proposal would accommodate the fire department's equipment.

Paul Nickerson said that he had had in mind a turnaround loop that three or four fire trucks could occupy at one time.

Captain Tyler said, "There's certainly no possibility of that. Probably even going up the driveway right now, the likelihood is that we'd be scraping the tail."

Paul Nickerson said that he had had in mind a large turnaround that Jeremy Everson would build.

Captain Tyler said that the fire department wants to be able to turn around.

Paul Nickerson asked George Bachelder whether "that would be acceptable."

George Bachelder said that tractor-trailers, big chip trucks, and big log trucks can turn around now just before the driveway at 121 True Road.

Captain Tyler said that a logging truck doing a 5-point turn when the logging truck owns the road differs from a fire truck trying to respond expeditiously to a fire scene.

George Bachelder said that True Road could be widened at various spots to enable vehicles to pass each other.

Jim Pritchard said that the 1989 standards may have been proposed as standards for subdivision but that the board of selectmen approved the 1989 standards as standards to authorize the issuance of building permits on class VI highways. Jim Pritchard read from the selectmen's minutes of May 3, 1989:

“J[ohn]D[]S[apleton] motioned to approve the recommended specifications to permit upgrade of Class VI roads by users at no cost to the Town and that building permits would be authorized for the erection of buildings on said class VI roads or portion thereof; and the Town would neither assume responsibility for maintenance of said Class VI roads nor liability for any damages resulting from the use thereof; and prior to issuance of a building permit, the applicant would produce evidence that notice of the limits of municipal responsibility and liability had been recorded in the county registry of deeds. J[ohn]E[]G[enest] seconded; unanimous.”

A copy of that part of the selectmen's minutes of May 3, 1989, establishing the selectmen's class VI highway development policy is appended at the end of this minutes document.

Daren Nielsen said that he wanted the board to work with Jeremy Everson. Daren Nielsen said that meeting the width standard on True Road would be impossible, that meeting the width standard on certain class V highways would be impossible, and that the town should be consistent in how it issues building permits. Daren Nielsen said that the board should help Jeremy Everson satisfy enough of the fire code requirements so that Jeremy Everson could proceed with building.

Jim Pritchard referred to George Bachelder's statement that many class V highways in town did not meet fire code standards and that the Bicknell subdivision on Governor's Road in particular did not meet fire code standards. Jim Pritchard said that he had opposed the AHG subdivision on Governor's Road and on Thompson Road but that he had failed to stop it. Jim Pritchard said that he had not opposed Mark Quimby's subsequent four-lot subdivision farther onto Governor's Road because the Quimby subdivision satisfied zoning requirements but that he, Jim Pritchard, had not liked the Quimby subdivision. Jim Pritchard said that the Bicknell subdivision even farther onto Governor's Road then came to the planning board and that the board or its chair, David Simpson, realized that the board

had a problem with road conditions. Jim Pritchard said that David Simpson had called him and had asked him what to do about the conditions on Governor's Road at the Bicknell subdivision. Jim Pritchard said that he had told David Simpson that he did not know what to do about the conditions on Governor's Road at the Bicknell subdivision because the town had approved both the AHG and Quimby subdivisions without requiring road improvements and because now the town would have to pay for road improvements past the AHG and Quimby subdivisions. (*Land/Vest Properties v. Plainfield*, 117 N.H. 817, 379 A.2d 200 (1977).) Jim Pritchard said that the planning board had required some minimal road improvements to Governor's Road at the Bicknell subdivision but that the question of improvements on Governor's Road mostly disappeared after Jim Pritchard explained the law to planning board chair David Simpson. Jim Pritchard said that he was very aware of and sensitive to the access problem because he lived on Governor's Road and would have to build a circular turnaround for fire trucks if his house burned down and if he wanted to rebuild.

Jim Pritchard said that another consideration for the board's attention was that the town is responsible for the condition of class V highways (RSA 229:5, VI, and RSA 231:59), but that the town is not responsible for the condition of class VI highways (RSA 229:5, VII, and RSA 231:59). Jim Pritchard said that the town could not grant a building permit on condition that the property owner would improve the road conditions. (RSA 231:62 and *Ritzman v. Kashulines*, 126 N.H. 286, 490 A.2d 792 (1985) ("The legislature has imposed on local municipalities the obligation of maintenance and repair of highways, including snow removal. RSA 231:62 (Supp. 1983). The legislature did not intend abutting landowners to bear the cost of this service.")) Jim Pritchard said that the New Hampshire Supreme Court had made clear that the liability waiver under RSA 674:41, I, (c), (2), is very limited and does not protect the town from third parties who may be on the subject property. (*Vachon v. New Durham*, 131 N.H. 623, 557 A.2d 649 (1989).)

Clayton Wood said that being fair was difficult because past practice did not necessarily bind the town's future practice. Clayton Wood said that he thought that the protection of the liability waiver was very limited, and Clayton Wood cited his experience on the school board, where the school district had had to provide special assistance to certain school children. Clayton Wood said that relying on practices that happened before the zoning ordinance was adopted was not appropriate and that the board should be

aware that what the board does now does establish a standard of fairness for the next person who applies. Clayton Wood said that the fact that this case would establish a standard of fairness was what had prompted him to ask Jim Pritchard to study the policies of other towns.

Jim Pritchard said that he had inspected the conditions on True Road twice and that he had inspected the fire fighting apparatus under Captain Tyler's supervision. Jim Pritchard said that these inspections of True Road and of the fire fighting apparatus had helped him greatly and that the board should take a field trip to True Road and to the fire station for similar inspections.

Clayton Wood said that he wanted to give the selectmen as much support in their decision as possible.

Scott Jackson, Jeremy Everson's brother-in-law, said that he hoped that the board of selectmen would do the right thing, because the building inspector and the planning board were ruining the town. Scott Jackson said that no businesses or people would move into town.

Clayton Wood said that most towns have much more stringent land use regulations because these towns are already highly developed. Clayton Wood said that the Pittsfield Planning Board was not trying to impose regulations as strict as other towns impose but that the board should not ignore all of the safety issues.

Carole Richardson asked about the extent of development in the area of 121 True Road.

Clayton Wood said that 121 True Road is near the end of the developed part of True Road and that 121 True Road is about .62 miles from Route 107. Clayton Wood said that he was surprised that the town allowed logging trucks to use True Road.

George Bachelder said that by law the town could not stop the logging trucks because the town would be taking the property owner's timber if the town were to prohibit the logging trucks. George Bachelder said that the logging trucks weigh 90,000 to 100,000 pounds, which is more than two times the weight of a fire truck.

(See RSA 231:191, I, in part: “The governing body of a municipality may establish maximum weight limits, seasonal or otherwise, which are more restrictive than limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal maintenance expense.”)

Clayton Wood said that the planning board had been permitting subdivision on class VI highways when he first came to town (in 2005) but that the town was no longer permitting subdivision on class VI highways.

George Bachelder said that he had stopped several proposals to subdivide on class VI highways.

Carole Richardson asked Captain Tyler whether the fire department could reach 151 True Road beyond 121 True Road and whether the fire department would try to respond to a fire at 151 True Road.

Captain Tyler said that the fire department would actually have more challenges in reaching 151 True Road than in reaching 121 True Road because the road degrades as it goes but that the fire department would try to respond to a fire at 151 True Road nevertheless.

Clayton Wood said that the board was trying to protect Jeremy Everson and his family if a fire should happen at his property.

Tom Hitchcock said that he used to be on the planning board. Tom Hitchcock said that he agreed with Jim Pritchard’s suggestion to tour True Road. Tom Hitchcock said that he had inspected True Road and that a tour would show the board that the problems of True Road were workable.

Jim Pritchard said that in 1988, when the town adopted the zoning ordinance, the town’s land use boards had interpreted “frontage” as used in the zoning ordinance as meaning class V or better highway frontage, thus making subdivision impermissible. Jim Pritchard cited the Stockman application in 1990 for a variance from frontage regulations in order to subdivide on Thompson Road, a class VI highway. (Planning board minutes, October 4, 1990; zoning board of adjustment minutes, October 17, 1990; and zoning board of adjustment notice of the Stockman decision on October 17, 1990. These planning board minutes, zoning board of

adjustment minutes, and notice of decision are appended at the end of this minutes document.) Development pressure in the early 2000's—2002 or 2003—brought proposals to subdivide on class VI highways to the planning board, and the town attorney at the time, Tim Bates, advised that “frontage” had no definition in the zoning ordinance so that the planning board could approve subdivisions on class VI highways. Because of Tim Bates's advice, the planning board's practice on subdivisions on class VI highways suddenly changed. Then, in 2013, the town meeting defined “frontage” in the zoning ordinance as meaning class V or better highway frontage. Jim Pritchard said that this definition in 2013 restored the frontage regulation to its 1988 implementation, which had prohibited subdivision on class VI highways. Consequently, Jim Pritchard said, the regulatory conditions under which the board of selectmen adopted their 1989 standards were similar to the regulatory conditions in effect now.

Clayton Wood asked about the town's lawful authority to permit a person to work on a class VI highway.

Jim Pritchard said that the town could permit someone to do work such as digging ditches for utility lines (RSA 236:9 through :11) but that whether the town could permit someone to maintain a class VI highway was less clear. Jim Pritchard said that the question in play was not whether the town could permit someone to improve or maintain a class VI highway but whether the town could require someone to improve or maintain a class VI highway. Jim Pritchard said that Jeremy Everson had said that he did not want to improve True Road unless he received a building permit, but, Jim Pritchard said, the town had no lawful authority to issue a building permit on condition of subsequent improvements to True Road. (RSA 231:62 and *Ritzman v. Kashulines*, 126 N.H. 286, 490 A.2d 792 (1985) (“The legislature has imposed on local municipalities the obligation of maintenance and repair of highways, including snow removal. RSA 231:62 (Supp. 1983). The legislature did not intend abutting landowners to bear the cost of this service.”).) Jim Pritchard said that Jeremy Everson would have to improve the road before he received a building permit.

Jeremy Everson said that he would agree to improve the road first if there were an understanding that he would receive a building permit if he did certain necessary road improvements.

Clayton Wood suggested that the board defer its deliberations on Jeremy Everson's request for review and comment under RSA 674:41, I, (c), (1), until July 20. Clayton Wood suggested that the board should have a site visit to True Road before the meeting on July 20.

Paul Richardson said that access to water was more important in a fire than whether the fire was on a class VI highway.

Clayton Wood asked how many houses were on True Road.

George Bachelder said that six houses were on True Road.

Jeremy Everson said that a cistern was part of the building code. Jeremy Everson said that he would work with the planning board to reach a solution.

Jim Pritchard said that he had encouraged Jeremy Everson to research the registry of deeds to see whether the board of selectmen had already authorized the issuance of building permits.

The board agreed to meet on Friday, July 14, 2017, 7:00 AM, at Clayton Wood's house, 329 Catamount Road, Pittsfield, NH, for a site visit of True Road and the Pittsfield fire station. The board reached this agreement during agenda item 9, Members' Concerns.

Clayton Wood called a brief recess from 8:04 PM to 8:10 PM.

AGENDA ITEM 8: Discussion of a town meeting warrant article to repeal the building codes that the town meeting voted to adopt under article 2 of the March 10 and 14, 1998, town meeting warrant

Jim Pritchard presented the following draft repeal of the building codes that the town meeting voted to adopt under article 2 of the March 10 and 14, 1998, town meeting warrant:

Repeal (July 6, 2017) of the Town of Pittsfield building codes:

Repeal 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, which are as follows:

1. The BOCA National Building Code 1996 Edition and the BOCA Basic Fire Protection Code 1996 Edition and the NFPA 101 Life Safety Code 1997 Edition.
2. The CABO one and two family dwelling code 1995 Edition as referenced in the BOCA National Building Code noted above.
3. The National Electric Code, ANSI/NFPA 70, as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, 1996 Edition.
4. The BOCA National Plumbing Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc., 1993 Edition.
5. The provisions for simplified adoption of updates of the above mentioned national codes, as allowed by RSA 674:52, VI, in effect on March 10, 1998.

* * * * *End of the draft repeal.

Article 2 of the March 10 and 14, 1998, town meeting warrant says as follows:

TO BE TAKEN UP TUESDAY, MARCH 10th, 1998:

ARTICLE 2

Are you in favor of the adoption of Amendment Number 1 as proposed by the Planning Board for the Building & Life Safety Codes:

In order to clarify and define the existing Building and Safety Codes under which the Town regulates, delete all Building and Safety Codes adopted by the Town prior to this date and adopt the BOCA National Building Code 1996 Edition and the BOCA Basic Fire Protection Code 1996 Edition and the NFPA 101 Life Safety Code 1997 Edition.

Also, adopt the CABO one and two family dwelling code 1995 Edition as referenced in the BOCA National Building Code noted above.

Also, adopt the National Electric Code, ANSI/NFPA 70, as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, 1996 Edition.

Also, adopt the BOCA National Plumbing Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc., 1993 Edition.

As allowed by RSA 674:52-VI, adopt the provisions for simplified adoption of updates of the above mentioned national codes.

RECOMMENDED BY THE PLANNING BOARD

* * * * *End of article 2 of the March 10 and 14, 1998, town meeting warrant.

Captain Don Tyler said that the 1998 codes were obsolete because the state legislature revises the state building code and the state fire code every few years. Captain Tyler said that the 1998 town meeting enactment could confuse people who did not realize that the state building code supersedes the 1998 codes.

Clayton Wood asked about the process of proposing the repeal.

Jim Pritchard said that the process of repealing a local building code was the same as the process of amending the zoning ordinance. (RSA 675:3 and :4.)

Clayton Wood asked whether the town meeting had to take any action on the state building code.

Captain Tyler said no. The state building code and the state fire code are state law. (RSA 155-A:2, I, and 155-A:4, II.)

Jim Pritchard thanked Captain Tyler for Captain Tyler's help in wording the repeal. Jim Pritchard said that Captain Tyler had alerted Jim Pritchard to the fact that the housing standards ordinance had standards that exceeded the state building code and the state fire code.

Daren Nielsen said that the ballot question should have a statement of purpose so that the voters know that the repeal does not leave the town with no building code or fire code.

AGENDA ITEM 6: Regional impact to Pittsfield of the application of the New Hampshire Motor Speedway in Loudon to do concerts at the arena and to intensify campsite use around the arena

Clayton Wood said that the original notice from Loudon suggested that the application would be much simpler than Central New Hampshire Regional Planning Commission's report of regional impact had indicated. The report of regional impact says that the speedway will replace one NASCAR race with 21 days of concerts and overnight camping.

The board noted the following possible impacts to Pittsfield:

1. Possible impact on the Pittsfield Police Department through use of Pittsfield police officers. Pittsfield police chief Jeffrey Cain has addressed this question and has said as follows:

“all our employees work as much or as little as they wish to work at NHMS events, and it is completely on their own time, paid by Loudon. Maintaining police coverage in Pittsfield is our first priority, details are filled based on availability of our schedule.

“I would also add that Pittsfield feels virtually no effect directly or indirectly from the NASCAR events in our own community, and I do not foresee that being any different with the concerts.”

Cara Marston's e-mail requesting information from police chief Jeffrey Cain and Chief Cain's reply are appended at the end of this minutes document.

2. Possible traffic problems. The Central New Hampshire Regional Planning Commission's report on regional impact says,

“The applications did not include estimates of the expected attendance for the concerts. A traffic study has not been prepared to evaluate the potential impacts, and the mitigation measures have not been identified to manage the impacts of the concert events.”

Jim Pritchard cited *Vannah v. Bedford*, 111 N.H. 105, 276 A.2d 253 (1971), for the proposition that the speedway's variance application does not satisfy the public-interest condition of a variance (see RSA 674:33, I, (b), (1)) because the application has no traffic report (see *Vannah v. Bedford*, holding that traffic problems violate the public-interest condition) and because the applicant bears the burden of presenting sufficient evidence to support a favorable finding on each of the requirements for a variance (*Grey Rocks Land Trust v. Hebron*, 136 N.H. 239, 614 A.2d 1048 (1992)).

Although the speedway's application has no traffic report, the board's consensus was that the concerts would probably cause no significant traffic problems in Pittsfield because people going to the concerts via the major highway, Interstate Route 93, would not go through Pittsfield en route to Loudon.

3. Possible noise from loud concerts.
4. Possible increase in crime in Pittsfield because the speedway's applications do not limit the concerts to any type of music genre and thus the concerts may draw a different genre of people than the NASCAR races draw.
5. Possible increase in crime in Pittsfield because of alcohol combined with a different genre of people attending the concerts and camping overnight.
6. Possible increase in crime in Pittsfield because of concert goers buying drugs in Pittsfield before going to and attending the concerts in Loudon.
7. Possible draw of people from Pittsfield's balloon rally if a concert happens on Pittsfield's balloon rally weekend.

Jim Pritchard called the board's attention to covenant 1 of the settlement agreement between *Snyder et al v. the Planning Board of the Town of Loudon and New Hampshire Speedway* (Merrimack County Registry of Deeds, book 1839, page 1512):

"New Hampshire Speedway covenants that it shall not permit any musical concerts of any type or description to be held on the premises currently

known as New Hampshire International Speedway (“premises”) except in conjunction with racing events.”

Jim Pritchard said that Loudon’s administrative secretary for the Loudon Planning Board and for the Loudon Zoning Board of Adjustment, Danielle Bosco, had said that the settlement covenants do not apply to the land under consideration.

Carole Richardson, Paul Nickerson, and Adam Gauthier said that the settlement covenants in fact do not apply to the land under consideration. Carole Richardson, Paul Nickerson, and Adam Gauthier said that the covenants apply to an abutting property.

Jim Pritchard called the board’s attention to the fact that the Loudon Planning Board would meet on July 20, 2017, before the Loudon Zoning Board of Adjustment meets on July 27, 2017.

Clayton Wood said that the Town of Canterbury was opposing the speedway’s project for the obvious reason that the project would increase traffic through Canterbury.

Jim Pritchard said that Canterbury had invoked their town attorney to fight the speedway’s project.

Jim Pritchard suggested that the Pittsfield Planning Board hold an informal public hearing to increase the board’s own knowledge of how the speedway’s project may affect Pittsfield residents.

AGENDA ITEM 7: Discussion of the informal public hearing on June 1 of potential zoning amendments for home occupations, abandonment of nonconforming uses, and cluster development

The board deferred this agenda item to a later meeting because the hour was approaching 9:00 PM.

AGENDA ITEM 9: Selectman’s Report

Carole Richardson said that the board of selectmen was still working on 81 Main Street and 37 Main Street.

Carole Richardson said that the board of selectmen had appointed Jim Adams to the position that Larry Konopka had vacated on the board of selectmen.

AGENDA ITEM 10: Members' Concerns

Clayton Wood asked Paul Nickerson not to sign letters to the Suncook Valley Sun as "Planning Board," as Paul Nickerson did in two recent letters. Clayton Wood said that Paul Nickerson's signing as "member of the planning board" would be fine but that signing just "Planning Board" was speaking for the board, which, by rule, only the chair can do. (Planning board rules of procedure, section III, 9: "The chair ... shall act for the board on all matters not requiring a vote of the members.")

Paul Nickerson agreed to be more careful in the future.

Adam Gauthier asked whether septic systems must meet zoning ordinance setbacks.

Clayton Wood said yes.

Adam Gauthier said that the septic system shown on Jeremy Everson's septic system plan violates the front setback regulation.

Clayton Wood said that the hearing on the Jeremy Everson's project had been interesting.

James Hetu asked whether Jeremy Everson's building permit application could reach the zoning board of adjustment.

Jim Pritchard said yes and cited RSA 674:41, II. Jim Pritchard emphasized that the building inspector, Jesse Pacheco, not the planning board or the board of selectmen, is the ultimate decision maker who can actually grant a building permit.

(Comment of recording secretary Jim Pritchard: Jim Pritchard was mistaken in that the building inspector, Jesse Pacheco, is only half of the ultimate decision maker who can actually grant a building permit; the other half of the ultimate decision maker is the fire chief, Peter Pszonowsky. RSA 155-A:7, I, in part, says, "The local enforcement agency appointed pursuant to

RSA 674:51 or RSA 47:22 shall have the authority to enforce the provisions of the state building code and the local fire chief shall have the authority to enforce the provisions of the state fire code...”)

The board agreed to meet on Friday, July 14, 2017, 7:00 AM, at Clayton Wood’s house, 329 Catamount Road, Pittsfield, NH, for a site visit of True Road and the Pittsfield fire station.

AGENDA ITEM 11: Public Input

No public input.

AGENDA ITEM 12: Adjournment

Jim Pritchard moved to adjourn the meeting.

Paul Nickerson seconded the motion.

Vote to adjourn the planning board meeting of July 6, 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 July 6, 2017, is adjourned at 9:08 P.M.

Minutes approved: July 20, 2017

| | |
|------------------------|------|
| Clayton Wood, Chairman | Date |
|------------------------|------|

I transcribed these minutes (not verbatim) on July 8, 2017, from notes that I made during the planning board meeting on July 6, 2017, and from the digital audio recording that Chairman Clayton Wood made during the meeting and uploaded to the Internet.

Jim Pritchard, planning board recorder and secretary

Attachments:

1. The planning board's notice of approval of the Bicknell subdivision, June 7, 2007.
2. A copy of that part of the selectmen's minutes of May 3, 1989, establishing the selectmen's class VI highway development policy.
3. Planning board minutes of October 4, 1990.
4. Zoning board of adjustment minutes of October 17, 1990.
5. Zoning board of adjustment notice of the Stockman decision on October 17, 1990.
6. Cara Marston's e-mail requesting information from police chief Jeffrey Cain (July 5, 2017), Chief Cain's reply (July 5, 2017), and Cara Marston's forward of Chief Cain's reply to Jim Pritchard et al (July 6, 2017).



Town of Pittsfield Planning Board Notice of Decision

A Notice of Decision for application filed by Paul and Melissa Bicknell of 195 Governors Road, Pittsfield, NH 03263 for a Major Subdivision on a parcel of land located at 195 Governors Road, Pittsfield, NH 03263 (Tax Map R-43, Lot 10) for a proposed eight-lot subdivision. The firm subdividing the property is James Mullaney, DBA: Juniper Hills Builders, 89 South State Street, Concord, NH 03301. The property is located in the RURAL Zone.

You are hereby notified that a duly convened meeting of the Pittsfield Planning Board was held on Thursday, June 7, 2007 at 7:00 P.M. by request of Paul and Melissa Bicknell for a Major Subdivision to create eight-lot subdivision on Tax Map R-43, Lot 10 on Governors Road, Pittsfield, NH 03263. The request was **GRANTED**.

RESOLVED:

The request to allow an eight-lot subdivision on said property in a RURAL Zone is GRANTED. The Planning Board voted unanimously (5-0) in favor to grant approval on application for subdivision based on the bonding of the road and inspection fees prior to any Building Permits being issued for Lots 5,6,7, and 8, also described as Phase II on the plans and conditioned upon Board of Selectman approval and acceptance of the Bond.

Eric Bahr, Chairman

Date

7/5/07

Note: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any part of the action or person affected thereby according to New Hampshire Revised Statutes Annotated, Chapter 677:2.

FITTSFIELD SELECTMEN'S MEETING MINUTES
May 3, 1989

Present: Larry C. Berkson (LCB)
John D. Stapleton (JDS)
John E. Genest, Sr. (JEG)

Staff: Donald J. Morgado (DJM)

1. Chairman L.C. Berkson called the meeting to order at 5:00 P.M.

2. Minutes of the April 26, 1989 Selectmen's Meeting were reviewed. Paragraph 4 amended to show unanimous vote and paragraph 5 c discussion item 4 amended to indicate DJM versus JDS on discussion with HSA. JDS motioned to approve as amended; LCB seconded; JEG abstained due not present at meeting.

3. Reports:

a. G.M. Bachelder (GMB), Supt. Public Works presented his monthly report. He recapped the winter operation and advised that due to the icing conditions more funds was expended for sand, salt and fuel in 1989 versus 1988 and that some adjustments will have to be made to keep the overall budget in line. Unusual amounts of sand and salt was used due to frequent icing and lack of snow.

GMB discussed V. Huse's flooding problem and will endeavor to install a 3' - 4' culvert, depending on available road clearance. Also extensive ditching is planned.

GMB presented recommended Class VI road specifications (enclosed) to allow upgrading of class VI surfaces to permit use by emergency vehicles. The specifications were: minimum width 20 feet, traveled way; 2 foot shoulders, each side; drainage ditches, each side; all culverts installations or upgrade as required; 18 inches base gravel; and 6 inches crush. All installations subject to inspection/approval of Supt., Public Works and Board of Selectmen.

JDS motioned to approve the recommended specifications to permit upgrade of Class VI roads by users at no cost to the Town and that building permits would be authorized for the erection of buildings on said class VI roads or portion thereof; and the Town would neither assume responsibility for maintenance of said Class VI roads nor liability for any damages resulting from the use thereof; and prior to issuance of a building permit, the applicant would produce evidence that notice of the limits of municipal responsibility and liability had been recorded in the county registry of deeds. JEG seconded; unanimous.

b. JEG - Fire Department liaison. JEG met with the Fire Department personnel on May 1, 1989 to introduce himself as the liaison. He toured the facility and noted the building settling

TOWN OF PITTSFIELD

Incorporated March, 27, 1782

OFFICE OF SELECTMEN
P.O. Box 98
Pittsfield, New Hampshire 03263
603-435-6773

Note to: Board of Selectmen

From: Supt. Public Works

Date: May 2, 1989

Ref: Class VI Roads - Recommended Minimum Road Specifications

The following are recommended minimum road specifications to be installed for emergency vehicle use:

1. Twenty (20) feet width, traveled way;
2. Two (2) foot shoulders, each side;
3. Drainage ditches, each side;
4. All culverts, installations or upgrade as required;
5. Eighteen (18) inches base gravel;
6. Six (6) inches crush.

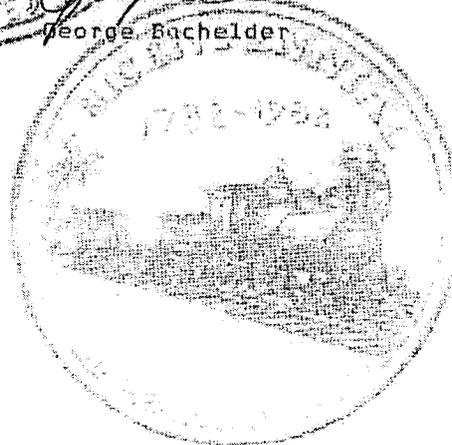
All installations subject to inspection/approval of Supt.,
Public Works and Board of Selectmen.

Sincerely,


George Bachelder

GB/sj

cc: Town Administrator



CLASS VI ROAD MINIMUM SPECIFICATIONS

The following are Class VI Roads minimum specifications to be installed for emergency vehicle use:

1. Twenty (20) feet width, traveled way;
2. Two (2) foot shoulders, each side;
3. Drainage ditches, each side;
4. All culverts installations or upgrade as required;
5. Eighteen (18) inches base gravel;
6. Six (6) inches crush.

All installations subject to inspection/approval of Supt., Public Works and Board of Selectmen.

George Bachelder
Supt. Public Works

cc: Board of Selectmen
Town Administrator

Adopted on the 3rd of May 1989 by the
Pittsfield Board of Selectmen

PITTSFIELD PLANNING BOARD MINUTES
OCTOBER 4, 1990

Present: Phil Bartels, Theodore Troughton, Leonard Riel, Robert Zahn, Wilbur Maxfield.

Meeting was brought to order at 7:10 P.M.

Mrs. Kern came before the Board for final approval of her subdivision. Division was recommended to be approved by L.R. and seconded by R.Z. with conditions of approval of Driveway Permit.

Larry Stockman for change of subdivision on Rt. 107. With assistance of Town Administrator. Ralph Tilton meetings will be set up between the Zoning Board of Adjustments and the Planning Board so matter can be finalized at the October 18th. meeting.

Matter sent to Zoning Board of Adjustments because of road frontage on Rt. 107. Lot not having proper frontage under Zoning rules.

Meeting closed at 8:35 P.M.

ZBA Public Hearing
October 17, 1990

Those Present: Terry Robinson, Leslie Clark, David Pollard, Shirley Gray

Dave Pollard, Chair, opened the hearing at 7:30 p.m. with a quorum present.

The purpose of the hearing was to hear the petition of Larry Stockman for a variance from Article 2, Table 2 to permit Lot #1 to have 50 feet of frontage on Rt. 107 and the remaining 252.16 feet of frontage to be on Tan Road. The property located on Route 107 is in the Rural Zone. *90-005 case #*

Donald Jenks, surveyor, presented the history of the case for Mr. Stockman. Mr. Stockman had originally submitted a plan with sufficient amount of frontage for two lots to the planning board which had approved subject to approval by the Water Pollution Control Commission. Mr. Stockman had received a driveway permit for Lot #2 and signed a waiver release for Lot #1 from the Tan Road. He then upgraded the road for access to his property. A septic design for Lot #1 was approved and a design for Lot #2 was submitted to the state. The state representative has concerns about wetlands in the area of the design for Lot #2 and suggested that the 4000 sq. ft. leaching area be moved to the lower end of Lot #2 to make its elevation consistent with that of Lot #1, thus creating the need to change the previously approved lot line in the subdivision approved by the planning board. A second trip to the planning board resulted in a denial due to insufficient road frontage, which brought Mr. Stockman to the ZBA.

The Chair polled the Board for questions and noted that no abutters for or against were present.

Terry Robinson moved and Shirley Gray seconded to go into Executive Session for the purpose of discussion. The public portion of the hearing was closed.

After returning to public session, a motion to grant the variance was made by Terry Robinson, seconded by Leslie Clark passed unanimously.

Respectfully recorded from tape of hearing

Elsie Morse, Secretary

TOWN OF PITTSFIELD
ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Case Number 90-005

You are hereby notified that at a duly convened meeting of the Pittsfield Zoning Board of Adjustment held on Wednesday, October 17, 1990, the request of

Larry Stockman for Variance to
(applicant) (an exception under/a variance to)
the terms of Article 2, Section 2 of the
Zoning Ordinance is Granted for the reasons given in
(Granted/Denied)
the following resolution passed by a majority of the appointed
members of the Board of Adjustment:

RESOLVED:

Larry Stockman has been granted a variance from Article 2, Table 2 to permit Lot #1 to have 50 feet of frontage on Route 107 and the remaining 252.16 feet of frontage to be on Tan Road. The property located on Route 107 is in the Rural Zone.

(Signed) Dave Pollard/sj
Chairman Dave Pollard

(Date) October 24, 1990

Note: Application for rehearing on any question of the above determination may be taken within twenty (20) days of said determination by any part of the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1986, Chapter 677:2.

(End of 20-day appeal period is _____.)

--- On Thu, 7/6/17, Cara Marston <cmarston@pittsfieldnh.gov> wrote:

From: Cara Marston <cmarston@pittsfieldnh.gov>
Subject: FW: Regional impact of NHMS concerts and camping
To: "jamesapritchard@yahoo.com" <jamesapritchard@yahoo.com>, "Planning Board" <planning@pittsfieldnh.gov>, "Clayton Wood" <cwood911@gmail.com>
Cc: "J. C Allard" <jcallard@metrocast.net>, "Jeff Cain" <jcain@pittsfieldnh.gov>, "James Allard" <jallard@pittsfieldnh.gov>, "Carole Richardson" <crichardson@pittsfieldnh.gov>
Date: Thursday, July 6, 2017, 3:50 PM

Hi Jim (Pritchard - as we have a few included in this email),

Here is the response below to your question from Chief Cain. He does not identify this as a burden on our police department or having a negative impact, either.

As far as the reciprocal policing agreement that was mentioned in an earlier email - we do have an extended authority agreement that deals with RSA 105:13, but no other special agreement that would provide for Pittsfield providing staffing to Loudon for their events (and vice versa).

I can place this item on the Selectboard's agenda if your board would prefer a response from our Board of Selectmen instead of the Chief, I just wanted to be able to provide you with a response quickly and we will not have a full board meeting until July 25th.

Thank you,

Cara

-----Original Message-----

From: Jeff Cain
Sent: Wednesday, July 05, 2017 4:30 PM
To: Cara Marston <cmarston@pittsfieldnh.gov>
Subject: Re: Regional impact of NHMS concerts and camping

Cara,

That is correct, all our employees work as much or as little as they wish to work at NHMS events, and it is completely on their own time, paid by Loudon. Maintaining police coverage in Pittsfield is our first priority, details are filled based on availability of our schedule.

I would also add that Pittsfield feels virtually no effect directly or indirectly from the NASCAR events in our own community, and I do not foresee that being any different with the concerts.

I think this is a great idea for the economy of NH and think we should should fully support this, especially since our community would not be burdened or impacted negatively at all.

Just my opinion based on 20 years providing public safety in Pittsfield and working NHMS events.

Jeff

Sent from my iPhone

> On Jul 5, 2017, at 15:46, Cara Marston <cmarston@pittsfieldnh.gov> wrote:

>
> Chief & Sergeants,
> I just received this email below - is this an accurate response?
> -- Our department's police schedules are not adjusted by the Loudon events at the race track, however, some of the department's employees are hired directly by the Town of Loudon to provide coverage for these events - coverage worked around that of their regular Pittsfield work schedule? Further, no town vehicles are currently being hired or used at the Loudon events.

>
> Cara

>
>
>
>
> -----Original Message-----

> From: james pritchard [mailto:jamesapritchard@yahoo.com]
> Sent: Wednesday, July 05, 2017 3:33 PM
> To: Cara Marston <cmarston@pittsfieldnh.gov>
> Cc: Clayton Wood <cwood911@gmail.com>; Carole Richardson <cpr2006@metrocast.net>
> Subject: Fw: Regional impact of NHMS concerts and camping

>
> July 5, 2017

>
>
> Cara Marston <cmarston@pittsfieldnh.gov>
> cc:
> Clayton Wood <cwood911@gmail.com>
> Carole Richardson <cpr2006@metrocast.net>

>
> Dear Cara,

>
> Does the Pittsfield office of the selectmen know whether and to what extent the New Hampshire Municipal Speedway in Loudon has used Pittsfield police officers for past events and whether and to what extent the NHMS expects to use Pittsfield police officers for what appears to me to be a substantial expansion, in terms of days and hours of operation, of the NHMS arena and environs?

>
> The NHMS matter is on the planning board's agenda for tomorrow. Is there any chance that you could send me this information in time that I could distribute it to board members before the meeting?

>
> Thank you,

>
> Jim

>
> --- On Tue, 7/4/17, james pritchard <jamesapritchard@yahoo.com> wrote:

>
> From: james pritchard <jamesapritchard@yahoo.com>
> Subject: Regional impact of NHMS concerts and camping

> To: "Clayton Wood" <cwood911@gmail.com>, "Daren Nielsen" <dsnielsen@mathmechanixs.com>, "Leroy Corson" <lnosrocl@outlook.com>, "Adam Gauthier" <adamgau23@yahoo.com>, "James Hetu" <james@hhexteriorsnh.com>, "Carole Richardson" <cpr2006@metrocast.net>
> Cc: "Jesse Pacheco" <jpacheco@pittsfieldnh.gov>
> Date: Tuesday, July 4, 2017, 7:33 PM
>
> July 4, 2017
>
>
> Clayton Wood <cwood911@gmail.com>
> Daren Nielsen <dsnielsen@mathmechanixs.com> Leroy Corson <lnosrocl@outlook.com> Adam Gauthier <adamgau23@yahoo.com> James Hetu <james@hhexteriorsnh.com> Carole Richardson <cpr2006@metrocast.net>
> cc: Jesse Pacheco <jpacheco@pittsfieldnh.gov>
>
> Attached are the variance and special exception applications of Loudon's New Hampshire Motor Speedway's application to do concerts at the arena and to intensify campsite use around the arena.
>
> Also attached is the Central New Hampshire Regional Planning Commission's report on the potential regional impact of Loudon's New Hampshire Motor Speedway's application to do concerts at the venue. Below is my initial report to Cara Marston from my attendance at the meeting on June 22.
>
> The CNHRPC report says that the proposal is to replace one of the two (2) day NASCAR Race event with twenty-one (21) days of music events. My report identifies police burdens on Pittsfield as a potentially important impact on Pittsfield.
>
> When I went to the Loudon Town Hall last week to get the variance and special exception applications, I asked the planning and zoning administrative secretary, Danielle Bosco, whether and to what extent the NHMS would rely on the Pittsfield police. Danielle hastened to tell me, as I knew that she would, that NHMS pays the hours of the police who work NHMS events. As for stretching police manpower, Danielle assured me that Chief Cain would not hire out police officers if his department could not spare the officers. She told me that the police support these events because the events earn the police extra money. Danielle said that she did not know to what extent NHMS currently relies on Pittsfield's police department or to what extent NHMS would rely on Pittsfield's police department for the concerts, and she suggested that I direct these questions to the Pittsfield Board of Selectmen.
>
> Danielle also said that alcohol is already permitted at the race arena and that alcohol will be permitted for the concerts.
>
> Thank you,
>
> Jim
>
> --- On Sat, 6/24/17, james pritchard <jamesapritchard@yahoo.com> wrote:
>
> From: james pritchard <jamesapritchard@yahoo.com>

> Subject: Loudon ZBA meeting of June 22, 2017
> To: "Cara Marston" <cmarston@pittsfieldnh.gov>
> Cc: "Clayton Wood" <cwood911@gmail.com>, "Carole Richardson" <cpr2006@metrocast.net>
> Date: Saturday, June 24, 2017, 6:19 PM
>
> June 24, 2017
>
>
> Cara Marston <cmarston@pittsfieldnh.gov>
> cc:
> Clayton Wood <cwood911@gmail.com>
> Carole Richardson <cpr2006@metrocast.net>
>
> Dear Cara,
>
> I attended last Thursday's meeting of the Loudon Zoning Board of Adjustment to attend the hearing on a variance and special exception for the New Hampshire Motor Speedway to do concerts. I had not seen NHMS's application or CNHRPC's report on potential regional impact, but at least I was able to observe on behalf of Pittsfield.
>
> NHMS had requested a continuance of the matter to July 27, 2017. The board granted the requested continuance without any discussion or publicly stating NHMS's reasons for requesting the continuance. This continuance seems to me to have been of doubtful lawfulness. As Jesse Pacheco has reminded me more than once, "The public hearing shall be held within 30 days of the receipt of the notice of appeal." (RSA 676:7, II.) The ZBA might have been able to open the hearing, close it, and then continue the matter, but the board never even opened the hearing. In any case, the board did continue the matter.
>
> The board held a public-input period at the start of the meeting, and Mr. Michael Harris (a former member of the Loudon Planning Board) spoke about the NHMS application. He knew that the NHMS had requested a continuance, and he spoke as if he knew that the ZBA would grant the continuance. He also opposed the application. He said that Loudon did not have a police department adequate to the needs of concerts at the venue.
>
> Mr. Harris's comments made me wonder whether Pittsfield has some kind of reciprocal policing agreement with Loudon whereby Pittsfield helps Loudon with NHMS events and Loudon helps Pittsfield with unusual events. I also wondered what Pittsfield would get from Loudon in return for increased police coverage for Loudon if Loudon approves concerts at the venue. The Pittsfield selectmen may want to study these questions.
>
> Mr. Harris also said that the NHMS venue had been the subject of action in the state legislature and in the county superior court and that these actions had resulted in deed restrictions prohibiting the use of the venue for concerts. Outside the meeting hall, Mr. Harris explained to me that a problem with the concerts is that the concerts, unlike the races, will extend to well after dark and that policing needs for such events is much greater after dark. Mr. Harris predicted that after-dark crime would spill over into nearby towns and

particularly into Pittsfield. This is another question that the Pittsfield selectmen may want to study.

>

> If Mr. Harris's policing concerns are valid, then the ZBA's continuance to July 27 gives Pittsfield some time to think about what to do.

>

> Thank you,

>

> Jim

> <NHMSVarianceApplicationFiled20170510.pdf>

> <NHMSSpecialExceptionApplicationFiled20170510.pdf>

> <NHMSDevRegImpactReport.pdf>