



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

MEETING MINUTES OF Thursday May 13, 2021

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

Gerard LeDuc – Selectman Rep.

Ray Ramsey

Randy Severance

Ed Trzcinski – Adam Gauthier called Ed Trzcinski to sit in for Matt St. George.

MEMBERS ABSENT

Matt St. George – Vice Chair

Carl Anderson – Selectman Rep.

Jim Adams - Selectman Alt Rep.

OTHERS PRESENT

Bonnie Theriault – Administrative Assistant

ITEM 3. –PUBLIC INPUT

None.

ITEM 4. – APPROVAL OF MINUTES OF THE APRIL 8, 2021 MEETING

Ray Ramsey: I make a motion to approve the April 8, 2021 meeting minutes.

Ed Trzcinski: Second.

Discussion: None.

Motion carried 4-0-1. Adam Gauthier – yes, Ray Ramsey – yes, Randy Severance – yes, Ed Trzcinski – yes. Gerard LeDuc abstained.

ITEM 5. – CONCEPTUAL MEETING REGARDING R17-2 WITH MICHAEL FAIRBROTHER OF OVER THE MOON FARMSTEAD, LLC

Adam Gauthier welcomed Michael Fairbrother and his wife Berniece Van Der Berg, along with Doug MacGuire (Engineer from Dubay Group) to the Board meeting. Adam Gauthier stated any discussion would be non-binding and asked for a brief summary of the conceptual plans for Over the Moon Farmstead, LLC.

Michael Fairbrother introduced himself and said Doug MacGuire and the team from Dubay Group put

together plans for the future of the property and looked forward to presenting it to the Board. A copy of the conceptual plan was made available to Board members. The conceptual plan showed overall goals including a build-out master plan, existing conditions plan, site plan, and a lighting plan.

Doug MacGuire stated the applicants wanted to submit a full application with the plans that were handed out and wanted feedback from the Board members to make sure things looked OK from a technical standpoint or if waivers might be necessary. They wanted to make sure they have everything they need to bring things forward.

Doug MacGuire touched on the overall goal, which he stated would take around 30 years to fully complete. The Dubay Group has worked on a plan to ultimately utilize the existing buildings on the property for various things; one of which would be to do a tasting area within the existing farmhouse and also bring that forward to have additional tasting outside in the barn which is attached to farmhouse. The plan includes utilizing another piece of the farmhouse to build a full commercial kitchen to serve food to go with tasting and eventually have outdoor seating on that side. The restaurant route type of food would possibly be gourmet pizza or something else on the lighter side to be supportive of the drinking experience. The plan would include a deck on the side with the beautiful views of the property, taking advantage of the deck area while also including an outdoor patio area adjacent to the barn.

Doug MacGuire stated the future plans would be step tiered projects down the road dependent on bank financing and getting the business name out there. Further down the road, Over the Moon Farmstead would like to use the existing barn that is detached and turn it into a larger wedding venue because the property lends itself to that and is a good fit for the area. The plans also included an additional building that would house a future brewery taking into account elevations, views, flat and hill areas to make sure the plan flowed and everything worked together. There are currently four entrances across the frontage of the property that will be cleaned up. The future plans include keeping an entrance with lower access to the building, close one entrance that is in between and then updating and closing the other entrance. Another entrance that comes down the hill past the existing barn will stay in the plan and be integrated into a future build out.

Doug MacGuire said even though it is a fairly large property, the plans will keep most of the buildings up close to the road which allows for separate parking areas for restaurant tasting as well as exclusive parking for the venues while the lower level will include a brewery and parking area for loading and employee parking. Doug MacGuire stated that this was the overall plan that would extend out many years in the process so they were here to start with the first phase located on page one of the conceptual plans presented to Board members.

Doug MacGuire said that renovations would be needed for the barn area before tasting could be done so they were looking for the Board's approval to get something operational when submitting a formal application next month. Doug MacGuire stated they would utilize the existing barn to serve to an outdoor tasting area to get up and running, so they were here to get the Board's blessing on an outdoor tasting area for the summer and utilize the gravel that is currently on site as a parking space. They made sure to have ample circulation and ample parking on site to accommodate tasting.

Doug MacGuire said they have no plans to use the house due to construction needs and commercial bathrooms are also something that will need to be worked on in the future. The plan is to get higher end portable toilets (such as at venues) for nicer outdoor bathrooms so there shouldn't be any concerns about septic loading at this stage. They also plan to incorporate utility poles as bumpers for an organized parking area within the area. Doug MacGuire wanted to know if the summer plan fits into the minor plan regulations in Pittsfield since he would be using the original confines within the property and doesn't have any plans to expand or add onto any buildings. Another question that came up was about needing a waiver for some of the things not pertinent to what the business was currently trying to do to get started such as a drainage study and stated that he would have them drafted up for the next meeting.

Michael Fairbrother said he recognized the lighting in the plan should be bringing the site up to code. It was stated that having late night venues at this stage wasn't necessary but that it would be nice to have the parking lit up. The lighting proposed and the position of the lights, if and when expanded with paving, will work within the area.

Gerard LeDuc asked about the slope on the backside of the property beyond the building and outward and had concerns about future development. Gerard LeDuc said that the back is pretty much flat within 5-6 feet so it should be fine as drainage for the driveway.

Doug MacGuire said that if and when future plans move forward with paving, they would be looking into catch basins. A survey was done on the existing conditions in the plan and the slope is pretty good with a drop of 10-20 feet. From an engineer's standpoint the property would work well with an easy drainage system such as a wet pond on the lower part of the property because it would meet criteria for alteration of terrain but can be an aesthetic feature so it won't look like a mud hole.

Gerard LeDuc suggested if the business decided to go with the drainage wet pond proposal, venues could ask to utilize the pond. As an example, the pond could be utilized for a fishing derby scenario and the NH Fish and Game Department would be more than happy to stock the pond with non-profit groups.

Doug MacGuire said they could be open to that depending on how big the wet pond would end up being designed because a lot of aesthetic ponds aren't very deep.

Adam Gauthier asked about some of the driveway entrances being closed off or relocated and suggested the applicants take a look at driveway regulations for Pittsfield to make sure everything lines up.

Ed Trzcinski suggested taking a look at the parking proposal to include some more room for visiting busses or tourists that might be coming in. Ed Trzcinski said he had concerns about the safety issue of busses parking along the roadside if there wasn't enough room for turning radiuses or parking.

Doug MacGuire said with the current proposal on the table, seating would only be for around 5 people. In the future, there should be additional parking along the barn area for busses of up to 55 people.

Ed Trzcinski suggested that ADA would also need to be included in the approval process.

Randy Severance said that he appreciated the work put into the long term and immediate proposals that were presented to the Board. Over the Moon Farmstead could have just brought in phase one of

their plans, but instead brought the big picture. Randy Severance asked if there were distinctly set phases planned out yet.

Doug MacGuire said the goal is to get up and running with the first page of the conceptual plan. They can pull the site plan out to use in the first phase for the application process if it would make the process easier.

Adam Gauthier suggested with the scope of how large the total project would be if there was a reason, other than to immediately get started with phase one, for not submitting the major scope of the proposal at this time.

Michael Fairbrother said it wasn't financially feasible at this time to move into the other phases of the plan since the applicants just purchased the 100-acre farm and are trying to figure out how to keep the business afloat during the pandemic. Michael Fairbrother stated that the business was trying to remain sustainable in order to not fail on the first step in the process and in reality, without bank support at this time, the first phase is what they are working toward in order to get things up and running.

Randy Severance said submitting an application for the major site plan didn't mean the work would need to be done now and could save the applicants time and money from needing to keep coming back additional times for approval through the process. The Board could allow conditions on each phase of the process.

Bonnie Theriault said that the applicants might need to come in for updates in the process but applying for the full plan approval would also keep from needing to spend a lot of money to re-notice neighbors through each phase of the plan.

Doug MacGuire said the concern he had with doing it all at once was once a permit is submitted for the entire development, the applicants would then be on the hook for any State permits due to alteration of terrain and the permit would also get into septic loading which would need multiple septic systems. Doug MacGuire stated that he is working on various projects all over the place right now and DES is so backed up at the State level that Fish and Game has gotten involved in the process. The review process is currently taking a long time.

Doug MacGuire said the applicants would have no problem applying twice; first applying with the site plan since it is the fastest way to get revenue on the property while continuing to bring the farmhouse up to code. Once the farmhouse is up to code, the applicants will return to the Board with the full build-out Master plan for approval.

Doug MacGuire stated that the applicants just wanted to get up and running as soon as possible in order to gain popularity and name recognition with the property in order to involve the bank for the next steps in the process. For the first phase, the applicants would be submitting an application to allow an indoor ordering counter and gift shop with an outdoor tasting area with seating for up to 40 people.

Ed Trzcinski said that he had heard of a brewery just south of Pittsfield that recently had to come back to a Board seven times and start from square one just to add a camping area to the existing property. The process took over seven months. Ed Trzcinski said he also had concerns about the parking space that will be added to Over the Moon Meadery because although the proposed area is flat, parking is being created and added to the property.

Adam Gauthier read page 4 of the Site Plan Regulations for Major and Minor Site Plans as follows;

C. MAJOR AND MINOR SITE PLANS

1. Major Site Plan is required:

- a. In cases where any new development for a commercial, industrial, multi-family (over two-family) and business use in the Town of Pittsfield is planned.
- b. When the expansion of an existing use or structure is planned which results in a ten percent or more physical expansion (floor area), or results in an increase in the number of parking spaces required; or
- c. If the plan involves a change in use within the use categories as identified within the Zoning Ordinance, which results in changes to the exterior of the building or an existing approved Site Plan.

2. Minor Site Plan:

All other Site Plans are defined as minor. At the discretion of the Planning Board, any minor Site Plan that the Board considers to have the potential for significant impact may be categorized as a Major Site Plan and required to fulfill the requirements for Major Site Plans.

Doug MacGuire respectfully disagreed that providing parking for the outdoor tasting would fall under major site plan regulations and suggested the proposal to be included in the notice to abutters. Doug MacGuire said that he would come to the meeting and explain the drainage that is required for a Major Site Plan and the waivers that would be needed.

Randy Severance said that from what he can see in the proposal, nothing is physically being changed on the property.

Ed Trzcinski stated that he still had some concerns about parking. The beginning of Rt 28 is a bad spot for future traffic especially during the apple season so there was concern with the traffic lights on Rt 28, no turn offs, and a lot of traffic along the road during certain times of the year.

Berniece Van Der Berg stated they saw the line of cars parked along the road for Appleview Orchard and that they have offered to allow parking for the orchard on Over the Moon Meadery property.

Bonnie Theriault asked if the Appleview Orchard shared parking would be incorporated into the parking proposal on the Site plan.

Berniece Van Der Berg said they weren't ready right now to incorporate the parking agreement into the Site Plan until they build out further. They were only offering solutions to the parking issue along the road at this time. During the apple season, patrons could park in the parking area for Over the Moon Meadery and be able to sit with their children and enjoy the scenery.

Doug MacGuire said that if there was a concern about the parking, they could come in with an application for a major site plan while keeping with phase one of the proposal and leaving it as is in order to get the doors open at this point. Doug MacGuire stated that he would put together a waiver package with a list of everything they aren't asking for at this point in order to get approval. Then, they

will plan on coming in with another application for a major site plan with a new plan. The goal is to hopefully get the hearing noticed and approval in the upcoming June hearing.

There was also discussion about having a traffic engineer come in for the second application process. Gerard LeDuc also suggested possibly checking for traffic counts along Upper City Road would help. Ed Trzcinski said that it was a dangerous road with many safety concerns especially during the apple season and said there have been a lot of fatal accidents prior to the traffic lights being put in.

Adam Gauthier stated that the Board wasn't trying to persuade the applicants to in either direction, they just wanted to make sure the applicants understood the process and prepared for anything that might come up.

Bonnie Theriault stated that the deadline for applications to be included for a June hearing is on Monday May 24, 2021 by 7:00 p.m.

Doug MacGuire asked about the possibility of starting with tables in an outdoor venue while going through the application process for the next month. It could be a conditional preapproval with the Fire Department approval and a submission to the Liquor Commission's monthly meeting for approval to serve outdoors with something similar to the picnic tables offered outdoors across the street. Doug MacGuire said he has reached out to the Fire Department for consent and were told the Fire Department was waiting on the Board.

Bonnie Theriault stated that all conversations would need to come through the Planning Board because she hasn't heard anything about the Fire Department waiting on the Board. Bonnie Theriault said that she would email the Fire Department to look into it further and reach out to other departments to clear up any miscommunication.

Adam Gauthier said the Town welcomes Over the Moon Meadery as a business and the Board is here to help move the process along as quickly as possible. The Board thanked Michael Fairbrother and his wife Berniece Van Der Berg, along with Doug MacGuire (Engineer from Dubai Group) for coming to the Board meeting with their Site plan proposal.

Ed Trzcinski said that he would like to go up to look at the property for Over the Moon Meadery. Board members let Ed Trzcinski know that he would need to visit the property in a personal curiosity capacity and not include any comments or discussions relevant to the Board as a whole.

ITEM 6. – NOMINATE A REPRESENTATIVE TO CENTRAL NH REGIONAL PLANNING, CURRENTLY GERARD LEDUC IS THE ONLY PERSON APPOINTED TO REPRESENT PITTSFIELD

Bonnie Theriault said Clayton Wood is currently a member representative to Central NH Regional Planning until the next Town Meeting, Gerard LeDuc is the acting alternate, and that there is currently one opening. A paperwork packet was provided with a description of the position and job duties with meetings held once every quarter for a total of four meetings per year. Adam Gauthier asked if anyone wanted to volunteer for the position.

Adam Gauthier: I motion to see if the Select Board will appoint Ray Ramsey to CNHRPC as a Pittsfield representative.

Randy: second.

Discussion: None.

Motion carried 3-0-1. Adam Gauthier – yes, Gerard LeDuc – yes, Randy Severance – yes, Ed Trzcinski – yes. Ray Ramsey abstained.

ITEM 7.- DISCUSS THE PROPOSAL FROM CENTRAL NH REGIONAL PLANNING COMMISSION TO WORK WITH THE PLANNING AND ZONING BOARDS TO UPDATE REGULATIONS AND APPLICATIONS

The Board members discussed having someone from Central NH Regional Planning Commission come in to discuss starting the process of updating Planning and Zoning Board regulations and applications. Board members agreed to have a work session on May 27, 2021 at 6:00 p.m. to meet with Mike Tardiff of CNHRPC. Adam Gauthier suggested using the second meeting of the month for future work sessions. Board members agreed to discuss it further at the next meeting.

ITEM 8. – UPDATE ON REQUEST FROM K & M DEVELOPERS, LLC TO MOVE FORWARD WITH COMPLETING THEIR REQUIREMENTS OF THE BAILEY PARK SUBDIVISION – BAILEY DRIVE – SO THEY CAN BUILD ON THEIR 10 LOTS

Bonnie Theriault said there is currently a reviewing process for the Bailey Park subdivision. In talking with CNHRPC, Matt St. George indicated he would be in agreement if the Board voted to notify the property owners of the letter stating nothing can happen until the Community property is transferred over to the Town, as long as all the documentation has been looked through. Bonnie Theriault stated that viewing all of the documentation hasn't been completed yet.

Ray Ramsey had some questions about the Board being responsible for going through all of the documentation rather than letting the property owners know the building permits would need to be completed like ordered in the letter.

Bonnie Theriault stated the issue was things being done in different stages and timeframes over the years with other information happening after the letter. It would be a matter of the Board making a decision to move forward and finding other information in the process so it is important for the Board to look into it further. It was suggested because of the wording about the open space, to ask the developers have their attorney draw something up so the Town can look at it.

Adam Gauthier said the issue is with the Notice of Decision being drafted by the Town attorney sometime in March 2006. The applicants haven't done anything with the open space but if they want to continue the application process, they would need to go by the regulations at the time it was issued.

Ed Trzcinski said the law changes over the years between community space and open space. When an RSA is updated, the old regulations get deleted. So, if the Board doesn't have a paper copy of the past regulations it would be difficult to know what they are. Ed Trzcinski said he researched through past RSA regulations and saw in RSA 674-21;1-f and RSA 675-9 for Cluster Homes, the rules changed back in 2006 and 2012 and felt the Board would need to go by the current RSA regulations.

Bonnie Theriault said the Board would need to take into account making sure whoever is creating the document has everything they need.

Ray Ramsey was in agreement that if a particular part wasn't finished it would need to be based on the current RSA going forward.

Adam Gauthier had concerns about the attorney drawing it up but the NOD says Town Council would need to do it.

Ray Ramsey considered whether the town attorney or their attorney draws the document up, the cost should fall to the applicants. Ray Ramsey asked if all of the other conditions for the permit have been met.

Adam Gauthier said he believes the only condition not met is the open space condition and read the following;

*A performance bond in the amount of \$187,000 is provided acceptable to Town attorney and approved by Select Board

*Phasing under the permit limitation be no more than 20% or 7 permits whichever is less for 2006

*The structure to be built to not exceed 1008 square foot footprint

*Underground utilities located within right of way must comply with all subdivision regulations as follows and must otherwise approved by the board

Adam Gauthier also read one of the emails dated January 2010 stating there was a question;

Thank you for sending me the information that I had requested. Now that I have had a chance to review the Articles of Agreement and the Declaration of Conveyance for the Bailey Park subdivision, I have no further suggestions or changes beyond those for which you have already identified.

You have inquired as to whether the common area can be further subdivided if the Home Owners Association is dissolved, the answer to that question is no. What would happen is a successor Home Owners Association would get the interest in the common area or if there is no successor organization each lot owner would get a percent interest in the common area.

However, the common area must be maintained as a common area pursuant to Article 8 of the Zoning Ordinance and the requirement for compliance with that ordinance is both required by law and noted on the plan.

Adam Gauthier felt that some of the wording in the letter should be included in the open space document.

Ed said it sounded like they weren't going to turn over the common area to the Town and instead keep it as part of the HOA.

Bonnie Theriault said they didn't end up doing an HOA so there was a discussion about turning the open space over to the Town or Conservation Committee. A document needed to be drafted up deeming the open space as common land with no future development on it as well as a bond. Bonnie Theriault had

concerns that there was other information in the documentation that would need to be gone through since they keep finding documents turning up at different phases of the application process.

Board members agreed to further discuss the Bailey Park subdivision issue at the next work session scheduled for May 27, 2021 at 6:00 p.m. before responding to K & M Developers.

ITEM 9. - SELECTMEN'S REPORT

Gerard LeDuc updated Planning Board members on the sidewalks being repaired along Main Street. The plans include going down French Circle and along the other side of Main Street for next year. Gerard LeDuc said at the last Select Board meeting, two applications for Parks & Recreations Commission passed and another application was turned down due to his feeling that the applicant should concentrate on the Board she is currently a member on.

ITEM 10. - MEMBERS' CONCERNS

Randy Severance brought up the possibility of moving the starting time of Planning Board meetings to 6:00 p.m. in order to get an earlier start on any work that needs to be completed. Board members agreed to discuss it further at the next business meeting.

Adam Gauthier brought up recommending a couple of spots for a traffic study due to some of the projects coming up; one being Upper City Road & Norris Road, along with Fairview & Catamount and Fairview & Clark Street.

Bonnie Theriault said Noel Gourley, the Superintendent of Public Works, has also added roads around Town for the traffic study. The roads on the list include Clough, Concord Hill, Will Smith, Targhee, Karacull, Prescott, Governors, Tan, Johnson, Mountain Road and Berry Pond.

Adam Gauthier said Bonnie Theriault received an email from CNHRPC asking for the Planning Board to contact them if there is interest in the Town of Pittsfield to start a process of updating the broadband infrastructure. Mike Tardiff of CNHRPC is currently working with the Town of Loudon Economic Development Committee and is reaching out to see if Pittsfield would like to consider joining with Loudon to create a larger network and create a plan to trying to obtain funding and grant money.

If interested, Mike Tardiff was hoping there could be a joint meeting with Pittsfield and Loudon Economic Development Committee to talk about our concerns and needs and to possibly start a committee to move forward on the broadband issue. Mike Tardiff thought it would be great if the CDC in Pittsfield could join forces with the EDC in Loudon to work together, but also suggested including the Planning Board, Zoning Board and the Select Board as well to see if anyone has any input.

Board members agreed it would be a great idea to look into it further and reach out to the other groups in Town. Bonnie Theriault said she would wait to hear back from the other groups before responding to the email.

Adam Gauthier said there was a concern about the Bell Brothers electronic sign. Bonnie said the owners had come in to try and take care of it but there had been some confusion on the type of sign and whether it was included on the original site plan. Board members agreed that it could just be a minor amendment and said the building inspector would need to look into it further.

ITEM 11. - ADJOURNMENT

Randy Severance: I make a motion to adjourn at 9:09 p.m.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Gerard LeDuc – yes, Ray Ramsey – yes, Randy Severance – yes, Ed Trzcinski – yes.

Approved: 

Adam Gauthier, Chairman

June 10, 2021
Date