

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

**DATE:** Thursday, April 7, 2016

**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),

Pat Heffernan (vice-chair),

Jim Pritchard (secretary),

Daren Nielsen,

Gerard LeDuc (selectmen's ex officio member),

Paul Nickerson (alternate), and

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

Planning board members absent:

Roland Carter (alternate)

Members of the public appearing before the planning board: None.

“Members of the public appearing before the planning board” includes only members of the public who spoke to the board. It does not include members of the public who were present but who did not speak to the board.

**AGENDA ITEM 3:** Election of Officers

Pat Heffernan nominated Clayton Wood for chair.

Daren Nielsen seconded the nomination.

There were no other nominations for chair.

Discussion: None.

Vote to elect Clayton Wood as chair: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Pat Heffernan nominated Daren Nielsen for vice-chair.

Jim Pritchard seconded the nomination.

There were no other nominations for vice-chair.

Discussion: None.

Vote to elect Daren Nielsen as vice-chair: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Pat Heffernan nominated Jim Pritchard for secretary.

Clayton Wood seconded the nomination.

There were no other nominations for secretary.

Discussion: None.

Vote to elect Jim Pritchard as secretary: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Daren Nielsen nominated Jim Pritchard for recording secretary.

Pat Heffernan seconded the nomination.

There were no other nominations for recording secretary.

Discussion: None.

Vote to elect Jim Pritchard as recording secretary: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

**AGENDA ITEM 4: Appointments to Boards**

Housing standards board:

Clayton Wood said that the chair of the housing standards board, Bill Elkins, had asked the planning board to replace Pat Heffernan as the planning board’s representative to the housing standards board because the March town meeting had adopted a new ordinance that disqualified anyone who works for landlords under the housing standards board’s jurisdiction and because Pat Heffernan works as an electrician for some of those landlords. Clayton Wood said that he would be the planning board’s representative to the housing standards board until he could find someone to act as his designee. Clayton Wood said that Roland Carter might be willing to act as his designee.

Pat Heffernan said that the work for housing standards board members is light.

Master plan committee:

Clayton Wood said that the master plan committee currently consists of Ralph Odell as chair, Ted Mitchell as secretary, Roland Carter as planning board representative, Jim Pritchard as planning board representative, and Helen Schoppmeyer. Clayton Wood moved to continue the master plan committee membership as it is.

Jim Pritchard seconded the motion.

Discussion:

Gerard LeDuc said that Roland Carter might apply to fill the vacancy on the board of selectmen. (Comment of recording secretary Jim Pritchard: Nick Hayes resigned as selectman shortly after the March 8, 2016, town meeting election.)

Vote to continue the master plan committee membership as it is: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Pittsfield’s two representatives to the Central New Hampshire Regional Planning Commission:

Clayton Wood said that the planning board only recommends the town’s representatives to the Central New Hampshire Regional Planning Commission but that the board of selectmen appoints the representatives.

Clayton Wood said that the two representatives are Ted Mitchell and Jim Pritchard, that Ted Mitchell’s term is from 2014 to 2018, and that Jim Pritchard’s term ended in 2016. Clayton Wood moved to recommend that Jim Pritchard be reappointed to a four-year term as one of the town’s two representatives to the Central New Hampshire Regional Planning Commission.

Daren Nielsen seconded the motion.

Vote to recommend that Jim Pritchard be reappointed to a four-year term as one of the town’s two representatives to the Central New Hampshire Regional Planning Commission: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Transportation advisory committee:

Clayton Wood said that he thought that the appointing authority for the transportation advisory committee was the board of selectmen.

Jim Pritchard said that he did not know what the terms for the transportation advisory committee were but that he thought that they were one year.

Gerard LeDuc said that he thought that the terms were one year and that the board of selectmen might appoint to the transportation advisory committee the same person that the board of selectmen will appoint to fill the vacancy on the board of selectmen. Gerard LeDuc asked Jim Pritchard to e-mail him Jim Pritchard’s certificate of appointment before next Tuesday, when the board of selectmen will meet next.

Jim Pritchard agreed. Jim Pritchard said that Ted Mitchell is the town's voting member and that he, Jim Pritchard, is the alternate. (Comment of recording secretary Jim Pritchard: The board of selectmen appointed Ted Mitchell and Jim Pritchard to the transportation advisory committee on March 5, 2013. The notice of appointment form does not state an expiration date. The rules of the transportation advisory committee, article 4, Membership, do not define terms but instead say, "TAC members shall serve at the pleasure of the appointing authority.")

**AGENDA ITEM 5: Public Input**

No public input.

**AGENDA ITEM ADDED:** Discussion of the planning board's schedule of regular meetings from April 2016 to April 2017

Clayton Wood said that he and Jim Pritchard had developed the board's schedule of regular meetings for the coming year.

Jim Pritchard said that the schedule is posted in the town hall but not in the post office.

Gerard LeDuc asked that the schedule be posted on the town web site.

**AGENDA ITEM ADDED:** Discussion of the zoning ordinance as amended on March 8, 2016

Clayton Wood said that Jim Pritchard had revised the zoning ordinance as the town meeting had amended it on March 8, 2016. Clayton Wood said that he had checked Jim Pritchard's work. Clayton Wood said that he would provide paper copies to board members who wanted them.

Pat Heffernan, Gerard LeDuc, and Jim Pritchard asked for paper copies.

Jim Pritchard explained the procedure that he had followed to revise and check the zoning ordinance:

1. Take amendment no. 1 and, using Microsoft Word's "find" command, apply blue highlight to text marked with strikethrough for deletion, and yellow highlight to text marked with underlining for addition.
2. Take the 2015 zoning ordinance and revise it according to the amendment recipes.
3. Revise the header.
4. Take the planning board's document that showed how the final zoning ordinance would look with both deletions and additions marked (ZOProposed20151015STULHL.doc), and delete all text marked for deletion.
5. Revise the header.
6. Use Microsoft Word's document-comparison tool to verify that the two documents are the same.
7. Use Microsoft Word's document-comparison tool to verify that the two documents matched a third document, one that Jim Pritchard had used last fall to derive and check the amendments themselves.
8. Revise the table of contents.
9. Check the table of contents.
10. Revise the legislative history by going through the above-referenced ZOProposed20151015STULHL.doc and noting all of the changes.
11. Check the legislative history.

Clayton Wood said that he had checked the zoning ordinance by yet another digital-comparison method.

Jim Pritchard said that the zoning board of adjustment has a case before it that needs the current zoning ordinance. The zoning board of adjustment will meet next Thursday. Jim Pritchard said that he would send the zoning ordinance to all planning board members and ask them to notify him of any errors that the board members may find. Jim Pritchard said that he would

release the zoning ordinance to the public if board members did not report errors by the following Monday (April 11, 2016).

**AGENDA ITEM 7: Future Policy for the Sale of Town Owned Property**

Clayton Wood said that he and Daren Nielsen had met with board of selectmen chair Larry Konopka to discuss guiding principles for the sale of town property.

Daren Nielsen reviewed and discussed the policy guidelines that he had drafted and proposed for the sale of town-owned property under RSA 41:41-a. A copy of the draft policy is attached to these minutes.

Daren Nielsen said that the board had learned much from its hearings on the sales of town properties on Tan Road. Daren Nielsen discussed how the feedback from the abutters on Tan Road had influenced how he had designed the policy.

Clayton Wood said that there is disagreement about whether town-owned properties by tax deed and town-owned properties by other acquisition must both go through the process of RSA 41:14-a, I. Clayton Wood said that the board is currently promoting the idea that the process of RSA 41:14-a is a good policy. Clayton Wood said that he hoped that the discussion would resolve the disagreement about whether properties of both classifications must go through the process of RSA 41:14-a.

Daren Nielsen said that, in his discussion with Larry Konopka, he, Daren Nielsen, had not focused on what the law requires but rather on what was a good idea.

Daren Nielsen said that he had started with the Moultonborough guidelines and that he had built on them.

Clayton Wood asked how Daren Nielsen had chosen the April 1 date to finish the review of town property.

Daren Nielsen explained the schedule to sell property and that the schedule has three phases: first, to offer properties to abutters at market value as determined by a professional appraiser; second, to offer properties to the general public at market value as determined by a professional appraiser;

and, third, to offer properties to the general public at auction. Daren Nielsen said that the April 1 date was intended to give reasonable time for properties to be listed with a realtor and then to have an auction in December.

Clayton Wood noted that the draft policy statement does not allow for sales inside of three years from tax deeding.

Daren Nielsen said that the purpose of the three-year hold time was to give former owners the maximum time to repurchase their properties (under RSA 80:89, II).

Jim Pritchard said that he strongly supported and had originally led the effort to have a three-year hold time.

Pat Heffernan agreed with the three-year hold time.

Jim Pritchard said that his family had had experience with financing a former owner to repurchase property (under RSA 80:89, II) and that this process can work for everyone.

Clayton Wood said that the proposed prohibition against selling any vacant nonconforming lot to anyone other than any abutter might not make sense in the Commercial District or in the Light Industrial/Commercial District.

Daren Nielsen discussed the possibility of imposing covenants on properties. He gave as an example a property from the auction on November 7, 2015, a property that had had a trailer and that was sold with no covenants.

Clayton Wood said that the board of selectmen is trying to sell town properties aggressively but that the board of selectmen should be taking the time to consider restrictions that would improve property values.

Daren Nielsen discussed his proposal to put the proceeds of sales of town properties into a trust fund to buy and revitalize properties in the downtown.

Clayton Wood and Pat Heffernan agreed with the concept of putting the proceeds of sales of town properties into a trust fund to buy and revitalize properties in the downtown.

Clayton Wood noted that section 6, j:

“The board of selectmen shall decide what covenants, if any, the town shall impose on the remaining properties that did not sell under paragraph e to protect the neighborhood or the town.”

has no guidelines for deriving covenants.

Jim Pritchard said that section 6, i, says that the planning board should consider potential uses and derive suggestions for covenants from that consideration.

Daren Nielsen said that he wanted to cite the master plan section 2.9, item 6—“Seek to revitalize, reuse, demolish, or sell tax-deeded properties with restrictions aimed at improving property values.”—in section 6, i, of the sales-of-town-properties policy.

Gerard LeDuc discussed and stated his support for using covenants to improve property values.

The board agreed by concensus that the board supported Daren Nielsen’s statement of guidelines for the sale of town property.

Pat Heffernan said that there might be resistance to investment in the downtown because many people’s immediate goal is to reduce taxes.

Jim Pritchard proposed a loosening of the proposed prohibition against selling any vacant nonconforming lot to anyone other than any abutter. The less restrictive policy guideline was to prohibit such sales to anyone other than abutters in the Suburban District or in the Rural District and to discourage such sales in residential neighborhoods elsewhere.

Jim Pritchard noted some typographical errors to correct.

Clayton Wood said that a table reflecting how a property relates to the policy-statement guidelines would help.

Pat Heffernan stressed the importance of putting the proceeds of sales of town properties into a trust fund to buy and revitalize properties in the downtown.

Gerard LeDuc said that, in selling a town property, the town would have to return to the former owner any money in excess of what the former owner owed to the town.

Daren Nielsen said that the town had to pay the owner this excess money only during the three-year period after tax deeding.

Clayton Wood said that the town becomes the owner three years after the tax deeding.

Jim Pritchard said that the town owns the property at the time of tax deeding. Jim Pritchard said that the town cannot circumvent paying the former owner the excess over what the former owner owed the town but that the town can circumvent the owner's right to repurchase the land during the three years after the tax deeding (RSA 80:89, II) by giving a notice of intent to sell (under RSA 80:89, I). Jim Pritchard stressed that tax deeding is town ownership and that the three-year restrictions are on what the town does with the money that the town gets from the sale; the restrictions are not on what the town does with the property. (RSA 80:88 and RSA 80:89.)

Daren Nielsen said, "The town can't sell anything that it doesn't own. So, if it can sell it, it owns it."

Clayton Wood said that the three-year hold time gives the former owner the maximum opportunity to repurchase the property (under RSA 80:89, II).

Jim Pritchard said that the three-year hold time also gives the town a reason "to do something smart with the property."

Paul Nickerson agreed that, after three years after tax deeding, the town does not have to return to the owner any money in excess of what the former owner owed to the town.

Jim Pritchard moved to suggest the policy statement to the board of selectmen with the changes that the planning board made.

Pat Heffernan seconded the motion.

Vote to suggest the policy statement to the board of selectmen with the changes that the planning board made: carried 5 - 0 - 0. Voting "yes": Jim

Pritchard, Daren Nielsen, Clayton Wood, Pat Heffernan, and Gerard LeDuc.  
Voting “no”: none. Abstaining: none.

Clayton Wood called a brief recess from 7:59 PM to 8:02 PM.

Clayton Wood left the meeting at 8:02 PM.

Daren Nielsen replaced Clayton Wood as acting chair.

Paul Nickerson sat in Clayton Wood’s place.

**AGENDA ITEM 6:** Approval of the Minutes of the March 3, 2016 and March 14, 2016 Meetings.

Daren Nielsen moved to approve the minutes of March 3, 2016, as written in draft.

Pat Heffernan seconded the motion.

Discussion:

Jim Pritchard asked for the following changes:

Agenda item 3, page 7: Change “tax map R-44, lot 1” to “tax map R-44, lot 9”

Agenda item 3, page 14: Change “White Management” to “Charles White Management”

End of the minutes document: Change “I transcribed these minutes (not verbatim) on March 5, 2016, a copy” to “I transcribed these minutes (not verbatim) on March 5, 2016, from a copy”

Daren Nielsen asked for the following change:

Agenda item 3, page 16: Change “highest development” to “highest quality development”

Vote to approve the minutes of March 3, 2016, with the changes that Jim Pritchard and Daren Nielsen requested: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Pat Heffernan, Gerard LeDuc, and Paul Nickerson. Voting “no”: none. Abstaining: none.

Jim Pritchard moved to approve the minutes of March 14, 2016, as written in draft.

Daren Nielsen seconded the motion.

Discussion:

Jim Pritchard asked for the following changes:

Agenda item 6, page 7: Change “whether a given property vacant” to “whether a given property is vacant”

Agenda item 6, page 11: Replace the following paragraph

“Jim Pritchard cited a tax-deed (Merrimack County Registry of Deeds book 943, page 401, tax map R-44, lot 5) that should have been good under RSA 80:39 but that had had a procedural flaw that resulted in the owner’s having to re-buy the land from a previous owner 16 years later despite the tax-deed (Merrimack County Registry of Deeds book 2205, page 633, and book 2206, page 73).”

with

“Jim Pritchard cited a tax deed, from 1964, that should have been good under RSA 80:39 because the deed was more than 10 years old when the town sold the property later, in 1980, but that had had a procedural flaw that resulted in the subsequent owner’s having to re-buy the land, in 2000, from a former owner from 1956 despite the tax deed’s being more than 10 years old. (See tax map R-44, lot 5, and Merrimack County Registry of Deeds book 788, page 422; book 943, page 401; book 1367, page 41; book 2205, page 633; and book 2206, page 73.)”

Vote to approve the minutes of March 14, 2016, with the changes that Jim Pritchard requested: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Pat Heffernan, Gerard LeDuc, and Paul Nickerson. Voting “no”: none. Abstaining: none.

### **AGENDA ITEM 8: Selectman’s Report**

Gerard LeDuc said that the board of selectmen was moving diligently to sell town property and that the board of selectmen would consider carefully the planning board’s recommendations for review under RSA 41:14-a, I.

Gerard LeDuc cited an example on Berry Avenue where an abutter had wanted to buy a tax-deeded property that had had a trailer and where the board of selectmen sold the property to the abutter.

Jim Pritchard referred to the board of selectmen's decision to refer to legal counsel a complaint about Clayton Wood's doing the town web site. The question of the complaint is whether the web site is a home occupation requiring a special exception from the zoning board of adjustment. Jim Pritchard said that referring the matter to legal counsel was premature first because the zoning ordinance is not yet on the town web site and second because the town has a code enforcement office and the board of selectmen should let the code enforcement make the first determination as to whether the web site activities are a home occupation.

**AGENDA ITEM 9: Members' Concerns**

Jim Pritchard stated and the planning board discussed Jim Pritchard's concern that the board should take the position that the review under RSA 41:14-a, I, is not just a good idea for tax-deeded properties, it is also the law. Jim Pritchard said that whether the process is law matters to whether the properties sold have clear title.

Paul Nickerson disagreed that RSA 41:14-a, I, applies to tax-deeded properties.

**AGENDA ITEM 10: Public Input**

No public input.

**AGENDA ITEM 11: Adjournment**

Daren Nielsen moved to adjourn the meeting.

Pat Heffernan seconded the motion.

Vote to adjourn the planning board meeting of April 7, 2016: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Pat Heffernan, Gerard LeDuc, and Paul Nickerson. Voting "no": none. Abstaining: none. The planning board meeting of April 7, 2016, is adjourned at 8:46 P.M.

Minutes approved: May 5, 2016

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Clayton Wood, Chairman

Date

I transcribed these minutes (not verbatim) on April 9, 2016, from notes that I made during the planning board meeting on April 7, 2016, and from a copy that Chairman Clayton Wood made on April 8, 2016, of the town's digital recording of the meeting.

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Jim Pritchard, planning board recorder and secretary

Attachments:

1. Draft policy statement, as proposed to the planning board by Daren Nielsen on April 7, 2016, for the sale of town-owned property under RSA 41:14-a.
2. Draft policy statement, as proposed by the planning board on April 7, 2016, for the sale of town-owned property under RSA 41:14-a.

**Pittsfield, New Hampshire  
Office of Selectmen**

**Policy Statement for the Sale of Town-Owned Property**

- 1. Governing Authority:** The governing authority for this policy statement for the sale of town-owned property is article 26 of the March 13 and 17, 2007, town meeting warrant, authorizing the board of selectmen to sell town-owned properties according to procedure specified in RSA 41:14-a. The town meeting approved article 26 under RSA 41:14-c, I.
- 2. Policy Overview:**
  - a.** The board of selectmen shall review each town-owned property annually to decide whether to sell that property. The town shall hold every tax-deeded property for a minimum of three years. The board shall offer properties for sale annually according to this policy statement. The board shall deposit all proceeds from these sales into a trust fund for future acquisition and reclamation of real estate in the downtown.
  - b.** The sale of town property has three prongs. First, because the sale of town property will most strongly affect abutters, the board of selectmen shall give abutters advance notice of tax-deeded properties and shall suggest that abutters consider financing the former owner to repurchase the property under RSA 80:89 on condition that the former owner will resell the property to the abutters. Second, the board of selectmen shall list the property with a real estate broker to maximize income potential based on appraised value. Third, the board of selectmen shall auction remaining town properties or keep remaining town properties in town inventory.
- 3. Review Schedule:** By April 1, the board of selectmen shall finish the board's annual review of all town-owned property and shall have made a preliminary decision on each property as to whether to sell it or not.
- 4. Notice to Former Owners of and Abutters to Newly Tax-Deeded Property:** By April 1, the board of selectmen shall give notice as follows to former owners of and abutters to property that the town has tax deeded within the past three years:
  - a.** The board of selectmen shall notify every former owner of land that the town has tax deeded within the past three years (1) that the former owner has the right under RSA 80:89 to repurchase the tax-deeded property, (2) that the former owner's right to repurchase the property will expire at three years from the date of tax deeding, and (3) that the town may sell the property to some person or persons unknown after the former owner's right to repurchase the tax-deeded property has expired. The board of selectmen's notice to the former owner shall include a copy of this policy statement for the sale of town-owned property.

- b.** The board of selectmen shall notify every abutter to land that the town has tax deeded within the past three years (1) that the former owner has the right under RSA 80:89 to repurchase the tax-deeded property, (2) that the former owner's right to repurchase the property will expire at three years from the date of tax deeding, and (3) that the town may sell the property to some person or persons unknown after the former owner's right to repurchase the tax-deeded property has expired. The board of selectmen's notice to the abutters shall also suggest that, if any abutter is interested in acquiring the tax-deeded property, then the abutter may want to consider working with the former owner to finance a repurchase of the property on condition that the former owner will resell the property to the abutter or abutters. The board of selectmen's notice to the former owner shall include a copy of this policy statement for the sale of town-owned property.

#### **5. Guidelines for Deciding Whether to Sell Town Property :**

- a.** The board of selectmen shall not sell any tax-deeded property within three years of the date of tax deeding. The purpose of this prohibition is to give the former owners of tax-deeded properties the maximum opportunity to repurchase their properties under RSA 80:89.
- b.** The board of selectmen's preliminary decision on whether to sell, and all subsequent decisions on whether to sell or recommend to sell, shall consider (1) whether the property has a major structure or not, (2) whether the property is conforming to the zoning ordinance or not, and (3) whether the market conditions are appropriate, relative to both the town's interest in a return and the abutters' interest in an affordable price, for the sale. The presence of a major structure on the property shall weigh toward selling the property (to avoid maintenance and liability responsibility for the town). A nonconformance of the property to the zoning ordinance shall weigh against selling the property (to maintain the integrity of the town's zoning plan) unless (1) the property is a good fit with abutting property, (2) the property has a major structure that would prohibit a merger with abutting property, or (3) the property is in a nonresidential area of the Commercial District or the Light Industrial/Commercial District. The board of selectmen shall not sell any vacant nonconforming lot in the Suburban District or in the Rural District to anyone other than an abutter. The purpose of this prohibition against selling vacant nonconforming lots in the Suburban District or in the Rural District to anyone other than abutters is to maintain property values and the integrity of the town's zoning plan by discouraging development of nonconforming lots in residential areas.

#### **6. Process for Selling Town Property :**

- a.** The board of selectmen shall review all town properties and decide preliminarily which properties to sell.

- b.** The board of selectmen shall determine the fair market values for properties preliminarily marked for sale. In determining the fair market values, the board of selectmen shall use a licensed property appraiser and shall tell the appraiser that the board may impose covenants on the properties to ensure that their sales and subsequent uses do not diminish neighboring property values.
- c.** Pursuant to RSA 41:14-a, I, the board of selectmen shall next submit to the planning board and to the conservation commission all properties preliminarily marked for sale for review and recommendation by those bodies.
- d.** After the board of selectmen receives the written recommendation of the planning board and the conservation commission, the board of selectmen may remove properties originally marked for sale based on their value as conservation land or green space.
- e.** The board of selectmen shall then offer abutters the first opportunity to buy any property marked for sale at the fair market value according to paragraph b minus (some percentage based on the average cost of what the town would have lost by paying a real estate broker and the consignment fee for an auction house). The board of selectmen shall give the abutters (some amount of time) to decide whether to buy the properties or not.
- f.** The board of selectmen shall hold 2 public hearings at least 10 but not more than 14 days apart on the sales to responding abutters.
- g.** The board of selectmen shall vote on the sales to responding abutters no sooner than 10 days and no later than 14 days after the second public hearing.
- h.** Prior to the board of selectmen's vote on the final disposition, upon the written petition of 50 registered voters presented to the selectmen according to RSA 39:3, the proposed disposition shall be inserted as an article in the warrant for the town meeting.
- i.** The planning board shall review the remaining properties that did not sell under paragraphs e through h, shall consider potential uses of the properties, and shall recommend to the board of selectmen whether covenants on any given property will be necessary to protect the neighborhood or the town, pursuant to the master plan section 2.9, item 6: "Seek to revitalize, reuse, demolish, or sell tax-deeded properties with restrictions aimed at improving property values."
- j.** The board of selectmen shall decide what covenants, if any, the town shall impose on the remaining properties that did not sell under paragraphs e through h to protect the neighborhood or the town.
- k.** The board of selectmen shall hold 2 public hearings at least 10 but not more than 14 days apart on the sales of the remaining properties.

- l.** The board of selectmen shall vote on the sales of the remaining properties no sooner than 10 days and no later than 14 days after the second public hearing.
  - m.** Prior to the board of selectmen's vote on the final disposition, upon the written petition of 50 registered voters presented to the selectmen according to RSA 39:3, the proposed disposition shall be inserted as an article in the warrant for the town meeting.
  - n.** The board of selectmen shall then advertise the remaining properties for sale through a licensed real estate broker at the fair market value according to paragraph b for a period of time no shorter than six months and with a broker fee no higher than 7% of the sale price of the property.
  - o.** The board of selectmen may hold an auction for the remaining properties that did not sell under paragraph n. The board of selectmen shall choose a reputable auction house and shall advertise the auction in a minimum of three local newspapers. The board of selectmen may set a minimum amount for which the property is to be sold and may set the terms and conditions for the sale.
  - p.** The goal is to complete all sales by December 1.
- 7. Disposition of Proceeds:** The board of selectmen shall deposit all proceeds from the sales of town property into a trust fund for future acquisition and reclamation of real estate in the downtown.

**Pittsfield, New Hampshire  
Office of Selectmen**

**Policy Statement for the Sale of Town-Owned Property**

- 1. Governing Authority:** Article 25 at the 2007 town meeting adopted the provisions New Hampshire RSA 41:14-a authorizing the board of selectmen to sell town-owned properties according to procedure specified in the statute.
  
- 2. Policy Overview:**
  - a.** The board of selectmen shall review each town-owned property annually to decide whether to sell that property. The town shall hold every tax-deeded property for a minimum of three years. The board shall offer properties for sale annually according to this policy statement. The board will deposit all proceeds from these sales into a trust fund for future acquisition and reclamation of real estate in the downtown.
  
  - b.** The sale of town property has three prongs. First, because the sale of town property will most strongly affect abutters, the board of selectmen will give abutters advance notice of tax-deeded properties and suggest that abutters consider financing the former owner to repurchase the property under RSA 80:89 on condition that the former owner will resell the property to the abutters. Second, the board of selectmen will list the property with a real estate broker to maximize income potential based on appraised value. Third, the board of selectmen will auction remaining town properties or keep remaining town properties in town inventory.
  
- 3. Review Schedule:** By April 1, the board of selectmen shall finish the board's annual review of all town-owned property and shall have made a preliminary decision on each property as to whether to sell it or not.
  
- 4. Notice to Former Owners of and Abutters to Newly Tax-Deeded Property:** By April 1, the board of selectmen shall give notice as follows to former owners of and abutters to property that the town has tax deeded within the past three years:
  - a.** The board of selectmen shall notify every former owner of land that the town has tax deeded within the past three years (1) that the former owner has the right under RSA 80:89 to repurchase the tax-deeded property, (2) that the former owner's right to repurchase the property will expire at three years from the date of tax deeding, and (3) that the town may sell the property to some person or persons unknown after the former owner's right to repurchase the tax-deeded property has expired. The selectmen's notice to the former owner shall include a copy of this policy statement for the sale of town-owned property.

- b.** The board of selectmen shall notify every abutter to land that the town has tax deeded with the past three years (1) that the former owner has the right under RSA 80:89 to repurchase the tax-deeded property, (2) that the former owner's right to repurchase the property will expire at three years from the date of tax deeding, and (3) that the town may sell the property to some person or persons unknown after the former owner's right to repurchase the tax-deeded property has expired. The selectmen's notice to the abutters shall also suggest that, if any abutter is interested in acquiring the tax-deeded property, then the abutter may want to consider working with the former owner to finance a repurchase of the property on condition that the former owner will resell the property to the abutter or abutters. The selectmen's notice to the former owner shall include a copy of this policy statement for the sale of town-owned property.

**5. Guidelines for Deciding Whether to Sell Town Property :**

- a.** The board of selectmen shall not sell any tax-deeded property within three years of the date of tax deeding. The purpose of this prohibition is to give the former owners of tax-deeded properties the maximum opportunity to repurchase their properties under RSA 80:89.
- b.** The board of selectmen's preliminary decision on whether to sell, and all subsequent decisions on whether to sell or recommend to sell, will consider (1) whether the property has a major structure or not, (2) whether the property is conforming to the zoning ordinance or not, and (3) whether the market conditions are appropriate, relative to both the town's interest in a return and the abutters' interest in an affordable price, for the sale. The presence of a major structure on the property shall weigh toward selling the property (to avoid maintenance and liability responsibility for the town). A nonconformance of the property to the zoning ordinance shall weigh against selling the property (to maintain the integrity of the town's zoning plan) unless the property is a good fit with abutting property or unless the property has a major structure that would prohibit a merger with abutting property. The town shall under no circumstances sell a vacant nonconforming lot to anyone other than an abutter. The purpose of this prohibition against selling vacant nonconforming lots is to maintain the integrity of the town's zoning plan by discouraging development of nonconforming lots.

**6. Process for Selling Town Property :**

- a.** The board of selectmen shall review all town properties and decide preliminarily which properties to sell.
- b.** The board of selectmen shall determine the fair market values for properties preliminarily marked for sale. In determining a fair market value, the board of selectmen shall use a licensed property appraiser and shall tell the appraiser that the board may impose covenants on the properties to ensure that their sales and subsequent uses do not diminish neighboring property values.

- c.** Pursuant to RSA 41:14-a, I, the board of selectmen shall next submit to the planning board and to the conservation commission all properties preliminarily marked for sale for review and recommendation by those bodies.
- d.** After the board of selectmen receives the written recommendation of the planning board and the conservation commission, the select board may remove properties originally marked for sale based on their value as conservation land or green space.
- e.** The board of selectmen shall then offer abutters the first opportunity to buy any property marked for sale at the fair market value according to paragraph b minus (some percentage based on the average cost of what the town would have lost by paying a real estate broker and the consignment fee for an auction house). The board of selectmen shall give the abutters (some amount of time) to decide whether to buy the properties or not.
- f.** The board of selectmen shall hold 2 public hearings at least 10 but not more than 14 days apart on the sales to responding abutters.
- g.** The board of selectmen shall vote on the sales to responding abutters no sooner than 10 days and no later than 14 days after the second public hearing.
- h.** Prior to the board of selectmen's vote on the final disposition, upon the written petition of 50 registered voters presented to the selectmen according to RSA 39:3, the proposed disposition shall be inserted as an article in the warrant for the town meeting.
- i.** The planning board shall review the remaining properties that did not sell under paragraph e, shall consider potential uses of the properties, and shall recommend to the board of selectmen whether covenants on any given property will be necessary to protect the neighborhood or the town.
- j.** The board of selectmen shall decide what covenants, if any, the town shall impose on the remaining properties that did not sell under paragraph e to protect the neighborhood or the town.
- k.** The board of selectmen shall hold 2 public hearings at least 10 but not more than 14 days apart on the sales of the remaining properties.
- l.** The board of selectmen shall vote on the sales of the remaining properties no sooner than 10 days and no later than 14 days after the second public hearing.
- m.** Prior to the board of selectmen's vote on the final disposition, upon the written petition of 50 registered voters presented to the selectmen according to RSA 39:3,

Draft proposed to the planning board on April 7, 2016

the proposed disposition shall be inserted as an article in the warrant for the town meeting.

- n.** The board of selectmen shall then advertise the remaining properties for sale through a licensed real estate broker at the fair market value according to paragraph b for a period of time no shorter than 8 months and with a broker fee no higher than 7% of the sale price of the property.
  - o.** The board of selectmen may hold an auction for the remaining properties that did not sell under paragraph n. The board of selectmen shall choose a reputable auction house and shall advertise the auction in a minimum of three local newspapers. The board of selectmen may set a minimum amount for which the property is to be sold and may set the terms and conditions for the sale.
  - p.** The goal is to complete all sales by December 1.
- 7. Disposition of Proceeds:** All proceeds from such sales will be deposited into a trust fund for future acquisition and reclamation of real estate in the downtown.