

2019 ANNUAL TOWN MEETING WARRANT (amended)

STATE OF NEW HAMPSHIRE TOWN OF PITTSFIELD

To the inhabitants of the Town of Pittsfield in the County of Merrimack, in said State, qualified to vote in Town affairs:

You are hereby notified to meet for the first session of the annual meeting, to be held in the Pittsfield Elementary School Gymnasium at 34 Bow Street in said Pittsfield on Monday, February 4, 2019, at 7:00 p.m. This first (deliberative) session, for the transaction of all business other than voting by official ballot, shall consist of explanation, discussion, and debate of each warrant article as allowed by law. In the event of inclement weather, the snow date for the first session will be Tuesday, February 5, 2019 at 7:00 p.m. at the same location.

You are also notified to meet for the second session of the annual meeting, to be held in the Town Hall Meeting Room at 85 Main Street in said Pittsfield on Tuesday, March 12, 2019, to vote on all of the 2019 annual town meeting warrant articles by official ballot. The polls will open at 7:00 a.m. and will close at 7:00 p.m.

Article 1:

To choose by ballot the following officers:

- one Cemetery Trustee for a three (3) year term
- one Library Trustee for a three (3) year term
- one Planning Board member for a three (3) year term
- two Board of Selectmen members for a three (3) year term
- one Trustee of the Trust Funds for a three (3) year term
- one Zoning Board of Adjustment member for a three (3) year term
- one Zoning Board of Adjustment member for a two (2) year term
- one Zoning Board of Adjustment member for a one (1) year term

Article 2 - proposed Pittsfield Zoning Ordinance amendment #1

Are you in favor of **amending** the zoning ordinance, as proposed by the Select Board, **Article 3, Section 3(b)(6), Table of Uses and Districts**, as follows:

- (1) change DWELLING, SINGLE FAMILY, from prohibited (N) to **permitted by right (Y)** in both the Commercial and the Light Ind./Commercial Districts.
- (2) change HOME OCCUPATION from prohibited (N) to **permitted by right (Y)** in the Comm. and Light Ind./Comm. Districts.
- (3) change BED-AND-BREAKFAST from prohibited (N) to **permitted by right (Y)** in the Comm. and Light Ind./Comm. Districts.
- (4) change ACCESSORY APARTMENT from prohibited (N) to **permitted by special exception (E)** in the Comm. and Light Ind./Comm. Districts.?

(Not Recommended by the Planning Board 2-3-0)

(Recommended by the Board of Selectmen 5-0-0)

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Article 3 - proposed Pittsfield Zoning Ordinance amendment #2

Are you in favor of **repealing**, as proposed by the Select Board, **Article 2, Section 3 (c) (5)** of the zoning ordinance which presently reads; The ACCESSORY APARTMENT shall not be rented.?

(Not Recommended by the Planning Board 2-3-0)

(Recommended by the Board of Selectmen 5-0-0)

Article 4 - proposed Pittsfield Zoning Ordinance amendment #3

Are you in favor of **repealing** from the zoning ordinance, as proposed by the Select Board, **Article 4, Section 5, Development of Nonconforming Conventional Lots, (a)** The subject LOT is not CONTIGUOUS to any other LOT under common ownership. (see Vachon v. Concord, 112 N.H. 107, 289 A.2d 646 (1972), and repealing **Article 4, Section 5, Development of Nonconforming Conventional Lots, (b)** The subject LOT has not been CONTIGUOUS to any other LOT under common ownership since the date when the subject LOT was first a NONCONFORMING LOT or since the effective date of adoption of this condition (March 14, 2017), whichever date is later.?

(Not Recommended by the Planning Board 2-3-0)

(Recommended by the Board of Selectmen 4-0-1)

Article 5 - proposed Pittsfield Zoning Ordinance amendment #4

Are you in favor of **amending** the zoning ordinance, as proposed by the Select Board, **Article 3, Section 3, (c)** Number of Principal Structures Permitted on a Single Lot, and **Article 3, Section 3, (e)** Number of Uses Permitted on a Single Lot, as follows:

Article 3, Section 3, (c): No more than one PRINCIPAL **RESIDENTIAL** STRUCTURE shall be on any single LOT except as provided in article 2, section 3, RENEWABLE-ENERGY POWER PLANT, (b); article 18, Telecommunications Equipment and Facilities, section 18.4, B; or article 4, Nonconforming Uses and Lots.

Article 3, Section 3, (e), (2): The number of PRINCIPAL **RESIDENTIAL** STRUCTURES on the LOT shall be no more than one except as provided in article 2, section 3, RENEWABLE-ENERGY POWER PLANT, (b); article 18, Telecommunications Equipment and Facilities, section 18.4, B; or article 4, Nonconforming Uses and Lots.?

(Not Recommended by the Planning Board 2-3-0)

(Recommended by the Board of Selectmen 5-0-0)

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Article 6 - proposed Pittsfield Zoning Ordinance amendment #5

Are you in favor of the adoption of Amendment No. 5 (November 9, 2018 – PB#1) to the Town of Pittsfield Zoning Ordinance as proposed by the planning board?

1. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “AGRICULTURE”, as follows: Delete the words as shown below with strikethrough, and add the words as shown below with underlining. The definition below uses strikethrough and underlining only to show what is deleted or added; the strikethrough and underlining are not included in the text of the revised definition.

AGRICULTURE: “AGRICULTURE” means agriculture as defined in RSA 21:34-a, II, effective June 16, 2016. (See RSA 674:32-a through ~~RSA 674:32-e~~ RSA 674:32-d, Agricultural Uses of Land, including RSA 674:32-a (“In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.”) and RSA 674:32-c, I (“The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.”).)

2. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “HOSPITAL”, as follows: Delete the words as shown below with strikethrough, and add the words as shown below with underlining. The definition below uses strikethrough and underlining only to show what is deleted or added; the strikethrough and underlining are not included in the text of the revised definition.

HOSPITAL: “HOSPITAL” means an institution which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term “HOSPITAL” includes psychiatric and substance abuse treatment HOSPITALS. (See ~~RSA 151-C:2, Definitions, XX~~ RSA 151:2, I, (a).)

3. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “NURSING HOME”, as follows: Delete the words as shown below with strikethrough, and add the words as shown below with underlining. The definition below uses strikethrough and underlining only to show what is deleted or added; the strikethrough and underlining are not included in the text of the revised definition.

NURSING HOME: “NURSING HOME” means a place which shall provide, for 2 or more persons, basic domiciliary services (board, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required. (See RSA 151-C:2, Definitions, ~~XXVI, repealed effective June 30, 2016; New Hampshire Code of Administrative Rules, He-P 803.03(aq), citing RSA 151-C:2, XXVI; RSA 151-A:1, IV; RSA 151:12-a, I.~~)

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4. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of "STREET", as follows: Add the words as shown below with underlining. The definition below uses underlining only to show what is added; the underlining is not included in the text of the revised definition.

STREET: "STREET" means either

- (a) a highway as defined in RSA 229:1 effective July 1, 2017, or
 - (b) a road dedicated to the public use but not accepted by the city or town in which the road is located.
5. Amend the whole zoning ordinance except article 6, section 3, (b), as follows: Replace "RSA 674:33, IV" with "RSA 674:33, IV, (a)" (in four places) but without the underlining on "(a)", which is only to show that this text is new.
 6. Amend zoning ordinance, **article 6, section 3, (b)**, as follows: Replace "RSA 674:33, IV" with "RSA 674:33, IV, (b)" but without the underlining on "(b)", which is only to show that this text is new.
 7. Amend the whole zoning ordinance as follows: Replace "RSA 674:33, I, (b)" with "RSA 674:33, I, (a), (2), and RSA 674:33, I, (b)" (in eight places) but without the underlining on "RSA 674:33, I, (a), (2), and", which is only to show that this text is new.
 8. Amend zoning ordinance, **article 5, section 3, Powers of Zoning Board of Adjustment**, as follows: Replace current paragraph I with the following new paragraph I but without the underlining, which is only to show that this paragraph replaces an existing paragraph:

I. (a) The zoning board of adjustment shall have the power to:

- (1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and
 - (2) Authorize, upon appeal in specific cases, a VARIANCE from the terms of the zoning ordinance if:
 - (A) The VARIANCE will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and
 - (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- (b) (1) For purposes of subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.

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- (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a VARIANCE is therefore necessary to enable a reasonable use of it.
- (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a VARIANCE is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.
- (c) The board shall use one voting method consistently for all applications until it formally votes to change the method. Any change in the board's voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change.

9. Amend zoning ordinance, **article 5, section 3, Powers of Zoning Board of Adjustment, paragraph I-a**, as follows: Add the text as shown below with underlining. The paragraph below uses underlining only to show what is added; the underlining is not included in the text of the revised paragraph:

I-a. (a) VARIANCES authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such VARIANCE shall expire within 6 months after the resolution of a planning application filed in reliance upon the VARIANCE.

(b) Every VARIANCE that was approved under paragraph I before August 19, 2013; that has not been exercised by the end of three years after the effective date of adoption of this subparagraph, that is, by March 12, 2022; and that the board of adjustment has not extended beyond March 12, 2022, for good cause shall be deemed abandoned and shall expire. (See RSA 674:33, I-a, (b); Piper v. Meredith, 110 N.H. 291, 266 A.2d 103 (1970); AWL Power v. Rochester, 148 N.H. 603, 813 A.2d 517 (2002); Pike Industries v. Woodward, 160 N.H. 259, 999 A.2d 257 (2010).) After the adoption of this subparagraph but on the same day as the adoption of this subparagraph, March 12, 2019, the planning board shall post notice in the town hall for one year that every VARIANCE approved under paragraph I before August 19, 2013, shall be deemed abandoned and shall expire unless the VARIANCE is exercised within two years after the notice's expiration date, March 12, 2020, or as further extended by the board of adjustment for good cause. (RSA 674:33, I-a, (b).) The notice shall state its expiration date prominently. (RSA 674:33, I-a, (b).)

10. Amend zoning ordinance, **article 5, section 3, Powers of Zoning Board of Adjustment, paragraph IV**, as follows: Add the text as shown below with underlining. The paragraph below uses underlining only to show what is added; the underlining is not included in the text of the revised paragraph.

IV. (a) The zoning board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make SPECIAL EXCEPTIONS to the terms of the zoning ordinance. All

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SPECIAL EXCEPTIONS shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

(b) SPECIAL EXCEPTIONS authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such SPECIAL EXCEPTION shall expire within 6 months after the resolution of a planning application filed in reliance upon the SPECIAL EXCEPTION.

(c) Every SPECIAL EXCEPTION permit that was approved before August 19, 2013; that has not been exercised by the end of three years after the effective date of adoption of this subparagraph, that is, by March 12, 2022; and that the board of adjustment has not extended beyond March 12, 2022, for good cause shall be deemed abandoned and shall expire. (See RSA 674:33, IV, (c); Piper v. Meredith, 110 N.H. 291, 266 A.2d 103 (1970); AWL Power v. Rochester, 148 N.H. 603, 813 A.2d 517 (2002); Pike Industries v. Woodward, 160 N.H. 259, 999 A.2d 257 (2010).) After the adoption of this subparagraph but on the same day as the adoption of this subparagraph, March 12, 2019, the planning board shall post notice in the town hall for one year that every SPECIAL EXCEPTION permit approved before August 19, 2013, shall be deemed abandoned and shall expire unless the SPECIAL EXCEPTION permit is exercised within two years after the notice's expiration date, March 12, 2020, or as further extended by the board of adjustment for good cause. (RSA 674:33, IV, (c).) The notice shall state its expiration date prominently. (RSA 674:33, IV, (c).)

11. Amend zoning ordinance, **article 5, section 6, Materially Similar Applications**, as follows: Add the case law citations as shown below with underlining. The list of citations below uses underlining only to show what is added; the underlining is not included in the text of the revised list of citations.

(Fisher v. Dover, 120 N.H. 187, 412 A.2d 1024 (1980); Morgenstern v. Rye, 147 N.H. 558, 794 A.2d 782 (2002); Hill-Grant Living Trust v. Kearsarge Lighting Precinct, 159 N.H. 529, 986 A.2d 662 (2009); CBDA Development v. Thornton, 137 A.3d 1107, 168 N.H. 715 (2016); Brandt Development Company of New Hampshire, LLC v. Somersworth, 162 N.H. 553, 34 A.3d 593 (2011).)

12. Amend zoning ordinance, **article 5, section 7, Public Hearing; Notice, paragraph I**, as follows: Delete the text as shown below with strikethrough, and add the text as shown below with underlining. The paragraph below uses strikethrough and underlining only to show what is deleted or added; the strikethrough and underlining are not included in the text of the revised paragraph.

The appellant and every ABUTTER and holder of CONSERVATION, preservation, or agricultural preservation RESTRICTIONS shall be notified of the hearing by ~~certified mail~~ verified mail, as defined in RSA 451-C:1, VII, stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all ABUTTERS and holders of CONSERVATION, preservation, or agricultural preservation

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RESTRICTIONS desiring to submit testimony and all nonABUTTERS who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

13. Amend zoning ordinance, **article 5, section 7, Public Hearing; Notice**, as follows: Add the following new paragraph V but without the underlining, which is only to show that this paragraph is new:

V. If the board of adjustment finds that it cannot conclude the public hearing within the time available, it may vote to continue the hearing to a specified time and place with no additional notice required.

14. Amend zoning ordinance, **article 5, section 11, Motion for Rehearing, Rehearing, and Appeal to Superior Court**, as follows: Renumber current paragraph (f) as paragraph (h), renumber current paragraphs (a) through (e) as paragraphs (b) through (f), and then insert new paragraphs (a) and (g) as follows but without the underlining, which is only to show that these paragraphs are new:

(a) The board of adjustment may reconsider a decision, upon the board's own motion or at the request of any aggrieved person, within 30 days after the date when the board voted the decision. (74 Cox Street v. Nashua, 156 N.H. 228, 931 A.2d 1194 (2007).)

(g) If the board of adjustment denies a motion for rehearing, the aggrieved party need not file a second motion for rehearing to preserve for appeal any new issues, findings, or rulings first raised by the board in that denial order. A better practice for the board to take when it identifies new grounds for its initial decision and intends to make new findings and rulings on them in response to a motion for rehearing would be for the board to grant the rehearing motion without adding new grounds for denying the variance application. (McDonald v. Effingham Zoning Board of Adjustment, 152 N.H. 171, 872 A.2d 1018 (2005).)

15. Amend zoning ordinance, **article 6, Special Exceptions**, as follows: Add the following new section 6, Unused Special Exception Permits Approved before August 19, 2013, Are Deemed Abandoned, but without the underlining, which is only to show that this section is new:

6. Unused Special Exception Permits Approved before August 19, 2013, Are Deemed Abandoned

Every SPECIAL EXCEPTION permit that was approved before August 19, 2013; that has not been exercised by the end of three years after the effective date of adoption of this section, that is, by March 12, 2022; and that the board of adjustment has not extended beyond March 12, 2022, for good cause shall be deemed abandoned and shall expire. (See RSA 674:33, IV, (c); Piper v. Meredith, 110 N.H. 291, 266 A.2d 103 (1970); AWL Power v. Rochester, 148 N.H. 603, 813 A.2d 517 (2002); Pike Industries v. Woodward, 160 N.H. 259, 999 A.2d 257 (2010); zoning ordinance, article 5, section 3, IV, (c).)

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16. Amend zoning ordinance, **article 7, section 3, (a)**, as follows: Add the case law citation as shown below with underlining. The citation below uses underlining only to show what is added; the underlining is not included in the citation.

The VARIANCE will not be contrary to the public interest. (See Chester Rod and Gun Club v. Chester, 152 N.H. 577, 883 A.2d 1034 (2005); Harborside Associates v. Parade Residence Motel, 162 N.H. 508, 34 A.3d 584 (2011).)

17. Amend zoning ordinance, **article 7, section 3, (c)**, as follows: Add the case law citation as shown below with underlining. The citation below uses underlining only to show what is added; the underlining is not included in the citation.

Substantial justice is done. (See Brandt Development Company of New Hampshire, LLC v. Somersworth, 162 N.H. 553, 34 A.3d 593 (2011); Harborside Associates v. Parade Residence Motel, 162 N.H. 508, 34 A.3d 584 (2011).)

18. Amend zoning ordinance, **article 7, section 3, (e), (1)**, as follows: Replace “this subparagraph” with “this subparagraph (e)” but without the underlining on “(e)”, which is only to show that this text is new.

19. Amend zoning ordinance, **article 7, section 3, (e)**, as follows: Label the following existing sentence as subparagraph (3) within subparagraph (e), and replace the existing “subparagraph (e)” with “subparagraphs (1) and (2)” as shown. The sentence below uses strikethrough and underlining only to show what is added; the underlining is not included in the text of the revised sentence.

The definition of “unnecessary hardship” set forth in ~~subparagraph (e)~~ subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a VARIANCE is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

20. Amend zoning ordinance, **article 7, section 9, Unused Variance Permits Are Deemed Abandoned, paragraph (a)**, as follows: Replace “RSA 674:33, I-a” with “RSA 674:33, I-a, (a)” (in one place) but without the underlining on “(a)”, which is only to show that this text is new.

21. Amend zoning ordinance, **article 7, section 9, Unused Variance Permits Are Deemed Abandoned**, as follows: Renumber current paragraphs (b) through (e) as paragraphs (c) through (f), and then insert new paragraphs (b) as follows but without the underlining, which is only to show that this paragraph is new:

(b) Every Type 1 Variance that was approved before August 19, 2013; that has not been exercised by the end of three years after the effective date of adoption of this paragraph,

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that is, by March 12, 2022; and that the board of adjustment has not extended beyond March 12, 2022, for good cause shall be deemed abandoned and shall expire. (See RSA 674:33, I-a, (b); Piper v. Meredith, 110 N.H. 291, 266 A.2d 103 (1970); AWL Power v. Rochester, 148 N.H. 603, 813 A.2d 517 (2002); Pike Industries v. Woodward, 160 N.H. 259, 999 A.2d 257 (2010); zoning ordinance, article 5, section 3, I-a, (b).)

(Recommended by the Planning Board 4-1-0)

(Not Recommended by the Board of Selectmen 0-5-0)

Article 7 - proposed Pittsfield Zoning Ordinance amendment #6

Are you in favor of the adoption of Amendment No. 6 (November 8, 2018 – PB#2) to the Town of Pittsfield Zoning Ordinance as proposed by the planning board?

Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “PRINCIPAL USE”, as follows: Delete the words as shown below with strikethrough, and add the word as shown below with underlining. The definition below uses strikethrough and underlining only to show what is deleted or added; the strikethrough and underlining are not included in the text of the revised definition.

PRINCIPAL USE: “PRINCIPAL USE” means a use that, on the LOT where the use ~~is conducted~~ exists, is not occasioned by or not subordinate to any other use ~~conducted~~ on the same LOT. (See Salem v. Durrett, 125 N.H. 29, 480 A.2d 9 (1984); Treisman v. Kamen, 126 N.H. 372, 493 A.2d 466 (1985); Treisman v. Bedford, 132 N.H. 54, 563 A.2d 786 (1989).)

(Recommended by the Planning Board 5-0-0)

(Recommended by the Board of Selectmen 3-2-0)

Article 8 - proposed Pittsfield Zoning Ordinance amendment #7

Are you in favor of the adoption of Amendment No. 7 (November 9, 2018 – PB#3) to the Pittsfield Zoning Ordinance as proposed by the planning board?

1. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “ACCESSORY APARTMENT”, as follows: Replace the term “ACCESSORY APARTMENT” with “ACCESSORY APARTMENT FOR A SINGLE-FAMILY DWELLING” throughout the definition (14 places).
2. Amend zoning ordinance, **article 2, section 3, Definitions**, definition of “APARTMENT, ACCESSORY”, as follows: Replace the word “APARTMENT” with “APARTMENT FOR A SINGLE-FAMILY DWELLING” in both places.
3. Amend zoning ordinance, **article 3, section 3, (b), (6), Table of Uses and Districts**, as follows: Replace the term “ACCESSORY APARTMENT” with “ACCESSORY APARTMENT FOR A SINGLE-FAMILY DWELLING”.

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4. Amend zoning ordinance, **article 2, section 3, Definitions**, as follows: Add in alphabetical order the following definition of "ACCESSORY APARTMENT IN A BUSINESS":

ACCESSORY APARTMENT IN A BUSINESS:

- (a) "ACCESSORY APARTMENT IN A BUSINESS" means an ACCESSORY DWELLING UNIT whose residential occupancy is occasioned by and subordinate to a commercial and principally nonresidential PRINCIPAL USE and that is in the same PRINCIPAL BUILDING with the commercial and principally nonresidential PRINCIPAL USE.
- (b) Except as provided in article 4, section 3, Nonconforming Uses, every permissible ACCESSORY APARTMENT IN A BUSINESS shall satisfy the following conditions and all other applicable conditions in the zoning ordinance:
 - (1) The ACCESSORY APARTMENT IN A BUSINESS shall share a common wall with or be under the same roof with the PRINCIPAL BUILDING housing the commercial and principally nonresidential PRINCIPAL USE.
 - (2) The ACCESSORY APARTMENT IN A BUSINESS shall have a gross floor area that is less than or equal to 500 square feet. In this condition, "gross floor area" of an ACCESSORY APARTMENT IN A BUSINESS means the sum of the areas of all floors of the ACCESSORY APARTMENT IN A BUSINESS, as measured from the exterior faces of the walls or from the center line of a wall separating the ACCESSORY APARTMENT IN A BUSINESS from the rest of the PRINCIPAL BUILDING housing the commercial and principally nonresidential PRINCIPAL USE.
 - (3) The ACCESSORY APARTMENT IN A BUSINESS shall have no residents other than one employee and one other person, who may or may not be another employee. In this subparagraph, "employee" means a person whose services the commercial and principally nonresidential PRINCIPAL USE uses or engages with or without pay.
 - (4) The ACCESSORY APARTMENT IN A BUSINESS shall not be rented except that the ACCESSORY APARTMENT IN A BUSINESS may be rented as part of the PRINCIPAL BUILDING housing the commercial and principally nonresidential PRINCIPAL USE if the rent on the BUILDING, including the DWELLING UNIT, is no greater than the rent would be if the DWELLING UNIT had no resident.
 - (5) The ACCESSORY APARTMENT IN A BUSINESS shall be the only DWELLING UNIT on the LOT if the LOT is in the Suburban District or the Rural District.
 - (6) The ACCESSORY APARTMENT IN A BUSINESS shall be one of at most two DWELLING UNITS on the LOT if the LOT is in the Urban District, the Commercial District, or the Light Industrial/Commercial District.
 - (7) The ACCESSORY APARTMENT IN A BUSINESS shall be the only DWELLING UNIT on the LOT if the ACCESSORY APARTMENT IN A BUSINESS is on the first STORY of the BUILDING. In this condition, "first STORY" means the STORY whose floor is closest to the ground level.

5. Amend zoning ordinance, **article 2, section 3, Definitions**, as follows: Add in alphabetical order the following definition of "APARTMENT IN A BUSINESS, ACCESSORY":

APARTMENT IN A BUSINESS, ACCESSORY: See ACCESSORY APARTMENT IN A BUSINESS.

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6. Amend zoning ordinance, **article 3, section 3, (b), (6), Table of Uses and Districts**, as follows:
Add in alphabetical order an entry for "ACCESSORY APARTMENT IN A BUSINESS".
7. Amend zoning ordinance, **article 3, section 3, (b), (6), Table of Uses and Districts**, as follows:
Put a "Y" in each of the five boxes in the row next to "ACCESSORY APARTMENT IN A BUSINESS" and under the headings for the Urban District, the Suburban District, the Rural District, the Commercial District, and the Light Industrial/Commercial District.
8. Amend zoning ordinance, **article 3, section 3, (b), (6), Table of Uses and Districts**, as follows:
Change the entry for "DWELLING ABOVE BUSINESS" to "DWELLING ABOVE BUSINESS with residential occupancy as a PRINCIPAL USE".

(Recommended by the Planning Board 3-1-1)

(Not Recommended by the Board of Selectmen 0-5-0)

Article 9 – proposed Pittsfield Zoning Ordinance amendment #8

Are you in favor of the adoption of Amendment No. 8 (September 17, 2018 – PB#4) to the Pittsfield Zoning Ordinance as proposed by the planning board?

1. Amend zoning ordinance, **article 4, section 3, (b), (1)**, as follows: Add the words as shown below with underlining. The subparagraph below uses underlining only to show what is added; the underlining is not included in the text of the revised subparagraph.
 - (1) The NONCONFORMING ACTIVITY shall be deemed abandoned and shall be prohibited if it violates one or more of the conditions in paragraph (a), (1) through (4), and if
 - (A) within 35 days after the earliest date when the zoning ordinance administrator sends the owner of the NONCONFORMING ACTIVITY a certified-mail notice of the violation and a copy of paragraph (a) and this paragraph (b), the owner has not submitted a written plan to eliminate the violation or
 - (B) within 95 days after the earliest date when the zoning ordinance administrator sends the owner of the NONCONFORMING ACTIVITY a certified-mail notice of the violation and a copy of paragraph (a) and this paragraph (b), the owner has not eliminated the violation.
- (See article 4, section 1, (b), (1), (A), and article 4, section 1, (b), (2) and (3).)
2. Amend zoning ordinance, **article 4, section 3, (d), (1)**, as follows: Add the words as shown below with underlining. The subparagraph below uses underlining only to show what is added; the underlining is not included in the text of the revised subparagraph.

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(1) The NONCONFORMING STRUCTURE shall be deemed abandoned and shall be prohibited if it violates one or more of the conditions in paragraph (c), (1), (A); paragraph (c), (2); or paragraph (c), (3), and if

(A) within 35 days after the earliest date when the zoning ordinance administrator sends the owner of the NONCONFORMING STRUCTURE a certified-mail notice of the violation and a copy of paragraph (c) and this paragraph (d), the owner has not submitted a written plan to eliminate the violation or

(B) within 95 days after the earliest date when the zoning ordinance administrator sends the owner of the NONCONFORMING STRUCTURE a certified-mail notice of the violation and a copy of paragraph (c) and this paragraph (d), the owner has not eliminated the violation.

(See article 4, section 1, (b), (1), (A), and article 4, section 1, (b), (2) and (3).)

(Recommended by the Planning Board 5-0-0)

(Not Recommended by the Board of Selectmen 0-5-0)

Article 10 – voters’ petition to repeal the Pittsfield Zoning Ordinance

Are you in favor of the repeal of the Pittsfield Zoning Ordinance as proposed by petition of the voters of this town?

(inserted by voters’ petition)

(Not Recommended by the Planning Board 0-5-0)

(Not Recommended by the Board of Selectmen 1-4-0)

Article 11 – rescind bond authorization

To see if the town will vote to rescind the authorization to issue bonds or notes for the unissued debt in the amount of **\$288,324** from the authorization granted by the 2011 Town Meeting Warrant Article 10, which was:

To see if the Town will vote to raise and appropriate a sum of Two Hundred Eighty Eight Thousand Three Hundred Twenty Four Dollars (\$288,324) for the purpose of financing the rehabilitation of the South Main Street Pump Station; and to authorize the issuance of not more than Two Hundred Eighty Eight Thousand Three Hundred Twenty Four Dollars (\$288,324.) of bonds or notes in accordance with the Municipal Finance Act, RSA 33:1 et. seq., as amended; to authorize the Board of Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof; to authorize the Board of Selectmen to take any other action or to pass any other vote relative thereto. This project is intended to be supported by an ARRA CWSRF loan from the State Department of Environmental Services to the Town of Pittsfield for the

2019 ANNUAL TOWN MEETING WARRANT (amended)

South Main Street Pump Station project in the amount of \$288,324, of which up to 50% (\$144,162) of the funds utilized would be available for principal forgiveness to be applied at the time of the first loan repayment; further, without limiting the general obligation nature of the bonds, it is the intent and the expectation that fifty (50%) percent of Pittsfield's debt service payments will come from sewer user fees. (2/3 Ballot Vote Required)(Recommended by the Board of Selectmen 5-0-0)(Recommended by the Budget Committee 11-1-0)
(the ballot vote of this 2011 Warrant Article 10 was Yes: 127 No: 14)

(2/3 ballot vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 12 – Municipal Operating Budget

Shall the town raise and appropriate as an operating budget, not including the appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$4,505,380**? Should this article be defeated, the default budget shall be **\$4,461,231** which is the same as last year, with certain adjustments required by previous action of the town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Estimated tax impact is \$10.16 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Budget Committee 11-0-0)

(Recommended by the Board of Selectmen 5-0-0)

Article 13 - Clark's Pond Dam remediation

To see if the town will vote to raise and appropriate the sum of **\$138,828** for the purpose of reconstruction of Clark's Pond Dam to complete the remediation requirements in the Letter of Deficiency issued by the NH DES Dam Bureau.

Estimated tax impact is approximately \$0.53 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

2019 ANNUAL TOWN MEETING WARRANT (amended)

Article 14 - Municipal Sidewalks improvement

To see if the town will vote to raise and appropriate the sum of \$50,000 for the purpose of improvements to our municipal sidewalks and to authorize the withdrawal of \$13,000 to come from the Municipal Sidewalks Improvement Capital Reserve Fund created for that purpose. **The balance of \$37,000 is to come from general taxation.** The balance collected for the Municipal Sidewalks Improvement Capital Reserve Fund was \$15,385, as of December 31, 2018.

Estimated tax impact is approximately \$0.14 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 15 – purchase of cardiac monitors

To see if the town will vote to raise and appropriate the sum of **\$65,000** for the purchase of 2 cardiac monitors and to authorize the withdrawal of **\$65,000** to come from the Ambulance Replacement and Equipment Fund created for that purpose.

The balance of the Ambulance Replacement and Equipment Fund was \$452,765, on December 31, 2018.

There is no estimated tax impact.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 16 – raising matching funds for a Fire Department grant

To see if the town will vote to raise and appropriate the sum of \$263,280 for the purchase of replacement radios and self-contained breathing apparatus, with a grant revenue offset of \$236,952 to come from an Assistance to Firefighters Grant from the Federal Emergency Management Agency, leaving \$26,328 required as matching funds and to authorize the withdrawal of \$5,000 from the Fire Department Small Equipment Capital Reserve Fund to put towards the matching funds amount. **The balance of \$21,328 is to come from general taxation.** The matching funds amount will be spent only if the grant is received.

This article is required to be written to show the entire appropriation and offsetting grant revenue, not just the net obligation, per the gross budgeting concept for transparency.

The balance of the Fire Department Small Equipment Capital Reserve Fund was \$6,022.08 on December 31, 2018.

(majority vote required)

Estimated tax impact is \$0.08 per thousand dollars of assessed value.

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

2019 ANNUAL TOWN MEETING WARRANT (amended)

Article 17 – Municipal Capital Improvement Plan

To see if the town will vote to rescind the authorization of the planning board to prepare and amend a recommended program of municipal capital improvement projects over a period of at least six (6) years in accordance with RSA 674:5 that was granted under Warrant Article 19 at the 1999 Annual Town Meeting; and further to authorize the Board of Selectmen to appoint a Capital Improvement Program Committee to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years as allowed by RSA 674:5-674:8.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 18 – add to the Fire Department Small Equipment Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$1,000** to be added to the Fire Department Small Equipment Capital Reserve Fund previously established. The balance of the Fire Department Small Equipment Capital Reserve Fund was \$6,022.08 on December 31, 2018. Estimated tax impact is less than \$0.01 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 19 – add to the Fire Department Pumper Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$50,000** to be added to the Fire Department Pumper Capital Reserve Fund previously established. The balance of the Fire Department Pumper Capital Reserve Fund was \$100,273.28 on December 31, 2018. Estimated tax impact is approximately \$0.19 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 20 – add to the Fire Department Tanker Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$20,000** to be added to the Fire Department Tanker Capital Reserve Fund previously established. The balance of the Fire Department Tanker Capital Reserve Fund was \$40,109.32 on December 31, 2018. Estimated tax impact is approximately \$0.08 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

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Article 21 – add to the Fire Department Forestry Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$5,000** to be added to the Fire Department Forestry Truck Capital Reserve Fund previously established. The balance of the Fire Department Forestry Truck Capital Reserve Fund was \$6,011.72 on December 31, 2018.

Estimated tax impact is approximately \$0.02 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 22 – add to the Small Highway Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$15,000** to be added to the Small Highway Truck Capital Reserve Fund previously established. The balance of the Public Works Small Highway Truck Capital Reserve Fund was \$65,545.93 on December 31, 2018.

Estimated tax impact is \$0.06 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 23 – add to the Dump Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$50,000** to be added to the Dump Truck Capital Reserve Fund previously established. There are currently three dump trucks in the Public Works Department that this Capital Reserve Fund supports. The balance of the Public Works Dump Truck Capital Reserve Fund was \$92,465.07 on December 31, 2018.

Estimated tax impact is \$0.19 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 24 – add to the Loader Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$10,000** to be added to the Loader Capital Reserve Fund previously established. The balance of the Public Works Loader Capital Reserve Fund was \$33,068.76 on December 31, 2018.

Estimated tax impact is \$0.04 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

2019 ANNUAL TOWN MEETING WARRANT (amended)

Article 25 – add to the Grader Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$20,000** to be added to the Grader Capital Reserve Fund previously established. The balance of the Public Works Grader Capital Reserve Fund was \$83,446.24 on December 31, 2018.

Estimated tax impact is \$0.08 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 26 – add to the Backhoe Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$10,000** to be added to the Backhoe Capital Reserve Fund previously established. The balance of the Public Works Backhoe Capital Reserve Fund was \$91,695.19 on December 31, 2018.

Estimated tax impact is \$0.04 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 27 – add to the Sidewalk Tractor Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$12,000** to be added to the Sidewalk Tractor Capital Reserve Fund previously established. The balance of the Public Works Sidewalk Tractor Capital Reserve Fund was \$616.34 on December 31, 2018.

Estimated tax impact is \$0.05 per thousand dollars of assessed value.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

Article 28 – add to the Floral Park Cemetery Fence Expendable Trust Fund

To see if the town will vote to raise and appropriate the sum of **\$1,100** to be added to the Floral Park Cemetery Fence Expendable Trust Fund previously established. This sum is the amount of two Select Board Member stipends that were designated to be donated to this Trust Fund which are in the general fund unassigned fund balance as an unspent appropriation and no amount is to be raised by taxation. The balance of the Floral Park Cemetery Fence Expendable Trust Fund was \$2,331.54 on December 31, 2018.

There is no estimated tax impact for this warrant article.

(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)

(Recommended by the Budget Committee 11-0-0)

2019 ANNUAL TOWN MEETING WARRANT (amended)

Article 29 – increase percentage of Land Use Change Tax to Conservation Fund

To see if the town will vote to authorize 50% of the Land Use Change Tax collected pursuant to RSA 79-A:25 to be deposited into the existing Conservation Fund in accordance with RSA 36-A:5, III, as authorized by RSA 79-A:25, IV. If adopted this article shall take effect April 1, 2019 and shall remain in effect until altered or rescinded by a future vote of the town meeting. The current percentage that is deposited into the Conservation Fund is 20% as authorized at the 2006 Town Meeting Warrant Article 10. The current balance of the Conservation Fund was \$22,554.99 on December 31, 2018.

(majority vote required)

(Not Recommended by the Board of Selectmen 1-4-0)

(Not Recommended by the Budget Committee 3-8-0)

Article 30 – voters’ petition to discontinue the Property Acquisition and Redevelopment Trust

Motion to see if the Town will vote to discontinue the expendable trust established in 2008 under provisions of RSA 31:19a (known as the Property Acquisition and Redevelopment Expendable Trust Fund) with said funds and all accumulated interest to be transferred to the General Fund and used in its entirety to offset the tax rate. It is requested that this vote be taken by secret ballot in accordance with RSA 40:4a (Majority vote required).

(inserted by voters’ petition)

(Not Recommended by the Board of Selectmen 0-5-0)

(Not Recommended by the Budget Committee 0-11-0)

Article 31 – voters’ petition to replace HSA Ordinance with State Rental Standards

Shall the Town repeal the Town of Pittsfield Housing Standards Ordinance adopted at the 1964 Town Meeting and replace said Ordinance with the State Rental Standards Established in NH RSA 48-A:14?

(inserted by voters’ petition)

(Recommended by the Board of Selectmen 4-0-1)

AMENDED Article 32 – voters’ petition to rescind the provisions of RSA 40:13 (SB 2)

Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the Town of Pittsfield on March 13, 2018, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law? (3/5 majority ballot vote required)

(inserted by voters’ petition)

(Recommended by the Board of Selectmen 5-0-0)

2019 ANNUAL TOWN MEETING WARRANT (amended)

Article 33 – voters' petition for Josiah Carpenter Library wage increase

To see if the town will vote to raise and appropriate \$1123.00 (\$1035.00 for wages, \$88.00 for FICA) to provide the employees of the Josiah Carpenter Library with a 2% increase to their hourly wage rate? This warrant article shall only be binding, and is expressly contingent upon, the defeat of Article 12, the 2019 operating budget. Furthermore, in the event Article 12, the 2019 operating budget is approved, and this warrant article is defeated, the stated 2% increase in hourly wages for library employees shall still be paid notwithstanding "No Means No", RSA 32:10, I (e).
(inserted by voters' petition)

(Not Recommended by the Board of Selectmen 0-4-1)
(Not Recommended by the Budget Committee 1-10-0)

Signed this 12th day of February, 2019.

Pittsfield Board of Selectmen:


James C. Allard

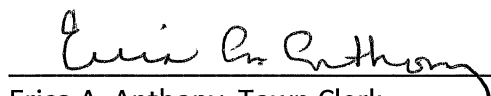

Gerard A. LeDuc


James H. Adams


Carl E. Anderson


Carole A. Richardson

Attest:


Erica A. Anthony, Town Clerk