

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

DATE: Thursday, February 2, 2017

AGENDA ITEM 1: Call to Order

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

AGENDA ITEM 2: Roll Call

Planning board members present:

Clayton Wood (chair),

Daren Nielsen (vice-chair),

Jim Pritchard (secretary),

Pat Heffernan,

Gerard LeDuc (selectmen's ex officio member),

Paul Nickerson (alternate), and

Carole Richardson (alternate for the selectmen's ex officio member)

Planning board members absent:

Roland Carter (alternate)

Members of the public appearing before the planning board: none.

“Members of the public appearing before the planning board” includes only members of the public who spoke to the board. It does not include members of the public who were present but who did not speak to the board.

AGENDA ITEM 3: Public Input

No public input.

AGENDA ITEM 5: Request by Jennifer Gibbs on the behalf of Medical Associates of Pittsfield, 44 Loudon Road, Pittsfield NH 03263 for an Exemption from a Change of Use Site Plan Review for an Automobile

Dealer business proposed at the property at the same address (Map R34 Lot 18) within the Light Industrial/Commercial District.

Jennifer Gibbs's letter requesting an exemption from site plan review says as follows:

[Page 1:]

January 22, 2017

Jennifer L Gibbs
156 Charles Street
Rochester NH, 03867
603-988-7514
boogieboardpro@hotmail.com

To: Pittsfield NH Planning Board
Clayton Wood, Chair
Daren Nielson, Vice Chair
James Pritchard, Secretary
Pat Heffernan, Member
Roland Carter, Alternate
Paul Nickerson, Alternate
Gerard Leduc, Selectboard Representative
Carole Richardson, Selectboard Representative

I am asking that the Pittsfield Planning Board approve to waive a site plan for a car sales business at 44 Loudon Road. I will be leasing the property from Dr Barksdale, Dr Zahn and Dr Selesnick. I plan to have a minimum of ten cars and a maximum of 35 cars for sale. No changes will be made to the building or the property other than aesthetic improvements with lawn and shrub care as well as adding signage per prior zoning and State approval.

I worked at the 44 Loudon Road location for over eighteen years when it was Pittsfield Medical Center. I enjoyed my time at the Medical Center and had a close relationship with many members in the community. My business will be family friendly, ethical and promote customers to shop and eat at other local businesses within the community. Community fundraisers and

collections for those in need as well as helping to fund school trips are also on my agenda.

Thank you I look forward to being part of the Pittsfield community again,

Jennifer L Gibbs (Jenn)

[Pages 2 and 3:]

Application for waiver of site plan

Location: 44 Lou[d]on Road, Pittsfield, NH

Business: Car Sales

Applicant: Jennifer L Gibbs
156 Charles Street
Rochester, NH 03867
603-988-7514

Building owners: Dr John Barksdale, Dr Mark Selesnick and Dr Robert Zahn

Attention: Pittsfield Planning Board

Criteria and answers:

A. No ad[d]itional off street parking is required as determined by the requirements of the zoning ordinance.

Answer: No off street parking is nee[d]ed for my business. There is more than adequate parking in the lot for cars that are to be sold, employees (3) and customers.

B. Septage loading of the site does not increase beyond that which the existing system is already designed to accept.

Answer: The septic loading will be far less than it was for the previous business at that location. The building has four bathrooms and I am only planning to use two of them. One for customers and one for employees.

C. No adverse impacts beyond the site boundaries will occur due to:

i. increased traffic

Answer: The traffic will be much less than it was when the building was used as a medical facility.

ii. ground water use

Answer: Ground water use will be at a minimum

iii. drainage

Answer: Drainage will not change from what it is currently as no additional structures are being added.

iv. sanitary and solid waste disposal

Answer: Only two of the four bathrooms will need to be in use

v. lighting and glare

Answer: The light posts that are located on the property to light the parking lot will be used. The lights are on a timer.

vi. noise

Answer: No excess noise will be generated as no car repairs will be done on site. Customers will be test driving cars off site.

vii. Fumes, odors or air pollutants

Answer: Car repairs will not be done on site and will not be running other than to warm up or to take off site for test drives.

D. Municipal service facilities and utilities will not be over burdened or advers[e]ly impacted.

Answer: The demand for municipal services will only be needed in the case of an emergency. Utilities used will be electricity in the waiting area and in the offices being used. The outdoor lights are on a timer.

I will not be making any changes to the outside of the building or the parking lot. I will run a family friendly business that will generate more business not only for me but for all of the local businesses. My plan is to also give back to the community by hosting fundraisers for the schools, food pantry and clothes closet. I worked at Pittsfield Medical Center for over 18 years and I am looking forward to being back in the community.

Thank you,
Jennifer Gibbs (Jenn)

*****End of Jennifer Gibb's cover letter requesting an exemption from site plan review.

Jennifer Gibb's letter requesting an exemption from site plan review included (1) a Google Earth satellite photograph of the site and (2) a letter from owner John Barksdale saying as follows:

January 23, 2017

To Whom it May Concern

The members of the Medical Associates of Pittsfield who own the building on 44 Loudon Rd. in Pittsfield, authorize Jennifer Gibbs, on behalf of the owners, to apply for a change of use with the town of Pittsfield, changing the use to a car dealership. Jennifer will be leasing the building from the owners.

Respectfully Submitted,

John Barksdale

*****End of John Barksdale's letter.

Daren Nielsen asked whether the automobile dealership would do any repair work.

Jennifer Gibbs said no. Jennifer Gibbs said that TC's automobile repair shop (at the intersection of Concord Hill Road and Main Street) would do all needed repairs.

Jim Pritchard asked what the square footage of the building was and how many off-street parking spaces the lot had.

Jennifer Gibbs said that the square footage of the building was 2500 square feet and that she had counted 30 off-street parking spaces. Jennifer Gibbs said that the parking spaces are on the paved area.

Jim Pritchard said that the zoning ordinance requires the automobile dealership to have 13 off-street parking spaces. (Zoning ordinance, article 16, section 3, (b), (c), and (e), with the automobile dealership being classified as most similar to a retail store or an office, which both must have one off-street parking space per each 200 square feet that the use occupies.)

Jennifer Gibbs said that she might put cars on the grassy area near Route 28 for display.

Paul Nickerson recommended that Jennifer Gibbs speak to the New Hampshire Department of Transportation to confirm where the right-of-way boundary for Route 28 is.

Clayton Wood said that the building is connected to the town sewerage system.

Clayton Wood asked how late the lights would be on.

Jennifer Gibbs said that she would have lights on all night for security.

Gerard LeDuc and Jim Pritchard said that the area is not residential.

Jennifer Gibbs said that the sign would be externally illuminated.

Jim Pritchard moved to approve the exemption from site plan review.

Pat Heffernan seconded the motion.

Discussion: No further discussion.

Vote to approve the Gibbs exemption from site plan review: carried 5 - 0 - 0. Voting “yes”: Jim Pritchard, Daren Nielsen, Pat Heffernan, Clayton Wood, and Gerard LeDuc. Voting “no”: none. Abstaining: none.

Clayton Wood said that the board would do a notice of decision within 5 business days.

Jim Pritchard said that he would e-mail the minutes and the notice of decision to Jennifer Gibbs.

The board’s notice of decision approving the exemption from site plan review is appended at the end of this minutes document. (See RSA 676:3, II.)

Jennifer Gibbs asked whether she would have to have any building inspection.

Jim Pritchard suggested that Jennifer Gibbs should speak to the building inspector, Jesse Pacheco.

AGENDA ITEM 4: Approval of the Minutes of the January 23, 2017 Meeting

Pat Heffernan moved to approve the minutes of January 23, 2017, as written in draft.

Daren Nielsen seconded the motion.

Discussion:

No board member stated any problems in the draft minutes.

Vote to approve the minutes of January 23, 2017, as written in draft: carried 4 - 0 - 1. Voting “yes”: Jim Pritchard, Daren Nielsen, Pat Heffernan, and Clayton Wood. Voting “no”: none. Abstaining: Gerard LeDuc.

AGENDA ITEM 6: Wellbuilt Cabinetry LLC, 12 Broadway Street, Application for RSA 79-E

The board considered Wellbuilt Cabinetry's application for property tax relief under RSA 79-E.

Clayton Wood said that the board had no helpful information about Wellbuilt Cabinetry's building improvements because the project did not come through the board in site plan review.

Clayton Wood said that cost of the building improvements, \$155,500, did meet the threshold of \$75,000 or 15 percent of the pre-rehabilitation assessed value, whichever is less. (See RSA 79-E:2, IV.)

Clayton Wood and Jim Pritchard said that the application does not speak to the question of whether the building improvements provide any public benefit as defined in RSA 79-E:7. Jim Pritchard said that applications to the planning board or to the zoning board of adjustment must show how the proposal satisfies the conditions for approval. Jim Pritchard said that Wellbuilt Cabinetry's application does not show how the proposal satisfies the condition of RSA 79-E:7 for approval. Clayton Wood said that the planning board does not affirmatively seek information on whether to grant an application but should instead consider the information that the applicant and other interested parties bring to the board. Jim Pritchard said that his concern was essentially the same as Clayton Wood's concern.

Pat Heffernan suggested that the planning board tell the board of selectmen that the planning board has no comment.

Paul Nickerson said that Wellbuilt Cabinetry should have taken pictures of their building both before and after the improvements.

Carole Richardson said that she would like the planning board to formalize its comments in a letter to the board of selectmen.

AGENDA ITEM 7: Selectmen's Report

Gerard LeDuc said that there would be a budget meeting next Wednesday.

Gerard LeDuc discussed the tax rate.

Gerard LeDuc said that he had submitted a warrant article for veterans' tax relief.

Gerard LeDuc said that the town needed to put money aside for capital equipment in order to avoid tax spikes when capital equipment must be repaired or replaced.

Pat Heffernan asked about requirements for a citizen petition. (See RSA 39:3.)

AGENDA ITEM 8: Members' Concerns

Pat Heffernan asked about rules to interpret words or phrases in the zoning ordinance.

The board discussed three authorities:

1. *Rye v. Ciborowski*, 111 N.H. 77, 276 A.2d 482 (1971):

“Although legislative definitions have weight in construing the particular statutes in which they appear, when the words are used elsewhere their meaning depends on popular usage and the circumstances surrounding their use, unaffected by statutory definitions.”

2. *Cormier v. Danville*, 142 N.H. 775, 710 A.2d 401 (1998):

“the words and phrases of an ordinance should always be construed according to the common and approved usage of the language, but where the ordinance defines the term in issue, that definition will govern.”

3. Town of Pittsfield Zoning Ordinance, article 2, section 1, Word or Phrase Interpretation Rules, paragraphs (a) through (e):

- (a) All words and phrases of the zoning ordinance shall be interpreted according to this section.

- (b) In this section, “headword” means a word or phrase spelled in all capital letters and placed at the beginning of a definition in article 2, section 3, Definitions.

- (c) If the zoning ordinance explicitly says that a word or phrase has a specific meaning to be used in a specified part of the zoning

Jim Pritchard, planning board recorder and secretary


Attachment: Notice of decision approving Jennifer Gibb's exemption from site plan review.

Notice of Decision

On February 2, 2017, pursuant to the Pittsfield Site Plan Review Regulations, section II, B, 1, the Pittsfield Planning Board approved an exemption from site plan review for an automobile dealer at 44 Loudon Road, tax map R-34, lot 18, located in the Light Industrial/Commercial zoning district.

The applicant's name and address is Jennifer L. Gibbs, 156 Charles Street, Rochester, NH 03867, with the permission of the property owner, Medical Associates of Pittsfield.

The board's vote to approve the exemption from site plan review was yes: 5, no: 0, and abstaining: 0. Board members voting for the approval were Clayton Wood, Daren Nielsen, Jim Pritchard, Pat Heffernan, and Gerard LeDuc.



Clayton Wood, chair
Pittsfield Planning Board

February 6, 2017