

**TOWN OF PITTSFIELD
PLANNING BOARD
TOWN HALL, 85 MAIN STREET
PITTSFIELD, NH 03263**

MINUTES OF Thursday, February 10, 2022

ITEM 1. - CALL TO ORDER

Call to order at 7:00 p.m. by Matt St. George, Vice-Chair of the Planning Board.

ITEM 2. – ROLL CALL

Matt St. George – Vice-Chair

Ray Ramsey

Randy Severance

Carl Anderson – Selectman Rep.

Ed Trzcinski – Alternate; called to the Board.

MEMBERS ABSENT

Adam Gauthier – Chair

Jim Adams – Selectman Alt Rep.

OTHERS PRESENT

Bonnie Theriault – Office Assistant

ITEM 3. –PUBLIC INPUT

Michael Fairbrother stated a special exception was granted at the last ZBA meeting and wanted to know what he needed to do to proceed. Board members let Mr. Fairbrother know that he would need to submit a site plan to the Planning Board for further approval as stated in the ZBA minutes under the conditions when the special exception was granted at the last ZBA meeting.

Michael Fairbrother expressed frustration with the process of needing to resubmit another application for a site plan review by the Planning Board and noticing abutters again when the ZBA Board had already approved the plan with a special exception. Mr. Fairbrother stated that he has given his all to try and get things started for his business and thanked the Board members for their time.

Board members advised Michael Fairbrother that the restaurant portion of the application was removed at the previous Planning Board meeting in order for the applicant to proceed with the application for indoor seating and tasting only. At that previous Planning Board meeting, it was also noted that in order to move forward with the restaurant portion of the application, Mr. Fairbrother would need to go before the Zoning Board for approval before coming back to the Planning Board for site plan review.

Matt St. George closed public input at 7:13 p.m.

ITEM 4. – CONTINUE WORKING ON THE PLANNING BOARD LAND DEVELOPMENT REGULATIONS

Board members discussed various changes to the Planning Board Land Development Regulations on pages 15-34. Board discussions and changes are listed below;

Page 15 - Section 2.8 Voluntary Lot Mergers

1. Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board in accordance with **RSA 674:39-a (5-year exemption?)**, as amended.
3. Except where such merger would create a violation of existing ordinances or regulations or increase the non-conforming status under the terms of the Pittsfield Zoning Ordinance, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the **Clerk of the Board Chair or Vice-Chair**, shall be filed for recording in the Merrimack County registry of deeds, and a copy shall be mailed to the municipality's assessing officials.

Page 15 - Section 2.9 Expiration

Any site plan for which a Building Permit has not been obtained, and/or the approved change of occupancy, within two (2) years of the date of approval of the site plan shall be considered void unless the Planning Board grants an extension for good cause. The Planning Board may approve ~~a second one (1)-year extension~~ **up to a 1-year extension** provided that the approved Site Plan remains in compliance with the current zoning and site plan regulations. If significant construction has not commenced, then the Site Plan approval shall be considered void.

Page 16 – Section 2.9 continued

If building permits have been issued ~~with~~ **within** the two-year period, the applicant shall have an additional year to substantially complete the approved development before the site plan approval expires. If construction has commenced within the authorized site plan approval period, but site development has ceased for a period longer than one (1) year and the project is not substantially complete as defined herein, the Site Plan approval shall also expire.

Any subdivision plat not recorded in the Merrimack County Register of Deed within two (2) years of the date of approval of the Subdivision shall be considered void unless the Planning Board grants an extension for good cause. At the request of the applicant, the approval of a Subdivision may be extended for one (1) year by the Planning Board. The Planning Board may approve ~~a second~~ **up to one (1) year extension** provided that the approved Subdivision remains in compliance with the current zoning and site plan regulations. Once an extension has been granted, if the subdivision plat has not been recorded in the Merrimack County Registry of Deeds within the extension period, then the approval for the Subdivision shall expire.

Page 16 – Section 2.10 Revision to Approved Plans

In the event of any proposed change in an approved Site Plan, or a Subdivision Plat, the applicant shall notify the Planning Board in writing of such change. The Planning Board shall at a duly advertised public meeting determine whether or not the proposed change is an immaterial change or a material change.

(a) If the Planning Board determines that the change is an immaterial change, then the Planning Board may act to approve said change with or without additional conditions. If the immaterial change requires the submittal of a revised or corrected plat, the applicant shall submit to the Town a revised plat for recording **30 days before the meeting**. The applicant shall be responsible for all recording and processing fees.

(b) For immaterial changes, digital copies of all revised plans and documents in format as set forth herein, shall be submitted. In addition, three (3) copies of revised plan drawings, along with any revised or amended supporting documentation and studies, shall be provided.

Page 17 - Section 2.11 Appeals from a Planning Board Decision

Any Planning Board action may be appealed to the Merrimack County Superior Court as set forth in **Section 9.3 Section 10.9**.

Page 17 - Section 3.2 Determination of Completeness

Upon receipt of a site plan or subdivision application, the Planning Board shall determine if the application is complete. Provided that an application is received at least ~~21~~ **30** calendar days before a regular Planning Board meeting, a determination as to its completeness shall be made at that meeting.

The Planning Board must determine an application complete prior to setting the Application for public hearing and consideration by the Planning Board. The determination of completeness by the Planning Board shall be at a duly advertised public meeting of the Planning Board and notice shall be provided in the same manner as the public hearing on a subdivision or site plan application set forth below. The Planning Board shall consider a report from the Planning & Community Development Director and/or Technical Review ~~Committed Committee~~ prior to making a determination. ~~No public testimony or testimony from the applicant shall be accepted during the Board's consideration and action on a Determination of Completeness.~~

The ~~application~~ applicant can request in writing that a Determination of Completeness by the Board be deferred for a specific time frame with the intent of improving the application provided that the request is received prior to public notice.

Page 18 – Section 3.3 Notice to Applicant, Abutters, and Public

Once an application for Site Plan Review is deemed sufficiently complete for review by the Board, a public hearing shall be set within 35 days from the date the application is determined complete.

1. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the applicant and the location of the proposed development; and shall state the day, time, and place of the public hearing/meeting.
2. Notice shall be sent to the Owner, Applicant, if different from Owner, Abutters, Holders of conservation, preservation, or agricultural restrictions, professionals involved in the preparation of the plans and supporting documents; and other persons required by RSA 676:4 I(d). The applicant shall furnish the names and addresses for all persons, corporations, associations, etc. required to be noticed.
3. For the purpose of these Regulations, in counting days, the day notice is given, and the day of the public hearing/meeting are excluded.

4. Notice shall be sent by ~~Certified~~ **Verified** Mail at least 10 days prior to the public hearing/meeting. The 10-day notice period shall not include the date of the mailing or the date of the hearing.
5. Notice to the general public shall be given by posting in the town hall and on the municipal website at least 10 days prior to the public hearing/meeting.
6. Notice of Regional Impact shall be provided to the CNHRPC and affected communities as set forth in sections **3.4 and 3.5**.

Any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

Page 18 - Section 3.4 Notice for Personal Wireless Service Facility

In addition to the "Notice to Abutters and General Public" and in accordance with RSA 12-K:7, for any proposed personal wireless service facilities that will be visible from any other New Hampshire municipality within **20 air miles**, notice shall be sent to the governing body and Planning Boards of those municipalities having such visibility, and notices shall be published in the newspaper customarily utilized by those municipalities for their legal notices stating the specifics of the application and its public hearing date. Publication shall be not less than 7 days, or more than 21 days (questioned), prior to the public hearing. For the purpose of this requirement, the following municipalities are **within 20 air miles of the site location in Pittsfield**: Gilmanton, Barnstead, Strafford, Northwood, Epsom, Chichester, Loudon, Belmont, Gilford, Alton, New Durham, Farmington, Rochester, Barrington, Nottingham,, Deerfield, Allenstown, Pembroke, Concord, Canterbury, Northfield, Belmont, Laconia, Tuftonboro, Wolfeboro, Brookfield, Middleton, Milton, Franklin, Rochester, Barrington, Nottingham, Raymond, Candia, Bow, Hooksett, Hopkinton, Dunbarton, Webster, Boscawen, Salisbury, Tilton, Somersworth, Rollingsford, Dover, Madbury, Durham, Newmarket, Epping, Fremont, Chester, Auburn, Goffstown Warner, Weare, and Webster. The applicant shall also provide notice to the Central New Hampshire Regional Planning Commission, the Lakes Region Planning Commission, Southern New Hampshire Planning Commission, and the Strafford Regional Planning Commission.

Notice is required even if Planning Board review and approval is not required per RSA 12-K:7. The applicant is required to submit an application, an application fee, and any review fees including fees to cover the costs of public notice.

Page 18 - Section 3.5 Determination of Regional Impact (DRI)

~~Concurrently with the Planning Board's consideration on the completeness of an application, the Planning Board shall determine whether or not the proposed development has a potential for regional impact, pursuant to RSA 36:54.~~

Page 19 – Section 3.5 Determination of Regional Impact (DRI) continued

The Planning Board shall determine whether or not the application, if approved, could reasonably be construed as having the potential for regional impact pursuant to the provisions of RSA 36:54. Doubt concerning potential regional impact of a development shall be resolved in a determination that the development has a potential impact. The Planning Board shall determine an application to have the potential for regional impact on neighboring municipalities because of factors including, but not limited to, the following:

1. Proximity of the proposed site plan to the municipal boundaries.

2. Access to, and egress from, the proposed site plan via regional arterial routes, and/or local streets that cross municipal boundaries.
3. Proximity of the site plan to aquifers, surface waters, or other water resources that transcend municipal boundaries.
4. Proximity of the site plan to existing public water supplies of other municipalities.
5. If the Planning Board determines the application to be complete, and the project is a DRI, then notice shall be provided to the Central New Hampshire Regional Planning Commission (CNHRPC) and the potentially impacted communities.

If the Planning Board determines the application to be complete, and the project is a DRI, then notice shall be provided to the Central New Hampshire Regional Planning Commission (CNHRPC) and the potentially impacted communities. The applicant shall provide a copy of the development application including all plans, supporting documents and studies, to the CNHRPC, and those towns the Board deems to be affected, ~~21~~ **30** days prior to the public hearing scheduled on the application in order to allow for timely review and comment. Notice of public hearing on a DRI shall be as set forth herein, except that DRI notices shall be sent by ~~certified~~ **verified** mail at least twenty-one (21) days prior to the date of the public hearing.

Page 19 - Section 3.7 Phased Development

The approval procedure for phased development is:

1. The entire site shall be approved under these Regulations.
2. The Planning Board's required improvements set forth in the Notice of ~~Action~~ **Decision** shall be constructed and installed for each phase. The plan for phasing shall be submitted to the Board and approved as part of the Notice of ~~Action~~ **Decision** on the site plan approval.

Page 20 - Section 3.8 Special Investigations and Studies

~~The Planning Board to require additional studies is set forth in Section 3.7: Special Investigations and Studies.~~ Any cost for the Town's review of any special investigation or study, including both staff time and ~~consultant's~~ **consultants** utilized by the Town, is the responsibility of the applicant pursuant to Section 11: Fees.

Page 20 - Section 3.9 State and Federal Permits

~~The Town shall be provided with copies of all applications submitted for state or federal permits. While permits need not be approved prior to a Determination of Completeness, a copy of each application for a required permit should be included with the Applicant's submission. The Board, on review of the application, may determine an application complete without the required permit application if the Board finds that the application for permit is premature or there is an indication in the Board's opinion that significant changes may be forth coming to the application.~~ require copies of State and Federal permits.

Page 20 - Section 3.11 Public Improvements

The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any development. If the Planning Board requires the

construction or installation of public improvements then a financial guarantee shall be provided, in accordance with the requirements of Section 5: (Check for correct section reference) Assurances for Completion and Maintenance of Improvements. The amount of financial guarantee shall be approved by the Town's consulting engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the Town Counsel.

Page 21 – Section 4.1 Requirements for All Applications

The applicant shall file with the Planning Board in accordance with the established application deadlines, a request for consideration of a subdivision plan or site plan. Application forms are available in the Town Office Hall and on the Town of Pittsfield web site.

The requirements for a voluntary merger are set forth in Section 6.3: Voluntary Lot Merger.

It is recommended that the applicant meets with the Technical Review Committee (DCC) prior to filing an application package.

Page 21 – Section 4.1 Requirements for All Applications continued

The following items shall be submitted for all site plans and subdivision applications, except for Voluntary Lot Mergers:

7. Obtain a Determination Letter from the Code Compliance Officer Certifying Zoning Compliance. ~~as required in Article 10.2 of the Zoning Ordinance.~~

Page 22 – Section 4.1 Requirements for All Applications continued

~~14. Colored photographs of all buildings and the site showing their relationship to abutting properties and adjacent streets and public ways.~~

Page 23 – Section 5.1 Change in Use or Occupancy Only

Board members discussed asking for further clarification with CNHRPC on change of use exemptions or those that haven't been approved.

Page 24 - Section 5.2 Drawing Requirements

Board members discussed questions about this section as well and will look into it further with CNHRPC.

Page 24 - Section 5.3 Required Plan Information – Minor Site Plan

The following information shall be provided on all minor site plans unless waived by the Board given the unusual nature of a site or an application:

3. The shape, size, height, dimensions, location and use of existing and proposed structures located on the site ~~and those existing within 200 feet of the site.~~

4. Existing and proposed topographic contours, including those on site ~~and within 200 feet~~ of the site, with spot elevations where necessary.

Board members decided to continue working on the Page 24 Section 5.3 Required Plan Information – Minor site Plan in the Planning Board Land Development Regulations at the next scheduled Work Session.

ITEM 5. – ADDRESS THE ISSUE OF A NEIGHBORING TOWN BACKING OUT OF SIGNING THE SUBDIVISION PLAN FOR THE PROPERTY THAT ABUTS THEIR TOWN

Both subdivision plans were presented to Epsom for review with Epsom responding via email that they didn't feel the need to sign off on anything from another town. Board members agreed that according to RSA 674:53; the letter from Epsom would suffice if included with the permanent file for future reference and that a vote could be taken to remove the previous condition of needing a signature block for Epsom in the final plans.

Ed Trzcinski: I make a motion to amend the condition of adding a signature block for the Town of Epsom Planning Board and to include the email received from Epsom to the permanent file.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0.

ITEM 6. – MEMBERS' CONCERNS

None.

ITEM 9. – ADJOURNMENT


Randy Severance: I make a motion to adjourn at 9:02 p.m.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Matt St. George – yes, Ray Ramsey – yes, Randy Severance – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Approved:


Matt St. George, Vice-chair

03.10.2022
Date