

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

DATE: Thursday, June 7, 2018

AGENDA ITEM 1: Call to order

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

AGENDA ITEM 2: Roll call

Planning board members present:

Clayton Wood (chair),

Daren Nielsen (vice-chair),

Jim Pritchard (secretary),

Paul Nickerson,

Carl Anderson (selectmen's ex officio member),

Adam Gauthier (alternate, arrived at 7:25 PM), and

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

Planning board members absent:

James Hetu (alternate)

Pittsfield town officials appearing before the planning board: None.

Members of the public appearing before the planning board: Kathy Beltrami; Christopher Carson; Robert Elliott; Linda Freese; John Brandon Giuda; Jeff Lewis, engineer for Pittsfield Self Storage; Mike McDonough, owner of Pittsfield Self Storage; and Matt Routhier, landscape architect for Pittsfield Self Storage.

“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: Public input

No public input.

AGENDA ITEM 4: Christopher Carson’s application to approve a three-lot subdivision at 121 Barnstead Road, tax map R-15, lot 6, in the Light Industrial/Commercial zoning district

- a. Determination of potential regional impact
- b. Completeness review if the board determines that the application has no potential regional impact
- c. Merits review with a public hearing if the board determines that the application is complete

Carl Anderson recused himself because he is an abutter to the Carson subdivision.

Jim Adams sat in place of Carl Anderson.

Determination of potential regional impact:

Jim Pritchard moved the board to find that the Carson subdivision has no potential regional impact.

Daren Nielsen seconded the motion.

Discussion: No discussion.

Vote that the Carson subdivision has no potential regional impact: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Jim Adams. Voting “no”: none. Abstaining: none.

Completeness review if the board determines that the application has no potential regional impact:

Jim Pritchard moved to grant Carson waiver number 1:

1. Waiver of the requirement that permanent boundary markers at the northeast corner of proposed lot 3 (proposed tax map R-15, lot 6-3) on NH Route 28 (Suncook Valley Road) must be granite. (Subdivision regulations, article 9, section 2, Survey Monument Types, (a) (page 70).)

Reason for the waiver:

A durable boundary marker, that is, an iron rod, already exists at this corner, and marking this particular boundary point with a granite boundary marker instead of the existing iron rod boundary marker would be very difficult and expensive because my surveyor has told me that he is unable to replace the existing iron rod boundary marker and because finding another surveyor, one who would be able to replace the existing iron rod boundary marker with a granite boundary marker, would a great financial hardship this far into the planning board's subdivision review process.

Clayton Wood seconded the motion.

Discussion:

Clayton Wood asked whether the surveyor, Paul Zuzgo, had verified that the existing boundary marker was in the correct location.

Jim Pritchard said that his understanding was that the existing boundary marker was in the correct location and that Paul Zuzgo's problem was in replacing the existing boundary marker.

Vote to grant Carson waiver number 1: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Jim Adams. Voting "no": none. Abstaining: none.

Jim Pritchard moved to grant Carson waiver number 2:

2. Waiver of the requirement that the shared driveway into proposed lots 1 and 2 (proposed tax map R-15, lots 6-1 and 6-2) must satisfy the road construction standards for new streets. (Subdivision regulations, article 12, Standards for Street Design and Construction (page 77).)

Reason for the waiver:

The Pittsfield Fire Department has approved the condition of the shared driveway for emergency response access, so the shared driveway satisfies the subdivision regulations, article 8, section 3, Emergency Access, (b) (page 62). Because the shared driveway is a private road giving access to

proposed lots 1 and 2, emergency access, which fire department has approved, is the only public interest that the road's condition must satisfy.

Paul Nickerson seconded the motion.

Discussion: No discussion.

Vote to grant Carson waiver number 2: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Jim Adams. Voting "no": none. Abstaining: none.

Clayton Wood asked whether the abutter addresses, which had been erroneous, had been corrected.

Jim Pritchard said that the abutter addresses had been corrected.

Clayton Wood asked whether all of the plan note errors had been corrected.

Jim Pritchard said that all of the plan note errors had been corrected as far as he knew.

Jim Pritchard moved the board to find that the Carson application for subdivision approval is complete.

Clayton Wood seconded the motion.

John Brandon Giuda, also known as just Brandon Giuda, asked the board to take public input on the completeness decision.

Clayton Wood and Jim Pritchard said that the completeness review is not a hearing (RSA 676:4, I, (b), and DHB v. Pembroke, 152 N.H. 314, 876 A.2d 206 (2005)), but Clayton Wood said that he would allow public input.

Brandon Giuda said that the plat did not satisfy the subdivision regulation requiring the plat to show the widths of all existing or proposed private roads. (Pittsfield Subdivision Regulations, article 4, section 1, (d), (18), (N): "The boundaries, traveled ways, traveled way widths, and names, if applicable, of all existing or proposed private roads, including every DRIVEWAY serving only one FAMILY.") Brandon Giuda acknowledged

that the plat does specify the width of the driveway into proposed lot 6-1 (the width being 20.9 feet) just past where the shared driveway divides between lots 6-1 and 6-2, but Brandon Giuda said that the width of the driveway varies, that dimensions of the parking areas vary, and that the plat does not specify this varying width or these varying dimensions. Brandon Giuda said that specifying this varying width and these varying dimensions was important because the business using this driveway was close to the protected shoreland of the Suncook River (RSA 483-B:4, XV) and because the business had operated unlawfully without proper permits. Brandon Giuda said that the deficiency in driveway dimensions was not a major flaw. Brandon Giuda said that his major objection was that the land under consideration had a business that was operating despite never having satisfied the condition of its site plan approval, which was to have a septic system approved by the New Hampshire Department of Environmental Services. (Planning board notice of decision of the meeting of June 5, 1997, approving the site plan of CWR Concepts, Inc., upon the condition that “A septic design must be submitted within 90 days or alternate sanitary facility installed.” This notice of decision is attached at the end of this minutes document.) Brandon Giuda said that the board’s job was to stop the Carson subdivision in order to enforce the requirement for a septic system on lot 6-1.

Jim Pritchard said that the plat specifies the width of the driveway into lot 6-1 at the divide of the shared driveway as 20.9 feet and that the plat specifies the width of the driveway into lot 6-2 at the divide of the shared driveway as 12.2 feet. Jim Pritchard said that the plat shows the width of the driveway into lot 6-2 as being more or less constant but that the plat shows the width of the driveway into lot 6-1 as increasing. Jim Pritchard said that the board would need to decide whether the 20.9-foot dimension on the driveway into lot 6-1 satisfies the subdivision regulation.

Brandon Giuda said that the board should enforce the driveway-width subdivision regulation strictly because the land under consideration had a business operating in violation of its conditional site plan approval. Brandon Giuda said that the business was supposed to have a well and a septic system. Brandon Giuda said that he had been surprised that the board had not required the driveway into lot 6-1 to be thoroughly dimensioned because the driveway had expanded over the years and had done so without proper approvals.

Daren Nielsen said that the board should focus on the septic system because the septic system is the main problem.

Brandon Giuda agreed that the septic system is the main problem but that the driveway expansion without proper approval is a problem too.

Clayton Wood said that the board had no documentation showing that the driveway had expanded.

Brandon Giuda said that the board had no documentation at all showing what the driveway's previous dimensions had been. Brandon Giuda said that he knew that the driveway had expanded, because, he said, "I've been here."

Christopher Carson said that Brandon Giuda should have to say how he knew that the driveway had expanded.

Kathy Beltrami said that Brandon Giuda was "making up stuff."

Brandon Giuda said that the board had no documentation showing what the driveway's previous dimensions had been because the board's site plan review (in 1997) had not been done thoroughly and properly. Brandon Giuda said that showing the dimensions now would avoid future argument about what the dimensions were in 2018.

Clayton Wood said that the board typically asks for the driveway width near the driveway intersection with the highway.

Brandon Giuda said that the Carson subdivision is not a typical situation.

Clayton Wood said that the planning board does not dig through files for violations, that the planning board in 1998-2000 had requested enforcement officials to act, that the enforcement officials had done nothing, and that the board of selectmen could act on the violation that Brandon Giuda had brought to the planning board.

Brandon Giuda said that the planning board has the authority to use subdivision control as leverage to enforce correction of past violations and that planning boards in other towns do use subdivision control as leverage to enforce correction of past violations.

Daren Nielsen asked Brandon Giuda what was the board's authority to use subdivision control as leverage to enforce correction of a violation of a site plan. Daren Nielsen said that Matt Monahan, of Central New Hampshire Regional Planning Commission, had said that he, Matt Monahan, did not know of any such authority.

Brandon Giuda said that he did not know whether Matt Monahan was an attorney. Brandon Giuda said that Central New Hampshire Regional Planning Commission had nothing to do with the legal process of subdivision review.

Daren Nielsen asked Brandon Giuda, "Is there a law or some place that you can point to?"

Brandon Giuda said, "Absolutely, absolutely. You can say it doesn't meet, for instance, Mr. Pritchard came up with one, it doesn't meet the sanitation requirements of the State of New Hampshire. Every occupied building in the state." Brandon Giuda said that the board members' oaths bound them to enforce not only the board's own subdivision regulations but also the laws of the State of New Hampshire. Brandon Giuda said, "Every occupied building has to have a proper septic and well. And that's really why I'm here. This is in the floodplain; it doesn't have a proper septic and well; it has a commercial business operating illegally because the condition of approval was never met; and you're going to grant a subdivision instead of saying, 'you need to meet these requirements before we grant it.'" Brandon Giuda said that he was trying to do the right thing for the town but that he was seeing people who did not want to confront this violation. Brandon Giuda said that he had not called the New Hampshire Department of Environmental Services because the Pittsfield Planning Board should enforce correction of the violation and because the board has the authority to do so.

Christopher Carson and Kathy Beltrami said that Brandon Giuda had received notice during the site plan review of 1997. Kathy Beltrami said that the site plan violation was irrelevant to the subdivision. Kathy Beltrami said that if the town wanted to close the business, this action would be irrelevant to the subdivision.

Brandon Giuda said that the site plan violation was relevant to the subdivision because the board's function was to enforce the statutes of the State of New Hampshire. Brandon Giuda said that he had seen the Bow Planning Board and the Epsom Planning Board use subdivision control to correct past site plan violations. Brandon Giuda said that every planning board that he had appeared before would say and had said that a property would have to satisfy conditions of any prior approval before the board would grant another approval. Brandon Giuda said that the Pittsfield Planning Board's function was to enforce not only the local zoning ordinance but also the laws of the state.

Jim Pritchard said that there had been discussion of the practices in other towns and that someone had called from the audience that this town is Pittsfield, not Bow or Epsom. Jim Pritchard said that the relevant location is the state of New Hampshire, not some particular town. Jim Pritchard said that the planning board would have to give a reason to deny the subdivision approval if the board were to deny the subdivision approval. (RSA 676:3, I.) Jim Pritchard said that Brandon Giuda had said that every occupied building in the state had to meet certain sanitation requirements. Jim Pritchard said that he wanted a citation of a state statute or of a New Hampshire Department of Environmental Services administrative rule, some citation that he (the board's recording secretary) could put in the meeting minutes. Jim Pritchard said that he disagreed with the proposition that the board should look at this subdivision differently because of a clear past violation of a site plan approval. Jim Pritchard said that he disagreed with this proposition because the record of the site plan violation showed clearly that the board of selectmen is the enforcement authority and because the planning board should not usurp the board of selectmen's authority to enforce the site plan approval. Jim Pritchard said that the planning board is not code enforcement. Jim Pritchard said that the planning board should not be "playing policeman" in the Carson subdivision application for something that happened 20 years ago. Jim Pritchard said that a letter from the planning board to the board of selectmen reminding the board of selectmen that the business on lot 6-1 has an unsatisfied conditional site plan approval and asking the board of selectmen to enforce the requirement for site plan approval would be appropriate. Jim Pritchard repeated that he disagreed with the proposition of treating the Carson subdivision specially because of a past violation and that he disagreed with this proposition because such treatment was an indirect way of usurping the board of selectmen's

jurisdiction as the code enforcement authority. Jim Pritchard said that he had always opposed town boards' acting outside their jurisdictions.

Jim Pritchard said that the driveway into lot 6-2 had constant width but that the driveway into lot 6-1 did not have constant width but also that the width of the driveway into lot 6-1 became bigger, not smaller. Jim Pritchard said that the stated width of 20.9 feet near the shared driveway divide appeared to be the minimum width of the driveway into lot 6-1. Jim Pritchard said that the increasing width of the driveway into lot 6-1 would present no problem for emergency vehicle access, so, Jim Pritchard said, the 20.9-foot dimension satisfied the purpose for which the subdivision regulation exists.

Clayton Wood said that the board had considered whether to consider the adequacy of existing septic systems when the board developed the current subdivision regulations (amended on December 1, 2016, and effective December 2, 2016).

Jim Pritchard said that he had copied the relevant two pages from the board's minutes of August 6, 2015. (Planning board minutes, August 6, 2015, agenda item 7, Subdivision Regulations Draft Review, pages 6 and 7.) Jim Pritchard distributed to the board, to Kathy Beltrami, to Christopher Carson, and to Brandon Giuda a copy of these two pages from the board's minutes of August 6, 2015. The board's minutes of August 6, 2015, in relevant part say as follows, with the end of the excerpt below marked with "End of the excerpt from the planning board minutes of August 6, 2015":

Clayton Wood asked how consistent the new regulations are with the model subdivision regulations of the Southwest Regional Planning Commission.

Jim Pritchard said that the new regulations cover essentially everything that the model subdivision regulations of the Southwest Regional Planning Commission cover except that the model subdivision regulations of the Southwest Regional Planning Commission require existing septic systems to be in good working order. (SWRPC model subdivision regulations section VI, C, 2 (page SUB - 12), and section VII, D, 3 (page SUB - 14).)

Clayton Wood suggested not adding a requirement to show adequacy of existing septic systems because the current regulations have no such requirement.

Daren Nielsen asked why the subdivision regulations might require an applicant to show that existing septic systems are in good working order.

Jim Pritchard read from the model subdivision regulations of the Southwest Regional Planning Commission (section VII, D, 3 (page SUB - 14)):

“In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the board that the existing septic system is in good working order.

*“**Explanatory Notes:** While the state regulates the placement of new septic systems, the adequacy of existing systems continues to be problematic for planning boards. A letter of certification from a licensed septic designer is one way to ensure system adequacy.”*

Jim Pritchard said that many planning boards do require existing septic systems to be in good working order and that the adequacy of existing septic systems is a reasonable matter for planning boards to consider because the planning board’s main function is to ensure that land will be used safely and because land with a failed septic system is not being used safely.

* * * * *End of the excerpt from the planning board minutes of August 6, 2015

Jim Pritchard said that he had suggested in 2015 that the board include a regulation requiring adequacy of existing septic systems, but that no board member had agreed, and that, consequently, the board had not adopted the regulation. Jim Pritchard said that he had at least leaned in favor of the regulation in 2015 but that his position in 2015 was irrelevant now because the board as a whole had rejected the regulation. Jim Pritchard said that enforcing a regulation that the board had explicitly considered and rejected would be improper.

Clayton Wood said that the board's practice has always been not to be the code enforcement officer or to dig through files for past violations. Clayton Wood said that Brandon Giuda's objection relative to the site plan appeared to be clearly true, that is, that the business on lot 6-1 had never satisfied the condition requiring a proper septic system. Clayton Wood said that the planning board in 2000 had referred the matter to the board of selectmen and to the New Hampshire Department of Environmental Services for enforcement.

Jim Pritchard said that, as Brandon Giuda had noted previously (on April 13, 2018), the board of selectmen had said that it did not want to enforce the condition requiring a proper septic system. (Letter of town administrator Frederick Welch to Mr. and Mrs. Floyd J. Carson, dated December 28, 2000: "In May of 1998 the Town requested a resolution to the un-permitted septic system located on your commercial property located off of Route 28. The Board of Selectmen have requested that I attempt to resolve this issue without further enforcement actions by the Town or State.")

Clayton Wood said that the planning board's current practice is the same as the board's past practice, that is, that the board refers violations to code enforcement when and only when violations come before the board.

Christopher Carson said that the business might have satisfied the site plan condition of approval. Christopher Carson said that there was no proof either way.

Clayton Wood said that the property owner has the burden to show that the business satisfied the site plan condition of approval.

Clayton Wood said that he agreed with Jim Pritchard's suggestion to refer the violation to the board of selectmen for enforcement and that referring the violation to the board of selectmen for enforcement would be consistent with the planning board's past practice.

Christopher Carson said that he and his sister, Kathy Beltrami, were trying to liquidate their parents' estate.

Brandon Giuda said that his objection was not personal to Christopher Carson or to Kathy Beltami and that the planning board members had taken an oath to uphold the laws of the State of New Hampshire. Brandon Giuda

said that he had never seen another planning board ignore a site plan violation and approve a subdivision when the board knew that the land under consideration had a site plan violation.

Jim Pritchard said that the planning board was not ignoring the site plan violation. Jim Pritchard said that he had suggested an enforcement action but that his suggested enforcement action was not the enforcement action that Brandon Giuda wanted. Jim Pritchard repeated that code enforcement is not the planning board's jurisdiction. Jim Pritchard said that he had often talked in the past about boards knowing and staying within their jurisdictions.

Brandon Giuda said that he did not know what qualified Jim Pritchard to talk about the planning board's jurisdiction. Brandon Giuda said, "I don't know how to argue that point. One of us has a law education and has been before boards."

Jim Adams asked how long the Carson subdivision application had been before the planning board.

Jim Pritchard said that the Carson subdivision application had been before the planning board since November 2, 2107.

Jim Adams asked when board had learned of the septic system site plan violation.

Jim Pritchard said that the board had learned of the septic system site plan violation on April 13, 2018.

Jim Adams asked whether the planning board had notified the board of selectmen of the septic system site plan violation.

Jim Pritchard said that the planning board had notified the board of selectmen of the septic system site plan violation via the board of selectmen's representatives to the planning board (which were Carl Anderson and Jim Adams, both of whom were present on April 13, 2018; Jim Adams was sitting for the Carson matter).

Jim Adams said that the planning board had not sent an official document to the board of selectmen to alert the board of selectmen to a violation.

Clayton Wood agreed that the planning board had not sent such an official document to the board of selectmen. Clayton Wood said that the planning board could not discuss the Carson violation between April 13 and tonight's meeting because the notice error in the Carson application (omitting to notify Brandon Giuda) had required the board to vacate all of the board's prior actions on the Carson subdivision and to consider it new at tonight's meeting.

Jim Pritchard said that the board of selectmen does not need a letter from the planning board because the board of selectmen already has a letter from the planning board from 1998.

Jim Adams said that the planning board and the board of selectmen are both volunteer boards and that expecting the board of selectmen to know about something from 1998 was ridiculous. Jim Adams said that the planning board should have notified the board of selectmen.

Jim Pritchard said that notifying the board of selectmen was what he had proposed.

Jim Adams said that the planning board should have notified the board of selectmen a long time ago.

Jim Pritchard asked how long ago the planning board should have notified the board of selectmen.

Jim Adams said that the planning board should have notified the board of selectmen as soon as the planning board learned of the violation (on April 13, 2018). Jim Adams said that he wanted to know why the board of selectmen was not notified.

Clayton Wood said that the board of selectmen had been notified (on April 13, 2018) via the board of selectmen's representatives to the planning board. Clayton Wood said everyone had learned of the septic system site plan violation of the same time.

Kathy Beltrami said that Jim Adams had been present on April 13, 2018, when she first learned of the septic system site plan violation.

Linda Freese asked whether there would be a time limit on public input to the completeness review.

Clayton Wood said that there would be no time limit.

Paul Nickerson said that the planning board had addressed sanitation in the Carson subdivision by requiring 4,000-square-foot septic areas but that the planning board is not the code enforcement officer. Paul Nickerson said that the board of selectmen is the code enforcement officer.

Daren Nielsen asked what would have been the planning board's authority to adopt a subdivision regulation requiring adequacy of existing septic systems.

Jim Pritchard read from the planning board minutes of August 6, 2015:

“Jim Pritchard said that many planning boards do require existing septic systems to be in good working order and that the adequacy of existing septic systems is a reasonable matter for planning boards to consider because the planning board's main function is to ensure that land will be used safely and because land with a failed septic system is not being used safely.”

Jim Pritchard repeated that whether the planning board could have adopted such a regulation was irrelevant now because the majority had explicitly rejected the regulation.

Clayton Wood said that the board had intended not to add new requirements in the 2016 revision of the subdivision regulations.

Jim Pritchard said that the board's explicit rejection of the septic system regulation in 2015 prevented the board from applying the regulation now.

Brandon Giuda disagreed with Jim Pritchard and said that the board could apply the enabling law to the current situation.

Jim Pritchard said that Brandon Giuda's analysis of the enabling law applied to the merits of the Carson subdivision application, not to the completeness of the Carson subdivision application.

Vote that the Carson application for subdivision approval is complete: carried 4 - 0 - 1. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul Nickerson. Voting “no”: none. Abstaining: Jim Adams.

Merits review with a public hearing if the board determines that the application is complete:

Clayton Wood opened the public hearing to public input.

Brandon Giuda said that the board had the authority to deny the subdivision on the reason that lacking a proper septic system presents a health danger via improper sanitation. Brandon Giuda cited Jim Pritchard’s e-mail to Brandon Giuda on April 13, 2018. This e-mail says in relation to wells, “No subdivision regulation explicitly applies to this situation. The planning board could have required a source of water for sanitation under subdivision regulations, article 8, section 6, (b), (3) [sic, subdivision regulations, article 8, section 6, (b), (2)].” In relation to septic systems, the e-mail says, “on August 6, 2015, the planning board discussed adding a requirement to show the adequacy of existing septic systems, but few board members appeared to support such a regulations [sic, such a regulation].” Brandon Giuda said that he understood Paul Nickerson’s point about the 4,000-square-foot septic area but that such septic areas are required for undeveloped land. Brandon Giuda said that every occupied building must have a septic system. Brandon Giuda suggested that the board approve the subdivision on condition that the business must have a proper well and septic system.

Kathy Beltrami said that responding to the septic system site plan violation would be a hardship because she had learned of it after the application had been before the board for five months.

Brandon Giuda said that he had not been notified of the original application (last November 2, 2017, or on January 18, 2018).

Christopher Carson said that installing a new septic system might be pointless because the next owner of lot 6-1 might demolish the building that houses the business.

Daren Nielsen said that Brandon Giuda seemed to be not confident that the board of selectmen would enforce correction of the septic system site plan violation. Daren Nielsen said that the planning board should not enforce this

correction if the planning board were confident that the board of selectmen would enforce correction of the septic system site plan violation.

Jim Pritchard said that he and Paul Nickerson had been saying that the planning board is a tribunal and that the board of selectmen is the police. Jim Pritchard said that he had seen that the board of selectmen can be very effective police when the board of selectmen wants to be effective.

Paul Nickerson said that there had been confusion about whether the Carson trust would retain ownership of lots 6-1 and 6-2.

Kathy Beltrami said that all three lots—lots 6-1, 6-2, and 6-3—would be for sale. Kathy Beltrami said that the Carson trust had an offer on only lot 6-3 so far.

Paul Nickerson said that the use of the Carson property had many more violations other than just the septic system. Paul Nickerson discussed a possible violation of a state inspection station for motor vehicles.

Jim Adams said that the board of selectmen needed to investigate possible violations quickly.

Clayton Wood said that the proper way for the planning board to respond to the septic system site plan violation was to refer the matter to the board of selectmen for enforcement. Clayton Wood said that the board's practice has been consistently not to dig into files for past violations and that this practice is based on a need for practicality.

Daren Nielsen said that he thought that the planning board did have the authority to deny the Carson subdivision, but Daren Nielsen said that he agreed with the practice that Clayton Wood had described.

Paul Nickerson said that the septic system site plan violation had left the board of selectmen's attention because of changes in board personnel.

Jim Pritchard that he might have a different opinion if the septic system site plan violation had not already been though the planning board in site plan review, if the violation had not already been referred to the board of selectmen and to the New Hampshire Department of Environmental Services for enforcement, and if the town were learning about the violation for the

first time via the subdivision application, but, Jim Pritchard said, he did not think that it would be appropriate for the planning board to use the Carson subdivision as leverage in a matter that the board had already decided and referred for enforcement.

Clayton Wood closed the hearing to public input.

Jim Pritchard moved the board to give final approval to the Carson subdivision application.

Paul Nickerson seconded the motion.

Discussion: No further discussion.

Vote to give final approval to the Carson subdivision application: carried 4 - 0 - 1. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, and Paul Nickerson. Voting "no": none. Abstaining: Jim Adams.

Clayton Wood said that the board's decision had a 30-day appeal period. (RSA 677:15, RSA 676:5, and the Pittsfield Zoning Board of Adjustment's rules of procedure, rule XI, 2.)

The board's notice of decision giving final approval to the Carson application for subdivision approval is attached at the end of this minutes document. (See RSA 676:3, II.)

The board addressed the matter of enforcing correction of the septic system site plan violation on lot 6-1 during agenda item 11, Members' Concerns.

AGENDA ITEM 5: Continued consideration of Pittsfield Self Storage's application to approve a site plan for a self-storage facility on High Street, tax map R-15, lot 30, in the Light Industrial/Commercial zoning district

- a. Completeness review
- b. Merits review with a public hearing if the board determines that the application is complete

Jim Adams remained seated in place of Carl Anderson. At the board's meeting on May 3, 2018, Carl Anderson said that he would recuse himself from the Pittsfield Self Storage case because he had a monetary interest in the project via a property that he owned at 124 Barnstead Road (NH Route

107), tax map R-15, lot 28-1, downstream from the wetlands on tax map R-15, lot 30. (Comment of recording secretary Jim Pritchard: Tax map R-15, lot 28-1, does not abut tax map R-15, lot 30.)

Completeness review:

Jeff Lewis, engineer for Pittsfield Self Storage, discussed Pittsfield Self Storage's revised site plan, dated May 18, 2018, responding to the review by Matt Monahan (of Central New Hampshire Regional Planning Commission) of the site plan that Pittsfield Self Storage filed on April 12, 2018.

Jeff Lewis said that Pittsfield Self Storage had counted traffic at its existing self-storage facility on High Street, tax map R-15, lot 30-1.

Jeff Lewis said that Pittsfield Self Storage had revised its landscape plan in response to the planning board's concerns about the appearance of the proposed self-storage facility as viewed from Floral Park Cemetery on the opposite side of High Street.

Jeff Lewis said that Pittsfield Self Storage had received a special exception from the zoning board of adjustment for the project (on May 10, 2018).

Jeff Lewis said that Pittsfield Self Storage had revised plan note 1 to say that tax map R-15, lot 30, where the four new storage locker buildings are proposed, will be merged with tax map R-15, lot 30-1, where the existing self-storage facility is.

Jeff Lewis said that Pittsfield Self Storage had corrected some of the abutter address errors but had also missed some abutter address errors.

Jeff Lewis said that Pittsfield Self Storage had added plan note 13 to say that on-site solid waste disposal will be prohibited.

Jeff Lewis said that Pittsfield Self Storage had added plan notes 12 and 14 describing existing utilities and saying that the site will have no water or sewerage services.

Jeff Lewis said that Pittsfield Self Storage had added plan note 15 saying that outdoor storage will be prohibited.

Jeff Lewis said that Pittsfield Self Storage had added plan note 16 saying that the project had received a special exception on May 10, 2018.

Jeff Lewis described the 15 parking locations shown on the plan as examples of where cars could park adjacent to the storage locker building.

Jeff Lewis said that the traffic count showed very low traffic, between 40 and 50 cars per day visiting the existing self-storage facility.

Jeff Lewis distributed and briefly explained a pictorial rendering of how the landscaping on the High Street front is proposed to appear. Matt Routhier, landscape architect for Pittsfield Self Storage, described the landscape proposal in greater detail. The landscape proposal includes a 2-foot berm and some deciduous and evergreen trees.

Clayton Wood asked about the two-page list of deficiencies that the New Hampshire Department of Environmental Services had found in Pittsfield Self Storage's application for a site-specific alteration of terrain permit.

Jeff Lewis said that these deficiencies were minor matters that he could correct easily.

Jeff Lewis said that he had received a wetlands permit from the New Hampshire Department of Environmental Services.

Jeff Lewis said that he disagreed with Matt Monahan's description of the site plan review regulations as requiring screening for security. Jeff Lewis said that Pittsfield Self Storage was asking for a waiver of the requirement for visual screening on three of the four sides.

Jeff Lewis said that the highway department had commented on the application for site plan approval but that no other department had commented on the application.

Jeff Lewis discussed the deficiencies that Matt Monahan had listed in the revised plan (dated May 18) and said that these deficiencies were minor. Matt Monahan's review of the May 18 plan listed the following deficiencies remaining:

The cover sheet, the existing conditions plan, and the site plan all incorrectly state the address of the Town of Pittsfield, owner of tax map U-4, lot 34, as 30 Barnstead Road, Pittsfield, NH 03263, when the correct address is 85 Main Street, Pittsfield, NH 03263. The cover sheet and the existing conditions sheet incorrectly state the address of Matthew and Vickie St. George, owner of tax map R-15, lot 31, as 29 High Street, Pittsfield, NH 03263, when the correct address is 101 True Road, Pittsfield, NH. (The site plan correctly states the address of Matthew and Vickie St. George as 101 True Road.)

The plan legend should add definitions for the following symbols: (1) A symbol for a vertex in a boundary line. This symbol currently looks like the front profile of a gull. (2) The symbol for sight distance. This symbol is currently a dashed line very similar to a contour line.

The site plan has now added screening, but the application now requests a waiver for the screening not on the High Street front.

A plan note should indicate that no parking shall be permitted on the street or on abutting properties.

The application for site plan approval still needs a site-specific alteration of terrain permit from the New Hampshire Department of Environmental Services

The application may need to satisfy potential requirements from the police and fire departments, such as a requirement for a Knox-Box.

The application for a driveway permit needs to specify the applicant's name (the application is signed).

The application for a driveway permit should refer to the site plans to link the specific plans to the application.

Driveway regulations plan element 1: The plan should indicate the length of the driveway, including the portion within the High Street right-of-way.

Driveway regulations plan element 4: A plan note should indicate the distance between the existing driveway on tax map R-15, lot 30-1, and the

proposed driveway on tax map R-15, lot 30, because the two lots will be merged as a condition of site plan approval.

Driveway regulations plan element 5: The plan should indicate the length of the driveway portion within the High Street right-of-way.

Driveway regulations plan element 12: The plan should show the location of any utility poles on High Street if any such utility poles are present.

Driveway regulations standard 6: The grade needs to be up to the road, and the site plan shows a grade down to the road (about 1%). As a condition of approval, the board should require that the proposed elevation at the road is at least 513 feet above sea level. The appropriateness of this could be determined via an engineering review by the town engineer.

Driveway regulations standard 8: The site drainage must not interfere with the street drainage. A review by the town engineer could make this determination.

Driveway regulations standards 10: The board may require performance security. Consultation with the town engineer could help the board decide whether performance security is necessary.

* * * * *End of Matt Monahan's review of the May 18 plan listing the remaining deficiencies

Jeff Lewis said that he disagreed with Matt Monahan's evaluation that the proposed driveway did not have the proper grading as the driveway meets High Street. Jeff Lewis said that Pittsfield Self Storage was asking for a waiver of the requirement for screening on sides other than the High Street front, and Jeff Lewis explained the reasons that Pittsfield Self Storage had given to justify the waiver.

Paul Nickerson asked whether the proposed screening would be essentially the same as the landscaping in front of the existing self-storage facility.

Jeff Lewis said that the proposed landscaping on the High Street front would provide better screening than the existing landscaping provides.

Jim Pritchard moved to grant Pittsfield Self Storage's request for a waiver of the requirement for screening on sides other than the High Street front. (Pittsfield Site Plan Review Regulations, section V, C, 1.)

Clayton Wood seconded the motion.

Discussion: No further discussion

Vote to grant Pittsfield Self Storage's request for a waiver of the requirement for screening on sides other than the High Street front (Pittsfield Site Plan Review Regulations, section V, C, 1): carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Jim Adams. Voting "no": none. Abstaining: none.

Paul Nickerson moved to accept the Pittsfield Self Storage application for site plan approval as complete.

Clayton Wood seconded the motion.

Discussion:

The board discussed whether it should accept the application as complete when the application is not complete and when the completeness deficiencies are numerous but individually minor.

Jim Pritchard said that he was opposed to accepting an incomplete application as complete because moving these deficiencies to conditions of merits approval would not relieve the applicant of correcting the deficiencies before final approval. Jim Pritchard said that he had offered to check the application before Pittsfield Self Storage filed it but that Pittsfield Self Storage had declined the offer. Jim Pritchard said that he had suggested design review but that Pittsfield Self Storage had declined the suggestion. Jim Pritchard said that Pittsfield Self Storage had said that it wanted to go straight to formal review. Jim Pritchard said that any hardship coming from delays, if there were a hardship, was self-created.

Clayton Wood said that he favored accepting the incomplete application as complete because some errors are probably unavoidable and because the completeness finding would enable the board to decide whether to seek third-party engineering review. Clayton Wood said that he was concerned

about imposing hardship on Pittsfield Self Storage by making Pittsfield Self Storage wait while Pittsfield Self Storage made the corrections.

Daren Nielsen said that pushing applications faster than the plan was ready always seemed to get the board into trouble.

Vote that Pittsfield Self Storage's application for site plan approval is complete: carried 3 - 2 - 0. Voting "yes": Clayton Wood, Paul Nickerson, and Jim Adams. Voting "no": Jim Pritchard and Daren Nielsen. Abstaining: none.

Clayton Wood opened the public hearing to public input.

Carl Anderson said that the site of the proposed self-storage facility, tax map R-15, lot 30, presents difficult drainage problems and that the board should have a third-party engineering review of the proposed drainage plan.

Donna Ward, owner of 79 High Street, tax map R-15, lot 29-1, asked why she had not received notice of the Pittsfield Self Storage application.

Jeff Lewis said that Donna Ward was not an abutter because tax map R-15, lot 30-1, is between her land and tax map R-15, lot 30, where the new storage locker buildings are proposed. Jeff Lewis said that Donna Ward was present at tonight's hearing and therefore had an opportunity to testify. Jeff Lewis acknowledged that Donna Ward would become an abutter via the lot merger of tax map R-15, lots 30 and 30-1.

Jim Pritchard said that tax map R-15, lot 30-1, would be merged with tax map R-15, lot 30, as a condition of site plan approval and that this lot merger made Donna Ward an abutter. Jim Pritchard said that the notice error was fatal because Donna Ward may not have had adequate time to prepare to state her concerns to the board.

Jeff Lewis asked the board to continue the hearing tonight and perhaps continue the hearing to July to give Donna Ward time to prepare to testify in July.

Jim Pritchard said that he strenuously opposed continuing the public hearing tonight.

Donna Ward said that she did not know how she could be not an abutter.

Clayton Wood closed public input.

Jim Pritchard moved to vacate the board's finding that the Pittsfield Self Storage application for site plan approval is complete.

Daren Nielsen seconded the motion.

Discussion: No further discussion.

Vote to vacate the board's finding that the Pittsfield Self Storage application for site plan approval is complete: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Jim Adams. Voting "no": none. Abstaining: none.

Merits review with a public hearing if the board determines that the application is complete:

The board did not do the merits review because the board vacated its finding that the Pittsfield Self Storage application for site plan approval is complete.

AGENDA ITEM 6: Robert Elliott's application to amend approval condition B—"For any future development the road must be brought up to Class 5 standards"—of his subdivision of tax map R-22, lot 1C, at 111 Winant Road in 2004, creating current tax map R-22, lots 1-39 and 1-40, in the Suburban zoning district

- a. Determination of potential regional impact
- b. Merits review with a public hearing if the board determines that the application is complete

Carl Anderson replaced Jim Adams on the board.

Jim Pritchard moved the board to find that the Elliott application to amend the road construction requirements of his 2004 subdivision approval is not a development of potential regional impact.

Clayton Wood seconded the motion.

Discussion: No discussion.

Vote that the Elliott application to amend the road construction requirements of his 2004 subdivision approval is not a development of potential regional impact: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carl Anderson. Voting “no”: none. Abstaining: none.

Robert Elliott explained his request. Robert Elliott said that, in 2004 when he had agreed to condition B—“For any future development the road must be brought up to Class 5 standards”—he had considered “development” to include subdivision and that, in explaining his future development plans with tax map R-14, lot 62, to the planning board, he had compared those future plans as being comparable to Lily Pond Ridge (now known as the cluster subdivision on Deer Meadow Road). Robert Elliott said that his plans had changed since 2004, that he wanted to sell the property, tax map R-14, lot 62, for development with one house and no subdivision, and that he needed the board to amend the road-construction condition in order to enable him to sell the property for development with one house and no subdivision. Robert Elliott said that he had a potential buyer for tax map R-14, lot 62, and that the potential buyer had agreed to a prohibition on future subdivision.

Clayton Wood opened the public hearing to public input.

John Gansenberg, an abutter, said that he and his wife, Donna, favored the application but that they wanted the driveway via Winant Road Extension to be maintained properly.

Adam Gauthier, an abutter, said that he favored the application.

Clayton Wood closed the public hearing to public input.

Daren Nielsen asked how Adam Gauthier accessed his land, tax map R-22, lot 6.

Adam Gauthier said that he accessed his land via a thin strip of land that tax map R-22 erroneously shows as being part of lot 6 but is in fact part of lot 7. Adam Gauthier said that he has a right-of-way over this thin strip of land. Adam Gauthier said that lot 7 actually abuts lot 5, which is part of Robert Elliott’s merger proposal of the next agenda item.

The board agreed as a courtesy to notify the owner of tax map R-22, lot 7, of the board's decision on Robert Elliott's application to amend his 2004 subdivision approval.

Jim Pritchard moved the board to approve Robert Elliott's application to amend his 2004 subdivision approval.

Paul Nickerson seconded the motion.

Discussion:

Jim Pritchard read Robert Elliott's request:

Specifically, I ask the board to replace condition B:

“For any future development the road must be brought up the Class 5 standards”

with the following condition:

“The lot that the town designates as tax map R-14, lot 62, shall not be subdivided, and the deeds conveying this lot shall state this prohibition on subdividing this lot.”

Vote to approve Robert Elliott's application to amend his 2004 subdivision approval: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carl Anderson. Voting “no”: none. Abstaining: none.

Clayton Wood said that the board's decision had a 30-day appeal period. (RSA 677:15, RSA 676:5, and the Pittsfield Zoning Board of Adjustment's rules of procedure, rule XI, 2.)

The following documents related to Robert Elliott's application to amend his 2004 subdivision approval are attached at the end of this minutes document:

1. Robert Elliott's application to amend approval condition B—“For any future development the road must be brought up to Class 5 standards”—of his subdivision of tax map R-22, lot 1C, at 111 Winant Road in 2004, creating current tax map R-22, lots 1-39 and 1-40, in the Suburban zoning district.

2. The planning board's notice of decision approving the Elliott subdivision on July 15, 2004.
3. The planning board's notice of decision approving Robert Elliott's application to amend his 2004 subdivision approval. (See RSA 676:3, II.)

AGENDA ITEM 7: Robert Elliott's application to approve the merger of three contiguous nonconforming lots: tax map R-14, lot 62; tax map R-22, lot 5; and the private road part of Winant Road Extension, shown on Merrimack County Registry of Deeds plan 17206, and described as the second tract/parcel of land in the Merrimack County Registry of Deeds book 2752, page 1107

Paul Nickerson moved the board to approve Robert Elliott's application to merge tax map R-14, lot 62; tax map R-22, lot 5; and the private road part of Winant Road Extension, shown on Merrimack County Registry of Deeds plan 17206, and described as the second tract/parcel of land in the Merrimack County Registry of Deeds book 2752, page 1107.

Clayton Wood seconded the motion.

Discussion: No discussion.

Vote to approve Robert Elliott's application to merge tax map R-14, lot 62; tax map R-22, lot 5; and the private road part of Winant Road Extension, shown on Merrimack County Registry of Deeds plan 17206, and described as the second tract/parcel of land in the Merrimack County Registry of Deeds book 2752, page 1107: carried 5 - 0 - 0. Voting "yes": Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carl Anderson. Voting "no": none. Abstaining: none.

AGENDA ITEM 8: The Pittsfield Historical Society's proposal to buy town-owned tax map U-5, lot 14

Clayton Wood recused himself because he is a member of the Pittsfield Historical Society.

Daren Nielsen was acting chair.

Adam Gauthier sat in place of Clayton Wood.

Larry Berkson, a member of the historical society, explained the historical society's proposal. The historical society wants to buy town-owned tax map U-5, lot 14, in order to build the historical society's new home there. Larry Berkson said that the historical society had been looking for a site for two and one half years, that two selectmen had suggested this lot, that the historical society had considered between 25 and 30 other locations, that the beautification committee had endorsed the historical society's proposal unanimously, that Dan Schroth supported the proposal, and that the building would conform to all building codes.

The board and Larry Berkson discussed whether the property developed as the historical society planned would satisfy the requirements of the zoning ordinance for off-street parking spaces. Jim Pritchard read from the zoning ordinance, article 16, section 4, and said that the historical society's proposed building might not satisfy all conditions for an exemption from the requirement to have a certain number of off-street parking spaces as specified in the table of parking requirements.

The board and Larry Berkson discussed whether the historical society's new building would be a use that the zoning ordinance permits at the subject lot. The board and Larry Berkson concluded that the building would probably be considered to be a museum, which would be a use that the zoning ordinance prohibits at the subject lot. Larry Berkson said that the historical society wanted to buy the lot anyway and perhaps take the historical society's chances in applying for a variance.

Jim Pritchard moved the board to recommend in favor of the sale of town-owned tax map U-5, lot 14 to the historical society.

Carl Anderson seconded the motion.

Vote to recommend in favor of the sale of town-owned tax map U-5, lot 14 to the historical society: carried 4 - 0 - 1. Voting "yes": Jim Pritchard, Daren Nielsen, Adam Gauthier, and Carl Anderson. Voting "no": none. Abstaining: Paul Nickerson.

The planning board's letter to the board of selectmen saying that the planning board recommended in favor of selling town-owned tax map U-5,

lot 14, to the Pittsfield Historical Society is attached at the end of this minutes document.

AGENDA ITEM 9: Approval of the minutes of the May 3, 2018, meeting

Clayton Wood replaced Adam Gauthier on the board.

Clayton Wood moved to approve the minutes of May 3, 2018, as written in draft.

Jim Pritchard seconded the motion.

Discussion:

Carl Anderson asked for the following change:

Agenda item 4, page 2: Change “Carl Adams” to “Carl Anderson”

Jim Pritchard asked for the following change:

Agenda item 4, page 11: Change

“but, Jim Pritchard, the statute has no such limitation for local permits”

to

“but, Jim Pritchard said, the statute has no such limitation for local permits”

Vote to approve the minutes of May 3, 2018, with the changes that Carl Anderson and Jim Pritchard requested: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Clayton Wood, Paul Nickerson, and Carl Anderson. Voting “no”: none. Abstaining: none.

After the meeting, Jim Pritchard made the following additional correction:

Agenda item 6, page 17: Change “June 14, 2018” to “June 21, 2018”

AGENDA ITEM 10: Selectman’s report

Carl Anderson had nothing to report.

Jim Pritchard, planning board recorder and secretary

Attachments:

1. The planning board's notice of decision of the meeting of June 5, 1997, approving the site plan of CWR Concepts, Inc., upon the condition that "A septic design must be submitted within 90 days or alternate sanitary facility installed."
2. The planning board's notice of decision giving final approval to the Carson application for subdivision approval. (See RSA 676:3, II.)
3. Robert Elliott's application to amend approval condition B—"For any future development the road must be brought up to Class 5 standards"—of his subdivision of tax map R-22, lot 1C, at 111 Winant Road in 2004, creating current tax map R-22, lots 1-39 and 1-40, in the Suburban zoning district.
4. The planning board's notice of decision approving the Elliott subdivision on July 15, 2004.
5. The planning board's notice of decision approving Robert Elliott's application to amend his 2004 subdivision approval. (See RSA 676:3, II.)
6. The planning board's letter to the board of selectmen saying that the planning board recommended in favor of selling town-owned tax map U-5, lot 14, to the Pittsfield Historical Society.

**TOWN OF PITTSFIELD
PLANNING BOARD
Notice of Decision**

FILE COPY

You are hereby notified that at a duly convened meeting of the Pittsfield Planning Board held on June 5, 1997, for the request by Floyd Graham to obtain Site Plan Approval to operate an auto & heavy equipment & radiator repair shop, Tax Map R15-006, 121 Barnstead Road, pursuant to New Hampshire Revised Statutes Annotated, Chapter 236:117, as amended, was conditionally Approved, following a resolution passed by a unanimous decision of the members of the Planning Board.

Motion was made to approve the Site Plan application submitted by the CWR Concepts, Inc. with the following condition:

1. A septic design must be submitted within 90 days or alternate sanitary facility installed.

Helen Schoppmeyer, Chairman
Pittsfield Planning Board

Date: June 9, 1997

Town of Pittsfield
85 Main Street
Pittsfield, NH 03263

Notice of Decision

On June 7, 2018, pursuant to the Pittsfield Subdivision Regulations, the Pittsfield Planning Board gave final approval to a three-lot subdivision at 121 Barnstead Road (NH Route 107), tax map R-15, lot 6, in the Light Industrial/Commercial zoning district.

The applicant's name and address is Christopher J. Carson, trustee of Heirs of Patricia R. Carson, 19 Winant Road, Pittsfield, NH 03263.

The vote to give the subdivision final approval was yes: 4, no: 0, and abstaining: 1. Planning board members voting to give the subdivision final approval were Clayton Wood, Paul Nickerson, Daren Nielsen, and Jim Pritchard. The planning board member abstaining was Jim Adams.

The planning board may reconsider this decision, upon the board's own motion or at the request of any aggrieved person, within 30 days after the date when the board voted the decision (June 7, 2018). (74 Cox Street v. Nashua, 156 N.H. 228, 931 A.2d 1194 (2007).) Any persons aggrieved by the decision may appeal its zoning matters to the board of adjustment and its planning matters to the superior court. (RSA 677:15; RSA 676:5, III; and Hoffman v. Gilford, 147 N.H. 85, 786 A.2d 93, (2001).) Except as provided in RSA 677:15, I-a, (b), an appellant appealing zoning matters must appeal to the board of adjustment within 30 days after the date when the planning board voted the decision (June 7, 2018). (RSA 677:15, I and I-a; RSA 676:5, I; and Pittsfield Zoning Board of Adjustment Rules of Procedure, rules XI, 1 and 2.) An appellant appealing planning matters must appeal to the superior court within 30 days after the date when the planning board voted the decision (June 7, 2018) unless the appellant is also appealing zoning matters. If the appellant is also appealing zoning matters, then the appellant must appeal the planning matters to the superior court after but not more than 30 days after the date when the board of adjustment resolves the zoning matters and denies a motion for rehearing under RSA 677:3. (RSA 677:15, I-a, (a).)



Clayton Wood, chair
Pittsfield Planning Board

June 14, 2018

Plan number

May 10, 2018

Pittsfield Planning Board
Town of Pittsfield
85 Main Street
Pittsfield, NH 03263

Dear planning board,

Pursuant to the Pittsfield Subdivision Regulations, article 6, section 4, (d), Major changes, I ask the board to amend condition B of the board's approval on July 15, 2004, of my subdivision of tax map R-22, lot 1C, at 111 Winant Road in 2004, creating current tax map R-22, lots 1-39 and 1-40, in the Suburban zoning district. This subdivision approval is recorded as plan 17206 at the Merrimack County Registry of Deeds. Specifically, I ask the board to replace condition B:

"For any future development the road must be brought up the Class 5 standards"

with the following condition:

"The lot that the town designates as tax map R-14, lot 62, shall not be subdivided, and the deeds conveying this lot shall state this prohibition on subdividing this lot."

This change would eliminate the requirement that Winant Road Extension must be improved before I could develop tax map R-14, lot 62, with only one house. I prefer to develop this lot with only one house, but if the board were to deny my request, then I would have to develop the lot to its full potential density with cluster development in order to recover the cost of improving Winant Road Extension.

Thus granting my request would benefit me because it would let me sell tax map R-14, lot 62, to be developed with only one house, as I prefer to do, and granting my request would also benefit the neighborhood and the town because developing the lot with only one house instead of to the lot's full potential density would maintain a substantial privacy buffer between Winsunvale Shores and Wildwood Drive and would maintain the beauty of Whites Pond where the lot has a substantial frontage on the pond.

Attached is my check for \$347.50 for the cost of giving notice of a public hearing.

Respectfully submitted,



Robert Elliott
27 South Main Street
P. O. Box 37
Pittsfield, NH 03263



Town of Pittsfield Planning Board Notice of Decision

A Minor Subdivision application filed by Robert Elliott of Pittsfield NH for a parcel of property located at 111 Winant Road (Tax Map R-22 Lot 1C) Pittsfield, NH 03263.

You are hereby notified that a duly convened meeting of the Pittsfield Planning Board was held on Thursday, July 15, 2004 at 7:00PM, by request of Robert Elliot for a Minor Subdivision to create two (2) Single Family Residential Lots on Tax Map R22 – Lot 1C, on Winant Road. The request was **GRANTED**.

RESOLVED:

The request to allow a two (2) lot Subdivision on said property in a Suburban Zone is **GRANTED**. The Planning Board voted four in favor to one opposed with one abstention, to grant application approval on the conditions that the Applicant brings the private road up to Class V standards for any future development, follow the town sewer ordinances in connecting the new residential lot to the Town wastewater system, and have water and sewer connections in a right-of-way to the Town.

Lawrence Konopka, Chair
Pittsfield Planning Board

July 21, 2004

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.

Town of Pittsfield
85 Main Street
Pittsfield, NH 03263

Notice of Decision

On June 7, 2018, pursuant to the Pittsfield Subdivision Regulations, article 6, section 4, (d), Major changes, the Pittsfield Planning Board gave final approval to an application to amend condition B of the board's approval on July 15, 2004, of Robert Elliott's subdivision of tax map R-22, lot 1C, at 111 Winant Road in 2004, creating current tax map R-22, lots 1-39 and 1-40, in the Suburban zoning district. This subdivision approval is recorded as plan 17206 at the Merrimack County Registry of Deeds. Specifically, the board approved the replacement of condition B effective July 15, 2004,

“For any future development the road must be brought up the Class 5 standards”

with the following condition B effective June 7, 2018:

“The lot that the town designates as tax map R-14, lot 62, shall not be subdivided, and the deeds conveying this lot shall state this prohibition on subdividing this lot.”

The applicant's name and address is Robert Elliott, 27 South Main Street, P. O. Box 37, Pittsfield, NH 03263.

The vote to give the application final approval was yes: 5, no: 0, and abstaining: 0. Planning board members voting to give the application final approval were Clayton Wood, Carl Anderson, Paul Nickerson, Daren Nielsen, and Jim Pritchard.

The planning board may reconsider this decision, upon the board's own motion or at the request of any aggrieved person, within 30 days after the date when the board voted the decision (June 7, 2018). (74 Cox Street v. Nashua, 156 N.H. 228, 931 A.2d 1194 (2007).) Any persons aggrieved by the decision may appeal its zoning matters to the board of adjustment and its planning matters to the superior court. (RSA 677:15; RSA 676:5, III; and Hoffman v. Gilford, 147 N.H. 85, 786 A.2d 93, (2001).) Except as provided in RSA 677:15, I-a, (b), an appellant appealing zoning matters must appeal to the board of adjustment within 30 days after the date when the planning board voted the decision (June 7, 2018). (RSA 677:15, I and I-a; RSA 676:5, I; and Pittsfield Zoning

Board of Adjustment Rules of Procedure, rules XI, 1 and 2.) An appellant appealing planning matters must appeal to the superior court within 30 days after the date when the planning board voted the decision (June 7, 2018) unless the appellant is also appealing zoning matters. If the appellant is also appealing zoning matters, then the appellant must appeal the planning matters to the superior court after but not more than 30 days after the date when the board of adjustment resolves the zoning matters and denies a motion for rehearing under RSA 677:3. (RSA 677:15, I-a, (a).)



Clayton Wood, chair
Pittsfield Planning Board

June 14, 2018

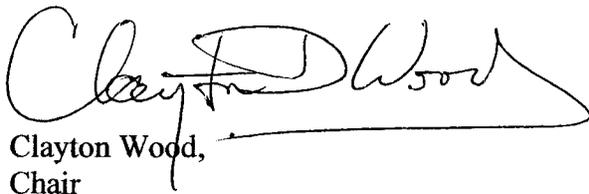
June 14, 2018

Pittsfield Board of Selectmen
Town of Pittsfield
85 Main Street
Pittsfield, NH 03263

Dear board of selectmen,

On June 7, 2018, the planning board voted 5-0-0 to recommend in favor of the sale of town-owned tax map U-5, lot 14, to the Pittsfield Historical Society.

Thank you,

A handwritten signature in black ink that reads "Clayton Wood". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Clayton Wood,
Chair
Pittsfield Planning Board