

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

MEETING MINUTES OF Thursday October 15, 2020

ITEM 1. - CALL TO ORDER

Call to order at 7:00 P.M. by Adam Gauthier, Chair of the Planning Board.

ITEM 2. – ROLL CALL

Adam Gauthier – Chair

Matt St. George – Vice Chair

Jim Adams - Ex officio Alternate, left the meeting at 8:07 P.M.

Ray Ramsey – Alternate

MEMBERS ABSENT

Clayton Wood

Carl Anderson – Ex officio Alternate

Randy Severance - Alternate

OTHERS PRESENT

Bonnie Theriault – Administrative Assistant

ITEM 3. –PUBLIC INPUT

None.

ITEM 4. - APPROVAL OF MINUTES OF THE OCTOBER 1, 2020

Matt St. George motioned to approve the October 1, 2020 meeting minutes.

Ray Ramsey: Second.

Discussion: None.

Motion carried 4-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Jim Adams – yes.

ITEM 5. – REVIEW RULES OF PROCEDURE AND VOTE ON ANY AMENDMENTS

a. Address the items that need updating within the document

Board members discussed the Rules of Procedures changes and took a vote on the amendments.

A full copy can be found at Town Hall. The following changes were proposed;

6 IV. 3. The code enforcement/compliance officer and the town administrator may provide other administrative assistance as the planning board needs.

6 V. I. No member of either the planning board or any committee appointed by the planning board may contact the town attorney without the planning board chair's permission or a vote by the board. In this rule "town attorney" means the town's legal representative and does not mean the New Hampshire

Municipal Association.

7 V. 2. *Questions about whether this still happens – Bonnie Theriault stated that she has sent an email to NHMA to double check with them.

9-10 VII. 7-11. (b) *Questions about the number of public input times and redundancy.

10 VII. 3. *Questions about needing reasons for disqualifications toward the end – Bonnie Theriault said that she would contact Central NH Regional Planning Commission to clarify before removal.

14 XII. 5. (c) & (d)

(c) that no member of the public, including the applicant, has a right to speak at a meeting to consider accepting an application as complete (RSA 676:4, I). *Case Law citations removed

(d) *Removed

16 XIII. 5. (a) through (e) *Combine information towards the front of the document.

Bonnie Theriault said that she will make the adjustments and ask Central NH Regional Planning to review it to make sure everything looks OK.

Matt St. George: I motion to agree to ask for Bonnie to go forward to ask the Select Board for council.

Ray Ramsey: Second.

Discussion: None.

Motion carried 3-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey – yes.

ITEM 6. – REVIEW AND DISCUSS POSSIBLE ZONING AMENDMENTS

Jim Adams said that the Select Board looked at the proposed amendments and changed a few items.

Proposed amendment for campers/RVs is as follows;

Proposed Amendment #1

Article 3. zoning districts, 3, use regulations, (6) Table of Uses and Districts

ADD one line;

Manufactured Housing: Urban & Commercial (N), Suburban, Rural & Lt. Industrial/Commercial (Y)

Effect of amendment; would prohibit placing manufactured housing (mobile homes) in the concentrated downtown area.

Proposed Amendment #2

Effect of proposed amendment; would prohibit RV's and campers from being used as permanent residences or to circumvent the present accessory apartment article.

Add an Article entitled Recreational Vehicles & Campers.

(1) Refer to Article 17, Floodplain Management, 4. Definitions, for "Recreational Vehicle" definition.

- (2) Any property owner or lessee may accommodate one recreational vehicle or camper upon his/her property for travel, camping, recreational or business purposes, whether the recreational vehicle is owned by the property owner, lessee or a non-paying guest of the owner/lessee, during the period of April 1st to December 1st, provided that during all periods of use the recreational vehicle remains mobile, legally registered and inspected (where applicable) and disposes septage in one of the following manners;
- (a) In a self-contained fully functional holding tank in the vehicle;
 - (b) In a septic system which is in compliance with all applicable New Hampshire Department of Environmental Services Rules and Regulations for a temporary connection to a fully functioning septic system.;
 - (c) Removal of septage from the vehicle by a licensed septic removal company;
 - (d) Disposal at a licensed septic disposal facility.
 - (e) Legal connection to the municipal wastewater treatment system.

Unlawful disposal of septage will result in an immediate order to remove the recreational vehicle and assessment of applicable fines and the financial responsibility to fully remediate the polluted area.

- (3) A property owner or lessee may place recreational vehicles on their property for temporary non-commercial usage of not more than a total of 14 days in a calendar year without complying with the cap on one RV/camper or seasonal restriction stated in section 2 (above). Any such use must comply with the septic disposal as specified in paragraph 2 and the setback requirement specified in item 4.
- (4) All campers or recreational vehicles, whether "in use" or parked or not in use, must meet the setback requirements for buildings in Article 3; 4 Dimensional regulations, (h) Table of Dimensional Requirements.

Adam Gauthier asked if anyone had any comments or public input.

Dawn Calley-Murdough asked for clarification for the purpose of the setback limits.

Adam Gauthier said that the setbacks will fall upon the setback ordinance which states that you can't build within the setbacks right now.

Dawn Calley-Murdough asked if that included registered vehicles. If a camper is registered what would the difference be between a camper that is registered vs a car/truck parked in the same place if registered vehicles do not apply.

Matt St. George said it was a very good question and something they should look into more. If talking about a parking camper for storage within setbacks and it's a registered vehicle, then why restrict that compared to the use of a camper for a longer duration of time.

Jim Adams pointed out that this is the reason for the meeting. To look over the draft and hash out any areas that need more work before the final draft.

Matt St. George said that the Board had thought about those who come for a short duration such as camping for family and friends coming during the balloon rally that wouldn't be held to the setbacks

during that time. Matt St. George said that they could certainly address it, because it's a good point. If someone is parking a registered camper it shouldn't be any different than parking a registered vehicle.

Dawn Calley-Murdough asked if the primary purpose of the proposed amendment was to take care of individuals who live in a travel trailer, camper, or pop-up camper year-round rather than use of campers/RVs as a traditional visit of a family relative or friend. Dawn Calley-Murdough had some concerns because she has a pop-up camper that stays in her yard and didn't know if she needed a permit with these changes.

Adam Gauthier said that yes, it is meant to keep campers and RVs from being used as permanent residence or accessory dwellings. It was also pointed out that within the ordinance, someone could go to the ZBA for a variance if they needed to.

Jim Adams said that the petition is for the citizens complaining who are tired of people living in RVs year-round. It's a public health issue because of septic and a standard law needs to be in place for all citizens to follow.

Matt St. George said that they weren't looking for a permit process. The discussion was brought to them because there were complaints and they wanted to figure out how to help by making sure people weren't using RVs for permanent residences. Matt St. George said that it doesn't mean there won't be a case of someone building a new home and needing to live in a camper for a specific amount of time. The Board isn't looking to stop that, they are trying to stop the use of campers permanently.

Ray Ramsey pointed out that they weren't trying to limit the number of campers someone has, but to stop someone from having 15 campers and using them as permanent residences on their property.

Dawn Calley-Murdough said that her main concern was that she owns a pop-up camper that is on her property line. If the current neighbors move out and another neighbor moves in that doesn't like the pop-up camper, whether it is on the property line or not, she would have to file a ZBA application and pay fees to stop a neighbor from fighting with her. The issue would go to the Town for involvement when it should be a civil matter.

Matt St. George said that the new proposal clearly states whether the RV is parked or not so they would need to discuss it more.

Adam Gauthier said that they just got the new proposal updates so they would need to compare them to see what changes might need to be made and thanked Dawn Calley-Murdough for her feedback.

Scot Palmer said that his issue is that he has a trailer in a spot where he can't meet the setbacks. When the trailer isn't being used, it's winterized and covered, but now he is being told that he will need to get a variance which costs him money just to be able to park his trailer where he wants it on his property.

Scot Palmer expressed frustration saying that it doesn't make sense to him, especially when the trailer is parked in his driveway all summer long and he pulls it from the driveway to all kinds of camp grounds. Scot Palmer said that he just barely made a driveway area so he can park it when not in use, but now this comes up saying that he can't park where he planned to between December 1st and April 1st.

Scot Palmer said that something should be in the proposed amendment for permanent parking and

winter storage. If he has to get a variance he will, but the area he spent money on graveling for storage is the only place he can keep his vehicle for storage.

Matt St. George said that one of the reasons they are here tonight is to work on the proposal by listening to public input to find the issues to work on.

Dawn Calley-Murdough said that the issue seems to be storage and use differences. Many in New England use campers seasonally in their yard and many have smaller lots where meeting the setbacks would be difficult for storage.

Dawn Calley-Murdough asked if she could give the Board members an example of what Nottingham did for another idea of how to take care of it. The Town of Nottingham Motor Homes and Travel Trailers ordinance is as follows;

P. Motor Homes and Travel Trailers

A Recreational Vehicle may be parked on a property provided the vehicle does not present a health or safety hazard or create a nuisance. Such a vehicle so parked shall not be used as a permanent dwelling unit, but may be occupied for a period of four (4) months with a permit issued by the Building Inspector. A thirty (30) day extension beyond this initial period can be granted with a maximum number of two (2) extensions being granted. Occupation of recreation vehicles are not to exceed a period of six (6) months within a 12-month period. The permit shall be lot specific, include dates of intended use, and any of the information required to insure conformance with all Town and State laws.

No more than one (1) recreational vehicle may be used for a temporary residence on any lot at any one time. Placement of a recreational vehicle shall comply with the current accessory structure setback requirements of the district where it is located, shall be in compliance with Zoning Ordinance Article IV, General Provisions, Section L, Sanitary Protection, and be approved by the code enforcement officer.

Recreational vehicles in use prior to the addition of this permitting requirement shall not be exempt from this permit.

Adam Gauthier thanked Dawn Calley-Murdough and Scot Palmer for their input. Board members said that they will look over the newly revised proposal and the example shared before further discussion during the next Planning Board meeting on November 12, 2020.

Adam Gauthier opened discussion for the proposed amendment draft for ZBA Accessory Dwelling Units. The proposed amendment is as follows;

**2020-2021 DRAFT from ZBA
ACCESSORY DWELLING UNITS/DETACHED ACCESSORY UNITS**

1. Purpose

For the purpose of providing 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.

2. Definition

"Accessory dwelling unit" as defined in RSA 674:71, means a residential 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 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 units shall be no greater than 1,000 sq. ft.
- d. Detached Accessory Dwellings Units are allowed. These detached ADU's maybe combined with or part of garages or storage areas.
- e. If an Accessory Dwellings Unit is Attached, an interior door shall be provided between the principal dwelling and the ADU, but it is not required to remain unlocked.
- 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.

(6) Table of Uses and Districts:

Type of Use	Table of Uses and Districts				
	Urban	Suburb.	Rural	Comm.	Lt.Ind/Comm.
ACCESSORY APARTMENT	E	E	E	E	E
DETACHED ACCESSORY DWELLING UNIT	Y	Y	Y	Y	Y

ACCESSORY USE, ACCESSORY STRUCTURE, OR other accessory object not explicitly regulated	Y	Y	Y	Y	Y
AGRICULTURE as the keeping of livestock, poultry, or other animals	N	E	Y	N	N
AGRICULTURE as the tilling of soil and the growing and harvesting of crops and horticultural commodities	Y	Y	Y	Y	Y
AGRICULTURE of types not listed elsewhere in this table	N	E	Y	N	N
AIRPORT as an ACCESSORY USE	N	N	E	N	E
AIRPORT as a PRINCIPAL USE	N	N	E	N	E
AMUSEMENT (INDOOR)	N	N	E	E	E
AMUSEMENT (OUTDOOR)	N	N	E	E	E
AUTOMOBILE DEALER	N	N	N	N	Y
AUTOMOBILE FILLING STATION	N	N	N	N	Y
AUTOMOBILE REPAIR SHOP, MAJOR	N	N	E	Y	Y
AUTOMOBILE REPAIR SHOP, MINOR	Y	N	E	Y	Y
BAKERY as a PRINCIPAL USE	N	N	Y	E	E

BED-AND-BREAKFAST	Y	Y	Y	Y	Y
CAMPGROUND	N	N	Y	N	E
CEMETERY	N	N	E	N	N
CHILD DAY CARE AGENCY	E	E	E	N	N
CHURCH	Y	N	E	Y	N
CLUSTER DEVELOPMENT	N	E	E	N	N
CONFERENCE CENTER	N	E	E	N	Y
CONSERVATION USE	Y	Y	Y	Y	Y
DWELLING ABOVE BUSINESS	E	E	E	Y	E
DWELLING, MULTI-FAMILY	E	N	N	N	N
DWELLING, SINGLE-FAMILY	Y	Y	Y	Y	Y
DWELLING, TWO-FAMILY	E	N	N	N	N
EXECUTIVE HEADQUARTERS	N	Y	N	Y	Y
FLEA MARKET	N	N	N	N	Y
FORESTRY	N	Y	Y	N	N
FUEL STORAGE (OIL OR PROPANE)	N	N	N	N	Y
FUNERAL HOME	N	N	N	Y	Y
Government Office (Nonlocal Government)	N	Y	N	Y	Y

ACCESSORY APARTMENT:

- (a) In this definition of "ACCESSORY APARTMENT," "house" means a DETACHED DWELLING>
- (b) "ACCESSORY APARTMENT" means the ACCESSORY DWELLING UNIT in a house that contains one PRINCIPAL DWELLING UNIT, one ACCESSORY DWELLING UNIT, and no other DWELLING UNITS.
- (c) Except as provide in article 4, section 3, Nonconforming Uses, every permissible ACCESSORY APARTMENT shall satisfy the following conditions and all other applicable conditions in the zoning ordinance:

- (1) The ACCESSORY APARTMENT shall share a common wall with or be under the same roof with the PRINCIPAL DWELLING UNIT.
- (2) The ACCESSORY APARTMENT shall have an interior door between the PRINCIPAL DWELLING UNIT and the ACCESSORY APARTMENT, but this door is not required to remain unlocked. (RSA 674:72, III.)
- (3) The ACCESSORY APARTMENT shall have a gross floor area that is less than or equal to 750 square feet. (See RSA 674:72, VII.) In this condition, "gross floor area" of an ACCESSORY APARTMENT means the sum of the areas of all floors of the ACCESSORY APARTMENT, as measured from the exterior faces of the wall or from the center line of a wall separating the ACCESSORY APARTMENT from the PRINCIPAL DWELLING UNIT.
- (4) The ACCESSORY APARTMENT shall be in a DWELLING where the owner of the DWELLING has his principal place of residence. The owner's principal place of residence may be either the PRINCIPAL DWELLING UNIT or the ACCESSORY APARTMENT. (See RSA 674:72, VI.)

ACCESSORY BUILDING: "ACCESSORY BUILDING" means an ACCESSORY STRUCTURE that is a BUILDING.

ACCESSORY STRUCTURE: "ACCESSORY STRUCTURE" means a DETACHED STRUCTURE whose use is occasioned by and subordinate to a PRINCIPAL USE and that is on the same LOT with the PRINCIPAL USE.

ACCESSORY USE: "ACCESSORY USE" means a use that is occasioned by, subordinate to, and on the same LOT with a PRINCIPAL USE.

ACTIVITY, NONCONFORMING: See NONCONFORMING ACTIVITY.

The Board members stated that the proposal includes a change of use by right instead of needing to come to the ZBA for a special exception. It is meant to make the process easier and cost efficient for applicants who meet the requirements and setbacks for a permit.

The Board members reviewed the proposal to see if it flows with what the State RSA says and will send it to council for further review.

Jim Adams: I motion to send to council for further review.

Ray Ramsey: Second.

Discussion: None.

Motion carried 4-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Jim Adams – yes.

ITEM 7. – BRIDGE STREET ACCESSORY DWELLING UNIT INFO REQUEST

Diane Scagliotti of 1 Bridge Street addressed the Board requesting input for steps she will need to take in order to add an ADU to her existing property. The main house on the property is currently a 4-bedroom apartment complex. Diane Scagliotti would like to turn part of the barn/garage on the property into a one-bedroom/one bath apartment on the 1st floor of barn for herself adding a 5th apartment to the property.

Diane Scagliotti said that the proposed ADU would have water, sewer, and electricity from the main house. She has had an electrician look at it and was told that she would need new electrical boxes and wires. A contractor and plumber have also looked at the barn/garage and Diane Scagliotti stated that she spoke with Scott LaCroix, a very kind gentleman, who told her to come to the Planning Board to get further input on what she will need to do.

Board members let Diane Scagliotti know that this was an informal discussion and that no decisions would be made. Any discussion would be non-binding. Board members asked if the outside of the building would be changed at all.

Diane Scagliotti said that the only thing on the outside of the building that would be changed is a barn/garage door that would be turned into a slider.

Board members discussed whether the request would be a Planning Board matter or something for the ZBA to take care of. Board members let Diane Scagliotti know that they would need to look through and investigate the matter further in order to give a clear answer on whether she could meet with the ZBA or proceed with Scott LaCroix for a permit. Adam thanked Diane Scagliotti for coming in and said that the Board would get back to her as soon as possible.

ITEM 8. – BAILEY PARK APPLICANT

The Planning Board received an application from a resident in Bailey Park for an Accessory Dwelling Unit. Bonnie Theriault stated that somewhere along the way a letter was written that there was a stop on building permits for the housing area due to not meeting certain requirements for cluster subdivisions.

Bonnie Theriault shared a letter from the previous Planning Board dated November 2012 as follows;

The Planning Board asks that you please withhold building permits on naked lots in Bailey Park until further notice from the Planning Board. Please note that this request to withhold building permits does not apply to lots that already have buildings. The reason for the request to withhold building permits is that Bailey Park has never satisfied one, it's conditions, precedent subdivisional approval.

Bailey Park is a cluster development and the unsatisfied condition requires the following; Ownership and maintenance of the required common open space area in a cluster development must be determined and legally established prior to Planning Board approval of the subdivision to ensure permanent protection of the open space from development.

The request to withhold building permits does not apply to improved lots because the owners of improved lots have vested rights. The owner's rights are vested because the Planning Board mistakenly endorsed the Bailey Park plat without first finding that the subdivision application satisfied the subject conditions and because two the owners of improved lots built with good faith belief that they had the right to build.

The Planning Board will make priority in encouraging and helping the owners of Bailey Park to find a way to satisfy the subject condition. The Board has discussed contacting all of the owners of Bailey Park and soliciting suggestions to satisfy the conditions and the Board will notify you if Bailey Park does satisfy the conditions.

Bonnie Theriault also shared what was read at a Notice of Public Hearing to describe the history of Bailey Park's conservation restriction problem.

On June 15, 2006 the Planning Board mistakenly endorsed Bailey Park subdivision plat when the developer had not imposed a conservation restriction on the required conservation area. The Planning Board's notice of decision March 31, 2006 condition one and the Planning Board's report on Bailey Park March 3, 2010 the Board has asked the Building Inspector to withdraw building permits for Bailey Park until the required conservation area has a conservation restriction.

The Board notified all of Bailey Park owners of the building permit moratorium. The purpose of the means to impose a conservation restriction on a conservation area so that the Board can let the building permit moratorium. In 2010 K&M Developers asked the Board to force the then current residents of Bailey Park into a home owners association that would be responsible for the obligation because their building rights have vested.

Bailey Park into a home owners association that would be responsible for the conservation but the Town cannot ask the residents to assume such obligations of the building rights have vested. Consequently, the fact of multiple owners complicates the problem. The Board consulted the Building Inspector and Central NH Regional Planning and decided that tonight's discussion might lead to a solution.

Bonnie Theriault stated that a decision wasn't made during that meeting so she had reached out to the Town attorney to see what the next steps are in the process.

Bonnie Theriault let the Board members know that she heard back from the Town attorney regarding the matter. Letter is as follows;

Hi, Cara.

I have been meaning to get back to you on this one. My apologies for the delay. Let me just say first that this matter is about 8 years old, and the fact that no one challenged the Planning Board's decision under RSA 677:15 presents a problem with respect to correcting something now.

That said, I reviewed the attachments you sent over, as well as the Zoning Ordinance. It appears that there is limitation on lot coverage that is calculated on a percentage basis against the overall lot area. This is found in Article 3, Section 4 (h). Article 3, Section 4 (g) provides: "Maximum Floor Area Ratio: Except as provided in article 4, section 3, Nonconforming Uses, every LOT and all BUILDINGS on the LOT shall have a FLOOR AREA RATIO that is less than or equal to the maximum FLOOR AREA RATIO specified by article 3, section 4, (h), Table of Dimensional Requirements." My question is whether the 1008 sf coverage area provided for in condition 12 is correct under the Zoning Ordinance. If so, then the Planning Board correctly applied the Zoning Ordinance.

I note that Article 8 (Cluster Developments) of the Zoning Ordinance does say that the ZBA, with the Planning Board's concurrence, can waive the lot coverage restrictions discussed above. Typically, it is incumbent upon the applicant to request waivers, so my next question is whether a waiver was ever sought as part of the ZBA process and, if so,

was it granted. Or, did the ZBA ever choose to waive the lot coverage limitation on its own when it was reviewing the project?

Answering these questions will involve reviewing the prior ZBA and PB files, which I do not have.

-Matt

From the recently received letter, it seems that more documents and information are needed before a decision can be made. Bonnie said she can scan all the information she has and send copies via email to Board members to look over further. Clarification is needed on whether the stop by the Planning Board was legal and if it was, if it was intended for building new houses or if it referred to already built homes since the area is technically not a finished subdivision yet.

The Board members agreed to look over the documents to see if there is an easy solution to the problem before requesting it to be sent to Town council for more input.

ITEM 9. – PLANNING BOARD MEETING DATES 7 APPLICATION DEADLINES FOR 2020-2021 SESSION – SESSION AMENDED 10-15-20

Scheduled Regular Meeting Dates	Application Filing Date Deadline
April 2, 2020	March 12, 2020
May 7, 2020	April 16, 2020
June 4, 2020	May 14, 2020
July 2, 2020	June 11, 2020
August 6, 2020	July 16, 2020
September 3, 2020	August 13, 2020
October 1, 2020	September 10, 2020
November 12, 2020	October 16, 2020
December 10, 2020	November 13, 2020
December 17, 2020	November 20, 2020
January 14, 2021	December 14, 2020
February 11, 2021	January 15, 2021
March 11, 2021	February 12, 2021
April 8, 2021	March 15, 2021

ITEM 10. - SELECTMEN'S REPORT

Jim Adams let the Planning Board know that a public meeting would need to be made for feedback concerning the Historical Society outdoor lighted sign request as well as notifying the abutters. Adam Gauthier will let the Historical Society know that they will have to apply to come before the Board for further review.

ITEM 11. – MEMBERS' CONCERNS

Adam Gauthier said that due to COVID-19, the school district is limiting outside people from using the building so the Board members would need to think about where to hold the upcoming Public Hearings to accommodate the public who might want to attend.

Adam Gauthier also suggested posting the Planning Board draft minutes to the Town website to further the transparency they are trying to achieve with the public.

ITEM 12. – ADJOURNMENT

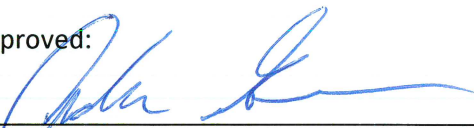
Matt St. George: I make a motion to adjourn at 9:37 P.M.

Ray Ramsey: Second.

Discussion: None.

Motion carried 3-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey – yes.

Approved:



Adam Gauthier, Chairman

11/12/2020

Date

