



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

MEETING MINUTES OF Thursday December 10, 2020

ITEM 1. - CALL TO ORDER

Call to order at 7:06 p.m. by Adam Gauthier, Chair of the Planning Board.

ITEM 2. – ROLL CALL

Adam Gauthier – Chair

Matt St. George – Vice Chair

Clayton Wood

Carl Anderson – Ex officio Alternate

Ray Ramsey – Alternate

Randy Severance - Alternate

OTHERS PRESENT

Jim Adams - Ex officio Alternate

Carole Richardson – Select Board member

J.C. Allard – Select Board member

Gerard LeDuc – Select Board member

Bonnie Theriault – Administrative Assistant

ITEM 3. –PUBLIC INPUT

None.

ITEM 4. Approval of the minutes of the November 12, 2020 meeting

Clayton Wood: I make a motion to approve the November 12, 2020 meeting minutes.

Ray Ramsey: Second.

Discussion: Matt St. George requested a couple of corrections before final submission.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Clayton Wood – yes, Carl Anderson – yes.

ITEM 5. Public Hearing – Pittsfield Historical Society –Amendment of a Major Site Plan, to allow for an electronic message sign on the subject property identified as Tax Map U5, Lot 14, in the Commercial zoning district.

Adam Gauthier read the Notice of Public Meeting as follows;

Notice of Meeting Notice of Submission and Determination of Completeness on an Application for Amended Site Plan Approval.

The Pittsfield Planning Board will hold a meeting pursuant to RSA 676:4, I, (c), (1), to determine whether a submitted application for amended site plan approval is complete according to the board's regulation. The time and place of the meeting is Thursday, December 10, 2020, 7:00 P.M., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address is Pittsfield Historical Society, 13 Elm Street, Pittsfield, NH 03263. The proposal is an amendment of a major site plan, to allow for an electronic message sign on the subject property identified as Tax Map U5, Lot 14, in the Commercial zoning district. The proposed work area is located at 8 Oak Street, owned by Pittsfield Historical Society. The application for an amendment of site plan approval is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Notice of Hearing on the Merits of an Application for Amended Site Plan Approval

If the Pittsfield Planning Board determines that the Pittsfield Historical Society's, application for amended site plan approval is complete at the above-noticed meeting, then the board will hold a public hearing pursuant to RSA 676:4, I, (c), (1); RSA 676:4, I, (e); the Town of Pittsfield Site Plan Review Regulations, section III; and the Town of Pittsfield Subdivision Regulations, article 5, section 1, (d), and article 5, section 4, (a) on the merits of the application immediately after the board's completeness determination. The board will not give additional notice of a continuance of the merits hearing to a later meeting.

Clayton Wood recused himself and Adam Gauthier called Randy Severance as an alternate in his place.

Adam Gauthier welcomed the Historical Society representatives to the meeting and explained that a meeting was called to amend the original site plan conditions. The original site plan was conditioned to not have an illuminated sign at the site, but the Historical Society would like amend the plan to include one.

Mark Riel addressed the Board members and said that Clayton Wood had sent in an amended permit proposal for the illuminated sign. The site plan had some confusion about a sign on the ground between granite posts and having illumination from the ground rather than an electric sign. Mark Riel said the building inspector and anyone who looked at the original application understood it to be an application for an electronic sign, which is illuminated.

Mark Riel said the company the Historical Society contracted with is Watchfire Signs who came to the meeting to support the Historical Society and answer any questions the Board might have. Mark Riel said there were a couple of Watchfire signs in Pittsfield; one at the Pittsfield High school and a newly added sign at Globe Manufacturing Company LLC. The Historical Society feels that it is a great way to engage with the community and let them know what is happening within the building.

Matt St. George said he had some concerns over whether the first submitted application was complete and had a couple of questions; the first being the original application, before the building permit, stated a nonilluminated sign.

Mark Riel said a nonilluminated sign had not even been on their minds when they first applied in June for a permit due to limited funds. A generous donation to the Historical Society would allow for them to now have one.

Matt St. George wanted to know if all of the abutters had been notified because the new tax map now includes 9 abutters plus the applicant.

Bonnie Theriault said there were more abutters now because of changes to the tax map and that all current abutters have been notified along with the State.

Matt St. George said that one last concern he had was that in the original application it states that the property is not within 500 feet of a bank, river or pond but it seems that it is and wondered if the applicant should change the information in the current application or the Board should review RSA 676:4, I (b) and continue with the acceptance of the application right now rather than approving the application.

Bonnie Theriault said that there was a change in the tax maps that had been updated since and that she hasn't received a response from the State with any concerns.

Clayton Wood said that the current application is an amendment to the site plan. There is no evidence the Historical Society building is within 500 feet and the time of interest for that should have been when the site plan was brought before the Board two years ago before construction when the surveyors were at the meeting.

Matt St. George said that he wasn't on the Board at the time it was approved and that it is a legal concern that came to him with this application for amendment. Matt St. George said that he would have had the same concerns a couple years ago and feels that the Board should look into it further to make sure the application is accurate and complete before proceeding.

Adam Gauthier asked if anyone else had any concerns about the completion of the application before taking a vote.

Carl Anderson: I motion that the application is complete.

Adam Gauthier: Second.

Discussion: None.

Motion carried 4-1-0. Adam Gauthier – yes, Matt St. George – no, Ray Ramsey – yes, Randy Severance – yes, Carl Anderson – yes.

Adam Gauthier opened the hearing for the merits of the application.

Carl Anderson asked for examples of what the Historical Society will be putting on the electrical sign and if the messages were exclusive to the Historical Society announcements.

Mark Riel said that the electronic sign is a programable message board where the messages can be changed when needed with examples such as; Welcome to Pittsfield, The Historical Society, advertising calendars for sale or advertise any events that might be coming up. It is a way to get the message out and isn't necessarily just for the Historical Society. The sign is fully programable meaning that they can display full color video or pictures, control the brightness of the screen, and has a timer that will go on/off at any chosen times. Mark Riel said that there is no limit to what they could do and it would have been nice to have for supporting Senior graduates during COVID-19 this last year.

Randy Severance asked if the Historical Society had a process in place for a controlling body to have

authority over what the sign will say in case any problems arise with something political or questionable such as two people who might want to display a message when only one message can go up.

Mark Riel said that Clayton Wood is the programmer for the Historical Society and the Board of Directors would have authority over what the messages will be. The electronic sign is also programable to allow more than one message if needed.

Clayton Wood said all material would be approved by directors and that the Historical Society wouldn't be able to answer for everything that might come up in the future at this time. The Board of Directors has a responsibility not just as shareholders to the Historical Society, but to maintain nonprofit status which includes a corporate image that the State expects them to maintain.

Clayton Wood said part of the Historical Society charter is in not just preserving history, but to teach history and there is nothing old about the new building except what is inside of it. Clayton Wood said the Historical Society never imagined having a sign like this until someone gave a generous donation for it. The sign will not only help educate the Town in a way they hadn't imaged in the beginning; it is also a sign that won't become obsolete in the day and will help take things into the future.

Randy Severance said he understood picking out what the sign might say at this moment really didn't matter, but wanted to make sure a procedure was in place for a controlling body to govern sign messaging in case any future problems might arise. Randy Severance said it sounded like the Historical Society didn't really have a solid plan in place yet and felt there should be more discussion about it.

Adam Gauthier asked if anyone knew the setting for brightness on the sign used at the High School for a comparison.

Mike Patnell with Watchfire Signs said the sign is about 700 candles at night and adjusts during the day. He said that he has been with the company for 14 years and sat on many Boards with the same concerns about brightness. The Representative said that he currently lives in Gilmanton where the school put a sign in around 8 months ago and one of the main concerns was brightness. One of the things the company advocates for is a group of people to come at night after installation to help pick the parameters of brightness agreed upon.

Some of the challenges for these types of signs are that sign codes are outdated and don't always fit the application like light intensities, light holds, flood lights, ambient light or adjustment during the night or day. One of the things the company always tries to do is set those standards so they can't be adjusted at night because you don't want to have people slowing down to look at the sign or a sign that is too bright for drivers.

Mike Patnell said there are about 70,000 of Watchfire signs in the nation today and the company never been in any kind of lawsuit due to accidents or pedestrian challenges. The company does fall into situations where people have zoning codes that really don't follow guidelines for digital signs, but the company likes to advocate for proper regulations. As an example, Laconia had a kind of code challenge and adjusted their code to follow along with safe guidelines. Mike Patnell said that there have been a number of studies so the science is safe which is everyone's biggest concern.

Mike Patnell ended by saying he knows the Pittsfield code won't allow flashing signs or animated signs and that it's understood the sign shouldn't be too bright at night while fitting into the character of the

area so Watchfire Signs is looking for an approval process in order to work with the Town and make sure the Historical Society sign fits in with the community.

Adam Gauthier had concerns about the 3X6 measurements of the sign because according to ordinance only 470 candles brightness would be allowed. The Zoning ordinance doesn't dictate day or night levels, so they sign would have to stay at 470 day or night.

Mike Patnell with Watchfire Signs said the measurements could be adjusted with no problem and fully programable to adjust anywhere from 350-700 candles. If the community prefers 470 at night it would be fine, but there really isn't a measure of brightness during the day since sunlight is 10x brighter than the digital signs.

Adam Gauthier asked if any other Board members had comment before opening to the Public for input. Board members agreed to move to Public Input.

Bob Schiferle said that since the Public Hearing was about the amended the site plan, he wanted to know what the actual proposed amendment to the site plan is. Is the verbiage to strike the current restriction on illuminated lighting or add a very specific exception for a 3X6 electronic sign.

Adam Gauthier said the original condition was the Pittsfield Historical Society shall revise a site plan to say that the sign shall not be illuminated.

Matt St. George said it could have been a safety issue due to a traffic study waiver but he wasn't on the Board at the time. Matt St. George said if you look back there are at least 4 spots where it's listed not to be an illuminated sign and it actually states in there that there would only be one sign on Main Street as well.

Mike Patnell said when reviewing the site plan, he noticed that it was illuminated to begin with and then changed to not illuminated so there seems to be confusion with some of the questions on the application between whether it was a top sign and a bottom sign.

Bonnie Theriault said she looked through the copies of past minutes within the time frames of the application process and found the February 21, 2019 and March 7, 2019 minutes for reference. The minutes from February 21, 2019 on page 13 state; "Pittsfield Historical Society shall revise the plan to say that the sign shall not be illuminated". One of the last set of minutes from March 2019 at the top of page 4 it states; "Pittsfield Historical Society shall revise the plan to say that the sign shall not be illuminated".

Mike Patnell with Watchfire Signs said the conditions in the minutes applied to the current sign that is up, which is illuminated even though not internally illuminated, and that the Historical Society is now requesting an additional sign for the building.

Bob Schiferle asked if the site plan amendment will state a single additional sign with no more than 3x6 feet in that specific order.

Adam Gauthier read the following;

The site plan amendment request for this site plan approved on February 21, 2019 for the Pittsfield Historical Society's headquarters and museum at the corner of Main Street and Oak Street, Tax Map U-5 lot 14 in the commercial zoning district.

Adam Gauthier noted that it doesn't mention how many signs, type of sign or where it would be placed.

Bob Schiferle asked if it was important to determine when voting.

Adam Gauthier said yes.

Adam read a letter from a citizen who was unable to attend, as follows;

Dear members,

I am not able to attend your meeting tonight but I would like to share my opinion. First, the Historical Society building is a great addition to our Main Street. Second, I would like to address the safety concerns of a constantly changing message board on Factory Hill. How many times have you stopped at the light at Leavitt road on 28 looked over at the sign at Globe not completely been able to read the message only to look in your rear-view mirror or turn to look over your shoulder. Not safe at all. Now the scene is not the same as route 28, but there are 4 streets that people can enter in the road near the society building, not to mention the frequency of the delivery trucks completely blocking the road at the bottom of Factory Hill and add to that the possible winter conditions. I do not feel that it wise to locate such a sign in this location. Third, I remember when the agreement to sell the property to the Historical Society was made, there were several stipulations that both the town and the historical society agreed to have a Selectman's meeting; One was that no illuminated electrically powered signage would be located on the property, which the society and the town agreed to. The decision to sell the property to the society was made based on this and other stipulations. Now, before the building is even open, they are requesting to break that agreement. I would like to oppose this request to place an electrically powered illuminated sign on the property.

Thank you for your time,

Louie J. Houle III of Dowboro Road

Adam Gauthier addressed Bob Schiferle and said that there was in fact a letter sent prior to the application that wasn't included in the application itself. The letter specifies a request for a 3x6 Watchfire Time-o-matic electric board.

Bob Schiferle said he wanted to ensure that the verbiage is specific.

Adam Gauthier asked if anyone else wanted to comment.

Gerard LeDuc feels the type of sign the Historical Society is applying for would be hazardous to road navigation and he's afraid someone is going to get hurt by running into a home, business, or someone else.

Carole Richardson said she was shocked to hear there would be an illuminated sign at the Historical Society and that she was part of the many discussions through the Select Board before giving the building to the Historical Society. Carole Richardson said the building is beautiful now and that she is very disappointed and very opposed to the illuminated sign.

Ray Webber III said allowing the Watchfire sign could help get more information out to the community since it has been a little more difficult to do without the newspaper anymore.

Clayton Wood said the Historical Society is grateful for the property but had never talked about an electronic sign or a messaging sign because they didn't have the opportunity to do it. Clayton Wood said that it seems Historical Society is being treated differently when the Globe just updated their sign and didn't have to come before the Board in order to do so. The sign at Globe has been there for years and has never caused an accident at the corner lights. Pittsfield Middle High School has an electronic sign and an argument could be made about the safety of children walking around and drivers getting distracted. Clayton Wood said the Watchfire signs are safe and designed for safety at both ends.

Jim Adams said he was the deciding vote on the night the property went to the Historical Society and got a lot of pushback that a private corporation was being given town property for \$1. Jim Adams said that he was covering for Carl Anderson on the board at the time and there was no inclination for an electric sign because the Historical Society was scraping by to raise money for the building.

Jim Adams said now there are more people upset about an electronic sign being put up but the bottom line is the property was transferred over with no strings attached so the Board learned an important lesson. Jim Adams wanted to know how the rest of the Historical Society members felt about the electronic sign.

Mark Riel said the decision wasn't unanimous but an overwhelming majority of the Historical Society board members agree with it. Mark Riel said he respects Jim Adams immensely, but feels comments at the last meeting about not giving the piece of property to the Historical Society if the Board had known about an electronic sign were inappropriate. Mark Riel said he would like to extend that to Louie Houle's letter because nowhere in the minutes does it state the Historical Society would never put up an electronic sign. Mark Riel ended by saying an electronic sign would blend the old with the new to help get the message out and it's unfortunate most of the input seems to be more opinion based than factual.

Jim Adams noted that the tax payer opinion should count because the land belongs to the tax payer.

Ray Webber III said the Historical Society did a great thing for the Town by adding the new building and upgrading the property. The electronic sign came about when the town lost the Suncook Valley Sun newspaper and it's the best thing that could have happened. The land belongs to everyone in Town and the majority of the town tax payers support the sign.

Adam Gauthier asked in any abutters had input before closing Public Input and opening up for further Board discussion.

Randy Severance had concerns over two opposing documents. The general site plan ordinance states you can have a sign, but the site plan review regulations say you cannot so he wanted to know which one had legal precedence.

Matt St. George read the following from the Site Plan Review Regulations;

F. Signs & Illumination:

1. Signs of whatever size and material shall be a permitted accessory use in the Commercial and Light Industrial/Commercial districts of the Town and on the premises of businesses or permitted industry in other districts, provided that any such signs do not constitute a nuisance, in the opinion of the Planning Board, by emitting an unreasonable amount of light or noise and are compatible with the surrounding area in terms of their size, height and visual impact.

Adam Gauthier read the provisions for signs in article 9 of the general site plan ordinance as follows;

3. Definitions

In this article, the following terms have the following meanings:

“Animate” means to depict something moving except that “animate” excludes

- (a) depicting moving text and
- (b) sequentially displaying the letters “O,” “P,” “E,” and “N.”

“Flash” means to maintain an artificially illuminated display constant for more than .015 seconds and less than 3 minutes except that “flash” excludes

- (a) maintaining a display of text constant for 3 seconds or longer,
- (b) depicting moving text, and
- (c) sequentially displaying the letters “O,” “P,” “E,” and “N.”

The purpose of the .015-second constant-display time is to specify a constant-display time at which the human eye sees an illuminated display as not flickering.

Randy Severance said the documents are conflicting so it seems to be a legal question and not an emotional opinion.

Adam Gauthier said electrical signs would be allowed in the zone if approved by the Board and follow all the provisions.

Randy Severance pointed out that if the sign isn’t moving/flashing/blinking then it is automatically approved because the site plan review regulations say signs of whatever size and material shall be a permitted accessory use.

Adam Gauthier said the issue isn’t whether the sign is allowed or not in the zoning but that the initial decision was they would not have an illuminated sign.

Carl Anderson said he wanted to touch on the couple of comments about the Historical Society being scrutinized more than others would be because it isn’t the case. It is not only within the Planning Board’s purview but also incumbent on the Planning Board to consider something that hasn’t been discussed much tonight; safety.

Carl Anderson read and pointed out Section 1 from the Site Plan Review Regulations as follows;

SECTION I - PURPOSE

The purpose of the Pittsfield Site Plan Review Regulations, as authorized by RSA 674:44 – II, is to:

A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety...

and

I. Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

Carl Anderson said that safety is clearly a consideration for Site Plan Review and the Zoning ordinance, which everyone can refer to, makes it very clear to him. Carl Anderson read Article 9 in the Zoning ordinance as follows;

Article 9. Signs

2. Purpose

The purposes of these sign regulations are as follows:

(a) To protect the public from distracting and hazardous signs. (See RSA 674:17, I, (b) ("To secure safety from fires, panic and other dangers") and RSA 674:17, I, (c) ("To promote health and the general welfare").)

Carl Anderson added that what has been described to him is clearly a distraction. If you have a sign that is changing, whether it is changing every 5 minutes, every 20 minutes, or even every 2 or 3 days; people in this Town are going to be trained to look for that sign whether they are going down Factory Hill or up Factory Hill to see if there is a penny sale coming up, a balloon rally, or a meeting with the Historical Society. Whatever it is, people are going to be trying to see what is going on because it's been said this is basically a replacement for the Suncook Valley Sun.

Carl Anderson said everybody knows how much the paper was missed when it went out. People in Town want to know what is going on and he gets that but they shouldn't be doing it at the top of Factory Hill. Not on a curve with hill coming/going on Main Street with two streets to the right coming out onto Factory Hill. Marshall Court is halfway down Factory Hill with people coming in/out and Joy Street on the left at the bottom of Factory Hill with tractor trailers crossways in the road trying to get in/out of Amenico LLC.

Carl Anderson said if you down over Factory Hill, the Historical Society building is at such an angle that you can't see it face on until you are into the curve and starting down the hill so you would have to take your eyes off the road to look over. When you come up the hill, same thing, in order to see that sign head on you are going to have to look directly at it. Carl Anderson said whether it's illuminated or not doesn't concern him, safety concerns him and he feels that it fails the zoning ordinance on signs.

the fact that it's illuminated or not doesn't concern him. What concerns him is that it fails the zoning ordinance on signs.

Carl Anderson said just because the sign doesn't animate or flash, it still fails item 4 in the Zoning ordinance on conditions for outdoor signs because of the safety issue; shall not interfere with pedestrian or vehicular traffic. The sign will be a distraction and will be in a hazardous spot. The hill gets slippery and it's going to be in a place that will encourage people to take their eyes off the road. It

would be far less dangerous to have a sign everyone looks at once to know what it says instead of a sign that will be constantly changing messages.

Carl Anderson said that he lives on a little bit of a curve and has had someone come along and take out his and a neighbor's mailbox just from being distracted for a second. There was recently a distracted motorcyclist coming up over the hill that took out a jersey barrier in Town. Carl Anderson said installing a sign at this spot fails safety in both the Site Plan Review regulations and the Zoning ordinance and for this reason the sign shouldn't be approved.

Ray Ramsey said as a new Board member he was most concerned with whether the rules, regulations, stipulations and procedures are being followed. Ray Ramsey said he doesn't see anyone being treated unfairly as was mentioned and that he understands the Historical Society's need for a sign. If the Select Board made a deal with the Historical Society against illuminated signs then where does that come into play.

Carl Anderson said what the Select Board and Historical Society did or didn't agree on shouldn't weight on the decision being made by the Planning Board tonight.

Mike Patnell with Watchfire Signs addressed the Board saying he respects the opinion of the Town because it is important. The facts are LED signs are safe and area actually safer than non-lit signs where someone is turning around trying to read it. Mike Patnell said that there have been studies done by the Federal Highway Bureau and Texas A&M College proving LED signs do not cause accidents and that is what is factual.

Mike Patnell said the typical older signs are more distracting compared to the LED signs. It isn't an older sign with 8 lines of running text like some of the older style message boards. The LED sign allows the driver to see a quick clear message while driving past. The Historical Society took the time to look things over and realized they could spend their money on a text message board or they could have something that allows a quick graphic up there for the brain to make a connection quickly. People will drive by and quickly and clearly absorb the message because it's done tastefully while being used as a community board.

Carl Anderson reiterated his feelings that an illuminated sign isn't his biggest concern, it's the safety issue of being distracted while driving due to where the sign will be installed and so far, he hasn't heard anything tonight to make him feel any safer about it.

Mike Patnell added that Massachusetts State DOT did a 2-year comprehensive study on digital billboards on highways that included jug handles. The study found they had less accidents at the jug handles once installed than when they didn't have a digital sign because people can see them clearly and are more aware. Mike Patnell said that he has put up hundreds of signs up and down the East coast and has sat on many Boards looking into adding an illuminated sign. The issue is usually the acceptance of new technology. There will always be people who get distracted whether it's a flapping balloon text, someone walking across a street, or a banner on a building.

Mike Patnell said the town's current zoning code restrictions apply to the older flashing digital signs and not the sign being proposed. The company took out the flash option in the software 6 years ago because they were concerned about safety and they would like to work with the Town to help the

Historical Society promote their building so people will know what is going on inside. Watchfire Signs would like the Board's approval for the sign so they can come back and work with the community to lay out the specifics in the plan.

Casey Saldwell, a Loudon citizen and representative from Watchfire Signs, asked the Board members if an accident has ever occurred in the intersection on the Factory Hill.

The Board members said they didn't know of one. Adam asked if anyone else had any input before calling a motion. Board members discussed whether they should have the Historical Society come back with a specific plan before approving or to continue with a vote on allowing a sign in the first place. Board members agreed to take a vote.

Carl Anderson: I motion to deny the request for the revision to the Site Plan Review and deny the sign.

The motion failed with no second.

Adam: I motion to approve the revision of the Site Plan to allow the electronic board with no more than 470 candles at night, a 5-minute hold time on messages, and a turn on time of 10:00 p.m. to 7:00 a.m.

Randy Severance: Second.

Discussion: None.

Motion carried 4-1-0. Adam Gauthier – yes, Matt St. George– no, Ray Ramsey – yes, Randy Severance – yes, Carl Anderson – no.

Board members thanked the Historical Society and Watchfire Signs for coming to the meeting. Adam Gauthier notified the applicant that there would be a 30-day appeal period.

Adam Gauthier thanked Randy Severance and released him from the table to welcome Clayton Wood back.

ITEM 6. Conceptual discussions:

a. Matthew & Jill Fudala R21-9

Adam Gauthier welcomed Matthew Fudala to come before the Board. Adam Gauthier reminded Mr. Fudala that this was a general conceptual discussion and anything said would be nonbinding.

Matthew Fudala introduced himself and said that he moved to Pittsfield in 2001 and purchased a little 3-acre lot but has since purchased the existing property next door in the summer of 2019 resulting in around 30 acres in total and would like to now sale off 2 acres in the bottom right-hand corner of his property.

Matthew Fudala said he has walked around the property and stated the 2 acres has exceeded the requirements for road side frontage. The realtor who sold him both properties suggested coming to the Board so see about an exemption to survey the 2 acres instead of the total 30 acres.

Clayton Wood asked when the land was last surveyed.

Matthew Fudala said that he wasn't sure but assumes the property lines haven't changed since purchase.

Clayton Wood suggested either the Board or applicant look into the Registerer of Deeds to find the last

recorded survey.

Carl Anderson said that it's possible the land was never surveyed which if that is the case, the applicant would need to look around for a surveyor who would do a small parcel. Most surveyors want to do the entire parcel to close a loop.

Bonnie Theriault noted the registrar being under strict protocol due to COVID-19 so calling to make an appointment might be the best way to get information.

Adam Gauthier pointed out that the 2 acres Matthew Fudala would like to sell should be on the right side of the power lines on his 30-acre property because the right side is suburban while the left side is rural. Adam Gauthier asked if the 2 acres had access to Town water or sewer.

Matthew Fudala said yes, across the street.

Clayton Wood said the applicant could also look into the bank loan information to see if a survey was done since banks are particular about property lines as well as approval for selling separate or subdivided property without permission.

After further discussion, Board members all agreed for the applicant to look into established property lines to see what surveys have already been done before coming in for another meeting to get approval. The Board thanked Matthew Fudala for coming in and let him know he could contact them with any other questions or concerns in the meantime.

b. Scott Frankiewicz R49-17

Adam Gauthier welcomed Scott Frankiewicz to the Board and let him know that this was a general conceptual discussion and anything said would be nonbinding.

Scott Frankiewicz introduced himself as a representative of NH Land Consultants. The property owner is Dave Pelletier of Dave Pelletier Construction. The property is a single lot of 6.74 acres in the rural zoning district which the owner would like to subdivide it into 3 lots. The property has been surveyed with the wetlands delineated by David Burr.

Scott Frankiewicz said that the proposed division would allow one lot with a Dowboro Road frontage. This lot currently holds a worn-down house/barn that someone is coming to remove and preserve. Access will come off of Dowboro Road. The second lot will have 265 feet of frontage on Dowboro Road and 350 feet of frontage on Prescott Road. The last lot will be where the pond is, which is completely on Prescott Road. Scott Frankiewicz said the reason he came before the Board was to find out if there is an easement for the Town or access to an existing driveway going to the pond.

Adam Gauthier asked if the new house would be put where the old barn/house sits now.

Scott Frankiewicz said no, that it would be completely removed and the new house will be setback.

Adam Gauthier asked if there was a wetland setback.

Scott Frankiewicz said there wasn't a wetland setback that he could find so they were going by the State recommendations. The leach field has to be 50-75 feet away from the pond to govern where the house will go and it will be well away from the pond.

Scott Frankiewicz wanted to know if there were any fire cistern regulations that might require a waiver.

Bonnie Theriault said that she would contact the fire department to see if they have any paperwork regarding an easement and will email any new information.

The Board thanked Scott Frankiewicz for coming in. Scott Frankiewicz said he would submit an application by Monday's deadline.

c. Rick Turner R54-11

Adam Gauthier welcomed Rick Turner to the Board and let him know that this was a general discussion and anything said would be nonbinding.

Rick Turner introduced himself and said that he was here to represent Peter Teloian. Peter Teloian has 100 acres and would like to subdivide out around 5 acres. Since it would be over 5 acres, it won't require state subdivision approval.

Adam Gauthier asked if the property had a shared driveway.

Rick Turner said that yes, it does from a plan approved by the Board in 1985. The property was owned by the same family and the driveway was approved back then. The wetlands have been delineated by David Burr and are shown on the plan. There are two good size wet pockets; one between the house and road and another, if looking at the plat, on the left-hand side.

Rick Turner said he was here because he wanted to know if the Board required elevations on the topography and if he needed a waiver. The state doesn't need one because there is no proposed building or construction due to the house, driveway, well and septic already existing. The septic was approved in 1985 when the house was built. Rick Turner said that topography is usually reserved for when someone is building something to see before and after.

Adam Gauthier suggested that Rick Turner go ahead with the application process and the Board would act accordingly.

Rick Turner asked if the whole property would need to be surveyed saying that he found the preliminary survey that was done in 1985 but wasn't sure if the plan was put in the registry of deeds.

Clayton Wood said that it was another instance of no pins during a survey and asked how anyone is supposed to mark it properly.

Randy Severance asked if a survey was done before the house was built.

Rick Turner said that a line was established in 1985 when the house was built.

Bonnie Theriault said that the line borders Epsom so they would qualify as an abutter and have to be notified. Bonnie Theriault suggested that Epsom might also have a map to add to the file that Rick Turner could submit with the application to make the process easier. Application, waivers, and abutter notices would need to be submitted by Monday's deadline for next month's meeting. The Board thanked Rick Turner for coming in and to contact them if he had any other questions.

ITEM 7. Review and accept 2021 2 proposed Zoning Amendments and 2 *Citizen Petitioned Zoning Amendments.

a. ADD to Article 3, Zoning Districts, 3. Use Regulations, (6) Table of Uses and Districts - MANUFACTURED HOUSING: Urban & Commercial (N), Suburban, Rural & Lt. Industrial/Commercial (Y) The purpose of Amendment No. 1 is to prohibit placing manufactured housing (mobile homes) in the concentrated downtown area.

b. ACCESSORY DWELLING UNIT: Accessory Dwelling Unit means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. "Detached dwelling unit" in RSA 674:73, units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX.

3. Requirement/Limitations

a. Building Permit is required.

b. Only one (1) accessory dwelling unit shall be allowed per principal single family dwelling unit and/or lot.

c. The accessory dwelling unit shall be no greater than 1,000 sq. ft.

d. Detached Accessory Dwelling Units are allowed. These detached ADU's maybe combined with or part of garages or storage areas.

e. If an Accessory Dwelling Unit is Attached, an interior door shall be provided between the principal dwelling and the ADU, but it is not required to remain unlocked. Posted 12-09-2020

f. Maximum number of bedrooms allowed in the ADU is two (2).

g. Water supply and sewage disposal must comply with all town and state regulations.

h. Adequate off-street parking must be provided.

i. OWNER OCCUPIED: Owner of the property must occupy either principal dwelling or ADU. The purpose of Amendment No. 2 is to provide expanded housing opportunities and flexibility in household arrangements, accessory dwelling units/detached accessory units shall be permitted within or attached to an existing single-family home or as a separate housing unit on the single-family home's lot.

c. *Are you in favor of an amendment to the town zoning ordinance to restore the court case citations that the 2020 annual town meeting removed via 2020 warrant article 2 at the request of the board of selectmen? (By petition)

d. *Are you in favor of an amendment to the town zoning ordinance to permit two storage containers per lot throughout the town and to exempt storage containers throughout the town from the current requirements that all storage containers in any zoning district must be on a lot only temporarily and must have a permit from the zoning ordinance administrator? The proposed amendment makes these changes by (1) deleting article 14, section 3, paragraphs (c), (e), and (f), as shown below; (2) by deleting from article 14, section 3, paragraph (d), the words shown below in strikethrough; and (3) relettering old paragraph (d) as new paragraph (c) as shown below with underlining and strikethrough. The paragraphs below use underlining and strikethrough only to show what is added or deleted; the underlining and strikethrough are no included in the text of the revised paragraphs.

~~(c) No more than one STORAGE CONTAINER shall be on the LOT if the LOT is in the Urban District, the Suburban District, or the Rural District.~~

~~(d)~~ (c) No more than two STORAGE CONTAINERS shall be on the LOT if the LOT is in the Commercial District or the Light Industrial/Commercial District.

~~(e) The sum of the time during which one or more STORAGE CONTAINERS are on any one LOT during any 15-month period shall be no more than 12 months.~~

~~(f) The owner of the LOT where the STORAGE CONTAINER will be put shall tell the zoning ordinance administrator the date when the STORAGE CONTAINER is proposed to be put on the LOT. The zoning ordinance administrator shall issue a permit for the STORAGE CONTAINER, and the permit shall state the date when the STORAGE CONTAINER is proposed to be put on the LOT. (By petition)~~

Board members reviewed the proposed Zoning Amendments along with the Public Petitions for Zoning Amendments. The public petitions were accepted and a Public Hearing set for Thursday December 17, 2020 at 7:00 p.m. for further input.

ITEM 8. Review email from Charles Eccleston regarding R3-7-4 Bailey Drive

Bonnie Theriault caught the newer Board members up on the Bailey Drive issue. Bailey Park is a cluster subdivision which has to meet less criteria than the standard subdivision, meaning there are smaller lots and there is some give and take in the process. Usually, the developer will deed some land to the Town for open space but it appears that the subdivision was going through the process and the developers didn't finish their end of the deal by putting in pins or deeding the land over to the Town. At that time, the Planning Board wrote a letter to the building inspector asking that no one be issued a permit until the builders uphold their end of the agreement. Two different builders were told what they needed to do but never fixed the situation.

When the plan was recorded, a notation said that the building footprint can't be over 1,008 feet so any lot that builds can only build to the 1,008 feet. Someone recently looked into applying for an ADU but it turns out the property had exactly 1,008 feet already. There is another property in the subdivision that is 1,500 square feet and another that is 8-900 square feet. This started an inquiry into what was going on and researching for more information.

Bonnie Theriault said the information they could find was sent to the town attorney to find out if the Board had authority to put a note on the plan to begin with but they requested more information in order to give a recommendation. Bonnie Theriault said in the last most recent Planning Board meeting there was a discussion about sending more information in to the attorney to try to investigate further but it would cost more tax payer money to do so. Board members decided through a vote to not send in more information at this time and that the property owners would most likely need to move forward with a civil action against the builders since the Town can't take action on property it doesn't own.

After the last meeting, Bonnie Theriault said she got an email from property owner Charles Eccleston who was very upset. Charles Eccleston said that he has had his property for 10 years and has had the opportunity to sell but can't get a building permit so no one follows through. Charles Eccleston would like to move forward since taxes have gone up but he can't and feels like a hostage and wants to know if the Town will force the developer to do something with the open space.

Adam Gauthier said that he would try to look into it further to see if the Board has a footing since the agreement was between the Town and the developer and the developer needs to meet the conditions on the plat.

ITEM 9. Review Rules of Procedure and vote on any amendments

a. Address the items that need updating within the document

Clayton Wood: I make a motion to approve the current Rules of Procedure.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Clayton Wood – yes, Carl Anderson – yes.

ITEM 10. Selectmen's report

None.

ITEM 11. Members' concerns

Matt St. George said he wasn't trying to sound unfair in the earlier discussions with the Historical Society, he just wanted to make sure he was reading the regulations and information correctly. Clayton Wood said the main issue seemed to be about safety and everyone was able to move through and get past it. The Historical Society never expected to have the money to get a sign like this and they are very grateful for the generous donation.

ITEM 12. Adjournment

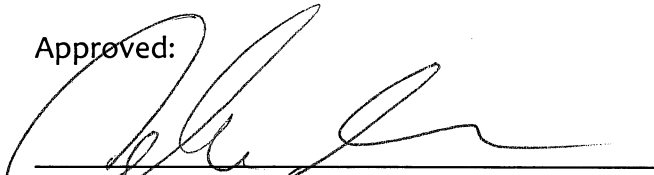
Carl Anderson: I make a motion to adjourn at 9:40 p.m.

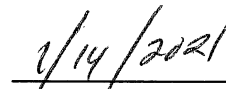
Clayton Wood: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Clayton Wood – yes, Carl Anderson – yes.

Approved:


Adam Gauthier, Chairman


Date