



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

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**MEETING MINUTES of Thursday, August 25, 2016**

**CALL TO ORDER**

The Zoning Board of Adjustment Meeting for August 25, 2016 was called to order by the Chair at 7:02p.m.

**MEMBERS PRESENT**

Jeffrey Swain, Chairman  
Pat Heffernan, Vice-Chairman  
James Hetu  
Scott Aubertin  
Scot Palmer, Alternate  
Noreen Rollins, Alternate

**PUBLIC OFFICIALS**

Jesse Pacheco, Building Inspector

**OTHERS PRESENT**

Jim Pritchard  
Michael Benjamin  
Diedra Benjamin  
Mark Sergeant

**MINUTES**

Mrs. Rollins stated on page 3 paragraph six “to go” is in there twice. Mr. Hetu stated on page two Mr. Aubertin has an “s” on the end of the name on page two, page five, and the adjournment motion.

Motion. Mr. Hetu made a motion to accept the minutes for July 14, 2016 with the corrections. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain– Yes;Mr. Heffernan – Yes; Mr. Hetu – Yes; Mr. Aubertin –Yes; andMr. Palmer - Yes. The Chair declared the Motion passed.

**PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION OF MAJOR  
AUTOMOBILE REPAIR SHOP AT 100 LEAVITT ROAD, TAX MAP R-35, LOT  
27.**

The Chair read “The Pittsfield Zoning Board of Adjustment will hold a public hearing pursuant to RSA 674:33,IV, and RSA 676:7 on an application for a special exception for a major automobile repair shop according to Pittsfield Zoning Ordinance article 3, section 3, (b), (2) and (6); article 6, section 2 and 3; and article 2, section 3, MAJOR AUTOMOBILE REPAIR SHOP. The time and place of the hearing is Thursday, August 25, 2016, 7:00 PM, at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicants’ names and address is Michael and Deidra Benjamin, 100 Leavitt Road, Pittsfield, NH 03263. The proposal is for a major automobile repair shop in a 40 foot x 66 foot, one story building at 100 Leavitt Road, tax map R-35, lot 27. The application for a special exception is on file for public inspection at the town hall, 85 Main Street, Pittsfield, NH.”

Mr. Sergeant introduced himself to the Board as the representative on behalf of Michael and Deidra Benjamin. He stated the property is located at 100 Leavitt Road, approximately 3 acres in size, 195 feet of frontage, in the rural district with a single family home and then 2400 square foot garage that Mr. Benjamin would like to put his garage in. He disclosed that he is Mrs. Benjamin’s father.

Mr. Sergeant stated they are seeking a special exception which is permitted in their Zoning Ordinance section 6 for a repair auto shop. He stated it does not involve any injury repair or maintenance of vehicles. He stated the shop would run out of the existing garage with the hours of operations 7:30am-5:30pm six days a week. He anticipates 1-4 vehicles per week and anticipates no more than 5-8 cars on site at any one time. He stated there are six spaces at the rear of the building. Mr. Sergeant distributed pictures of the site to the Board.

Mr. Sergeant stated Mr. Benjamin will not be accepting any vehicles from an accident site so there is no concern of leaking fluids. He stated all materials will be stored in an explosion proof cabinet. He stated Mr. Benjamin will set up an account with Safety Clean to dispose of materials properly.

The Chair read Criteria A “the specific site is an appropriate location for the proposed use or structure.” Mr. Sergeant responded that the property has been used for a number of commercial enterprises. At one time the garage and surrounding property were used in a similar manner as the applicant’s proposal.

The Chair read Criteria B “the proposal will not be detrimental, injurious, obnoxious, or offensive to the neighborhood and will not diminish the value of the surrounding properties.” Mr. Sergeant responded all work will be conducted within the existing garage on the property. Paints and other associated materials will be properly and safely stored and properly disposed of. There is ample room on the site to provide for client parking and storage of vehicles in queue for repair.

The Chair read Criteria C “there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-

street parking.” Mr. Sergeant responded there is ample room for client parking and typically only 1-2 clients are on-site on a weekly basis.

The Chair read Criteria D “adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure.” Mr. Sergeant responded the garage on the property had historically been used as an auto body shop and existing facilities within the garage permit the proper operation of the business.

The Chair read Criteria E “the proposed use or structure is consistent with the spirit of the town’s Zoning Ordinance and the intent of the town’s master plan.” Mr. Sergeant responded the ordinance provides for Major Automobile repair shop by special exception and the proposed use is consistent with the historical use of the property.

The Chair asked who wanted to be the alternate for the fifth board member. Mr. Palmer volunteered to step in as the fifth member.

Mr. Hetu asked if the proposal included any expansion of the property or if it just uses what is currently there. Mr. Sergeant responded no; it is a perfect site as is. Mr. Hetu asked if there was a sign with any lighting. Mr. Sergeant responded they showed a proposed sign but no lights. He stated it will be within the zoning regulations.

Mr. Pacheco informed Mr. Sergeant there is a sign permit they would have to apply for. He stated they are also not allowed to have unregistered vehicles unless they are working on them. Mr. Sergeant stated he didn’t think it was Mr. Benjamin’s intention to have unregistered vehicles on site.

The Chair opened it to the public.

Mr. Shonyo , 90 Leavitt Road, expressed concern with the exhaust at the auto body shop. Mr. Sergeant stated they have filters. Mr. Shonyo asked if it meets OSHA requirements. Mr. Sergeant wasn’t sure about that. Mr. Shonyo stated his major concern is the pollution to wells on his property. He asked if there was an accident and someone hauled their vehicle onto the property what would they do. Mr. Sergeant responded they would bring the vehicles inside. Mr. Shonyo also expressed concern with the paint fumes. He stated they are not trying to stop them; they just have some concerns. He stated he will probably test the wells so often to make sure there aren’t any chemicals. Mr. Sergeant stated he will keep it all cleaned up.

Mr. Shonya asked who would be responsible if his wells get polluted because of the body shop. The Chair stated it goes back to the person who makes a mess. Mr. Pacheco stated suspicious of a concern he would need to notify the town and they would have DES take a look at it to address the concern.

The Chair closed the public hearing.

Motion. Mr. Heffernan made a motion to grant the special exception for an auto body repair shop at 100 Leavitt Road, tax map R-35, lot 27. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain– Yes;Mr. Heffernan – Yes; Mr. Hetu – Yes; Mr. Aubertin –Yes; andMr. Palmer- Yes. The Chair declared the Motion passed.

The Chair informed the applicant there is a 30 day appeal process.

### **ZONING ADMINISTRATOR**

The Chair stated he gave everyone a sheet with a lot of information Mr. Pritchard had researched. He stated the information says that the ZBA doesn't have the say they want for their Zoning Administrator and that it is the BOS who has that say therefore the ZBA Rules & Procedure is null and void. Mr. Palmer asked if that means they have to go before the BOS to find out about it. Mr. Hetu stated there are very strict requirements as to where everything needs to go. He stated if it has to do with buildings it has to go to the Building Inspector. He stated it is not something where they can appoint the secretary to be the administrator.

Mr. Aubertin expressed concern with things not getting done because Mr. Pacheco doesn't have time to do it. Mr. Hetu stated that is what the secretary position edits were about. The Chair stated they have the power to appoint a secretarial assistant to the Zoning Administrative officer with board secretarial tasks. He stated they have new proposed Rules & Procedures.

Mr. Pacheco stated himself and Mr. Pritchard has been taking care of the secretarial needs. Mr. Aubertin responded it was brought up before there were concerns with the work getting done because of his restricted hours. Mr. Pacheco commented they are taking the application, filling out the forms, and making sure all the paperwork coming before the ZBA is complete. He thinks they are doing a little bit more. Mr. Pritchard has offered to help him by writing up notices and filing papers. He thinks they can do it this way until budget season so the ZBA can determine what their true budget is. He believes they need someone to do the minutes and notices. Mr. Pritchard has offered to give the time with no charge. He feels it has been working well as it is right now and is more efficient.

Mr. Hetu asked if he read the proposed change. Mr. Pacheco responded he read some of it. Mr. Hetu explained it creates a recording secretary and a secretarial assistant which may or may not be the same person. He suggested Mr. Pritchard stay on as the secretarial assistant and the ZBA get a recording secretary. He stated with the proposed changes make it so they can continue with what is occurring now.

Mr. Pacheco thinks the BOS will have a concern with the fact that they want him to be one position and if they take away the Building Inspector the ZBA will have to handle it.

He expressed concern with it becoming a paper pushing thing because paperwork will be filed incorrectly as it has been in the past.

The Chair stated they are creating a guideline for a recording secretary and a secretarial assistant no matter who it may be. He thinks the proposed Rules & Procedures works for now. Mr. Hetu stated they can change their Rules & Procedures and the people involved at any time. This sets up the structure and Mr. Pritchard allows them to see if this works without charging for it. He wants to motion to put the framework in place to edit the Rules & Procedures Article III & IV.

The Chair expressed concern with only changing Rules & Procedures during a regular scheduled meeting and this is not a regular scheduled meeting. He thinks they shouldn't adopt it tonight which it will give them some time to soak it in. He thinks things are going smoothly.

Mrs. Rollins asked if they should resolve the problem of the minutes taker. Mr. Pritchard commented they can have a recording of the meeting and then have someone transcribe the minutes. Mr. Heffernan asked who was going to transcribe the minutes for tonight. Mr. Hetu responded Ms. Marston is waiting for the ZBA to tell them what they want.

Mr. Heffernan stated they should have Mrs. Ramsay do it as she has been doing them all along. Mrs. Rollins suggested Mrs. Ramsay could do the minutes during her down time. Mr. Heffernan expressed concern with Mrs. Ramsay getting busy during the day and not being able to do it in a timely fashion.

Mr. Pritchard expressed concern with the minutes are supposed to include the Notice of Decision. He stated they need to have good minutes they can use so they can do the Notice of Decision.

Mrs. Rollins asked if they make a decision on the recording secretary do they have to go to the BOS and request it. Mr. Hetu responded they would have to formally request it from the Administration. He believes there is a recording device available to use for the minutes. Mrs. Rollins commented they approved the purchase of another device at a BOS meeting. Mr. Hetu suggested throwing it to the BOS to give the ZBA a recording secretary and allow them to decide how to use their resources.

Mr. Pacheco explained he marks his timesheets under different categories so they know what they are spending. Mr. Hetu asked if Mr. Pritchard can track his hours as well so they can see how much it will cost for his work. Mr. Pritchard commented he can track his hours. He also expressed concern with both the Planning Board and Zoning Board's front end process. His intentions are to learn the front end process for both boards and then turn it over to someone else once they determine what tasks and procedures need to be done. Mr. Pacheco explained they are working on trying to make things more efficient so they don't spend so much time on things.

Mr. Pritchard asked what “down time” means for Mrs. Ramsay working on minutes. Mr. Pacheco explained when there aren’t people at the window she has down town to do other things. He stated if he had a job he wouldn’t have the time to do the minutes and therefore is concerned with how much down time she has. Mr. Hetu wants to send it to the Select Board and let them figure it out. Mrs. Rollins suggested they tell the BOS they are going to record the meeting and they can choose whomever they want to do the minutes. Mr. Pritchard expressed caution before delegating it to the BOS because the need to have good minutes. Mr. Pacheco explained the minutes go in a book and the audio goes away so people take what is in the minutes is important.

Motion. Mr. Hetu made a motion to table the Zoning Administrator discussion. Mr. Palmer seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain– Yes;Mr. Heffernan – Yes; Mr. Hetu – Yes; Mr. Aubertin –Yes; andMr. Palmer- Yes. The Chair declared the Motion passed.

### **MEMBERS CONCERNS**

Mr. Pacheco expressed concern with a link between the ZBA and the Planning Board. They need to communicate so when it goes to Planning they know what the ZBA approves.

Mr. Hetu asked if the Board wanted Mrs. Hetu to do tonight’s minutes. The Chair stated he thinks Mrs. Ramsay is on vacation. Mr. Pacheco mentioned the Notice of Decision needs to be done as well. Mr. Heffernan suggested having Mrs. Hetu do those as well. Mr. Pacheco asked the Notice of Decision gets put in his box so he can file it in the applicants building permit.

Mrs. Rollins asked if there is a form for a Notice of Decision. Mr. Hetu explained they don’t use a form; just draft something up and put the town seal on it. Mr. Pritchard commented it just needs the Chair’s signature on it.

Mr. Pritchard read RSA 673 Section 16 “each local land use board may appoint their employees as it deems necessary for its work.” He commented he is not sure to tell the BOS to get the minutes done how they want. Mr. Heffernan responded the ZBA is ultimately responsible for the minutes. Mr. Pritchard reads it as the ZBA has the authority to determine who is going to do the minutes.

Motion.Mr. Hetu made a motion to have Mrs. Hetu transcribe tonight’s minutes and the Notice of Decision and to send them to the Chair when complete. Mr. Heffernan seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Swain– Yes;Mr. Heffernan – Yes; Mr. Hetu – Abstained; Mr. Aubertin –Yes; andMr. Palmer- Yes. The Chair declared the Motion passed.





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**NOTICE OF DECISION**

YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING DECISIONS

WERE MADE BY THE PITTSFIELD ZONING BOARD OF

ADJUSTMENT AT THEIR REGULAR MEETING OF AUGUST 25, 2016:

By a vote of five (5) in favor, none (0) opposed, and no (0) abstentions, the Board granted the request for a Special Exception from Pittsfield Zoning Ordinance from Article 3.3.B.2 & B.6 for Michael and Deidra Benjamin, for a parcel located on Leavitt Road (Tax Map R-35, Lot 27) for an auto repair shop in a 40 foot x 66 foot, one story building located within the required 50 ft. setback from the centerline of Leavitt Road, and within the required 25ft. setback from any side lot line setback.

JEFFREY SWAIN

CHAIRMAN

For a full length copy of the Notice of Decisions, please view in the Town Hall.