

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

MEETING MINUTES OF Thursday, April 14, 2022

ITEM 1. - CALL TO ORDER

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

ITEM 2. – ROLL CALL

Adam Gauthier – Chair

Matt St. George – Vice Chair

Ray Ramsey

Carl Anderson – Selectman Rep.

Ed Trzcinski - Alternate

MEMBERS ABSENT

Randy Severance

Jim Adams – Selectman Alt Rep.

OTHERS PRESENT

Bonnie Theriault – Office Assistant

Peter Pszonowsky – Chief of Pittsfield Fire Department

Scott LaCroix – Code Compliance Officer

ITEM 3. –PUBLIC INPUT

Robert Perkins (1010 Upper City Road) wanted to know if Board members had a chance to look at his concerns from the previous Planning Board meeting pertaining to the telecommunications tower installation. Adam Gauthier stated public input for the tower would be open for comment at that time.

Robin Miller (1115 Upper City Road) said Over the Moon Farmstead has been in the neighborhood for a couple of years now and Mike Fairbrother is doing amazing work. Mr. Miller said that so far, the Meadery has been an asset to the community, and from what he sees moving forward on the property, it's going to be a great asset to the community having another restaurant in town to give a little competition and build up the town. Mr. Miller said he has no concerns about the traffic, including the apple orchard in the fall because the road is well maintained. Mr. Miller noted several areas around town that look like junkyards and an eyesore. Robin Miller stated Over the Moon Farmstead is here to make the community better and wanted the Board to approve their application.

Duane Tabell (113 Daroska Road) said he owns one of the larger properties that abut Over the Moon Farmstead and would like to voice his support in seeing the Board do what it can to help facilitate Michael Fairbrother's plans for the property. Mr. Tabell said the business will be a huge asset for the Pittsfield community bringing jobs, a tax base, and improvements to the town.

ITEM 4. – APPROVAL OF MINUTES OF THE MARCH 10, 2022 MEETING

Tabled until the next Planning Board Work Session scheduled for Thursday, April 28, 2022, at 6:00 p.m.

ITEM 5. – NOTICE OF PUBLIC MEETING/PUBLIC HEARING VERTEX TOWER ASSETS, LLC/DEMES INVESTMENTS, LLC TELECOMMUNICATIONS FACILITY.

Planning Board Chair Adam Gauthier read the following;

The Pittsfield Planning Board will hold a meeting under RSA 676:4, I, (c), (1), to determine whether a submitted application for Site Plan approval and Conditional Use Permit (if necessary) are complete according to the board's regulations. The time and place of the meeting are Thursday, March 10, 2022, at 7:00 p.m., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The applicant's name and address are Vertex Tower Assets, LLC., 225 Dyer Street, Providence, RI 02903.

The proposal is a Major Site Plan Review and Conditional Use Permit (if necessary) to allow for the construction and operation of a Telecommunications Facility consisting of a 150' tall lattice style tower inside a 60' X 60' fenced-in compound, that will be located in the Light Industrial/Commercial Zoning District (a portion of the subject property is in the Suburban Zoning District). The subject property is Tax Map R21 Lot 12, 1002 Upper City Road, owned by DEMES Investments, LLC., 49 Pilgrim Drive, Bedford, NH 03110.

The application for Site Plan Review is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Notice of Hearing on the Merits of an Application for Site Plan Approval

If the Pittsfield Planning Board determines that Vertex Tower Assets, LLC's, application for Major Site Plan approval and Conditional Use Permit (if necessary) are complete at the above-noticed meeting, then the board will hold a public hearing under RSA 676:4, I, (c), (1); RSA 676:4, I, (e); the Town of Pittsfield Site Plan Review Regulations, section III; and the Town of Pittsfield Subdivision Regulations, article 5, section 1, (d), and article 5, section 4, (a) on the merits of the application immediately after the board's completeness determination. The board will not give additional notice of a continuance of the merits hearing to a later meeting.

Planning Board Chair Adam Gauthier opened the public meeting and welcomed the applicants. Board members noted paper copies (electronic copy omitted) of the revised plan from Vertex Tower Assets, LLC had just been turned in at the office the previous afternoon, so they were seeing them for the first time tonight.

Scott Adams with Advanced Engineering Group introduced himself, along with Stephen Kelleher from Vertex Tower Assets, LLC. Scott Adams said they have submitted revised documents with some changes that were requested from the last meeting pertaining to the wetland scientist study.

Scott Adams stated, per the request of Board members, a wetland scientist was hired from North Country Soil Services by the name of Gregory W. Howard; who is certified by the state of New Hampshire. Mr. Adams stated the wetland scientist did find wetlands on the south-westerly side extending up and outside the fenced area. Mr. Adams said they were able to work with the property owner to identify where to shift the gravel access road around 100 feet away.

The revised plan will cut the length of the gravel access road in half to go through the already established parking lot of the business and the gravel access road will be 285 feet long and 12 feet wide. Scott Adams stated they also submitted a letter from Gregory W. Howard stating the proposed design as

shown on the revised plan has no jurisdictional impact to the wetland area.

Matt St. George asked if the wetlands were delineated and if the gravel access road needed a turnaround for emergency vehicles.

Scott Adams answered they were not delineated, because the wetlands were outside the scope of the proposed work. Mr. Adams said a copy of the wetlands report can be provided along with a summary letter from the wetlands scientist Gregory W. Howard stated the revised plans are outside the wetlands area.

Chief Peter Pszonowsky answered that a turnaround would have been nice, but there shouldn't be a problem with backing up if the access road is only 285 feet long.

Ed Trzcinski asked if there was a provision for a permanent generator.

Scott Adams said the submitted application pertains to the telecommunications tower only and any subsequent applicants who hook up to the tower after installation, such as ATT or Verizon, would need to get approval from the town.

Chief Peter Pszonowsky asked about a previously discussed Knox box for emergency vehicles.

Scott Adams agreed to install a Knox box.

Adam Gauthier opened for public input at 7:19 p.m.

Robert Perkins (1010 Upper City Road) expressed his previous concern with the wetlands and asked if the Board could get a 3rd party wetland scientist to take another look. Mr. Perkins then presented a map to the room to show some of the areas of the land in question and requested for Board members to visit the site in person.

Robert Perkins said a few of his neighbors had joined him tonight to speak out against installing the telecommunications tower and introduced Franky True who has lived on Upper City Road for over 70 years.

Frank True (1100 Upper City Road) stated he was against the project and felt that it was ludicrous and insane to even think about putting a tower up in front of Robert Perkins' house when he has been a taxpayer for years.

Peter Kiss (37 Molly Lane) said he has known Robert Perkins for over 40 years and knows Mr. Perkins as a hard-working family man. Peter Kiss said he doesn't know about the environmental impact of the tower, but he does agree to install the communications tower will decrease Robert Perkins' property value and impact the future of Mr. Perkins' family.

Kyle Corey (Pittsfield Resident) stated he bought a house in Pittsfield approximately 6-8 months ago; saving up whatever he could to move to a peaceful and quiet area. Mr. Corey said he is only 26 years old, but very familiar with daily cell phone usage and has never encountered an issue. Mr. Corey stated he doesn't believe Pittsfield needs a 5G telecommunications tower and that he is not a big supporter of a Rhode Island business coming to Pittsfield.

Brenda Courchene (Owner of Mike's Meats 1094 Upper City Road) stated her business is currently up for

sale and she is worried about the impact of a gigantic cell tower affecting the sale of her business. Mrs. Courchene stated not only will the tower be an eyesore; she also has concerns about the health effects on her and her family who live nearby.

Cheryl Perkins (1010 Upper City Road) read a submitted letter from Pittsfield citizen Luke Koladish (9 Shaw Road) transcribed in full below;

To The Members Of the Pittsfield Planning Board,

My apologies for not being able to attend in person. I had commitments to work I could not break. I have asked Mr. Perkins to share this letter to voice my concern regarding recent interest in constructing a cell tower in the field behind Maxfield's Hardware.

After Bob shared with me information regarding the tower, I was sympathetic toward his frustration. I took the time to review Article 18 of our towns zoning ordinance. The purpose of Article 18 is "to conserve and enhance property values, e the visual impact of such facilities upon the natural landscape and scenic vistas within the municipality, to minimize the number of towers and/or reduce height and visual impact of towers". It also aims to limit the impact on aesthetics and prosperity through protection of property values.

Without going any further into the ordinance I don't think anyone in this room could argue that constructing a cell phone tower less than 500 feet from Bob Perkins Front door would decrease the value of his property as well as future market value for any land that he may sell as a part of long term retirement plan. The only way to minimize the impact to the natural landscape rural nature of Autumn View Farm that I have enjoyed for a number of years is to deny the installation of a cell tower behind Maxfield's.

My understanding is that the tower is to increase cell phone coverage. I would question the necessity of said "increased coverage". I commute on a daily basis from Shaw Road south to the Epsom traffic circle. With my Verizon cell phone, there is only one spot on the entire drive I have an issue with cell phone coverage. And it's between the two turn off for Carpenter Road in Chichester, well south of Maxfields in Pittsfield.

I would recommend finding another location for the tower setback further and less obtrusive than next door to Mr. Perkins farm. No amount of landscape plant buffers can effectively screen the view of the tower from adjacent residential property (Mr. Perkins Home) as required by Article 18.7 D. And the individuals that stand to profit from said tower wouldn't have to view the tower or be affected property value wise.

I sympathize with Mr. Perkins and I know he would speak on my behalf should someone decide they want to put a cell tower in the field across from my front door.

*Thank you for your time and your efforts on behalf of the town,
Luke Koladish
9 Shaw Rd.
Pittsfield NH*

Cheryl Perkins (1010 Upper City Road) stated one of her main concerns was for her family business which has run a farm for the last 25 years selling produce and Christmas trees. Mrs. Perkins requested a guarantee in writing that none of her crops or anything grown on her property would be affected by the

cell tower going up next to her home. Another concern was for safety; Mrs. Perkins wanted to make sure the people and children living or working near the tower wouldn't be affected health-wise either because she just doesn't see it.

Robin Miller (1115 Upper City Road) said he is totally against the tower going up. Mr. Miller said the applicants are just doing their job and don't care what happens when they leave as long as they get their tower. Mr. Miller expressed his frustration with the landowners of Maxfields Hardware because they don't live in Pittsfield, won't have to look at the tower, and he feels that it is just a money grab. Robin Miller said the applicants are from Rhode Island and enjoy towers everywhere in that state, but it isn't something the citizens of Pittsfield want. Mr. Miller said he doesn't want the tower, his in-laws don't want the tower, and his neighbors don't want the tower. Robin Miller said the Board should vote no.

Robert Perkins (1010 Upper City Road) invited Board members, the Fire Department, Police Department, and anyone else in the room or town to visit his property to see what he will be viewing if the tower goes up. Mr. Perkins stated if he takes three steps out the front door, the tower will be visible. If he takes two steps out of his backdoor and looks to the left, the tower will be visible. If Mr. Perkins is sitting at his kitchen table and looking out the window, the tower will be visible.

Robert Perkins said there will be nowhere he can go on his property to get away from viewing the tower and that no one will be willing to tie \$600,000 - \$700,000 into the purchase of his property just to look at a cell tower every day and night. Mr. Perkins pointed out Article 18 asking Board members how the installation of a telecommunications tower would enhance his property and stated there were other places in Pittsfield to install the tower.

Adam Gauthier closed public input at 7:38 p.m.

Matt St. George asked Scott Adams if he could expand on what 5G technology is.

Scott Adams said 5G technology is significantly different than 20 years ago when people were using pagers and the older cell phones. Telecommunication carriers are required to maintain their technology which means the 2G and 3G past technology is currently being taken down and upgraded with the 5G telecommunication technology, which also means the older cell phones will not work at a certain point. The telecommunication tower would be in compliance with FCC regulations and microwave radiation is very minimal (150 ft in the air) compared to the microwave radiation exposure when carrying a cell phone.

Scott Adams stated the tower facility is quiet with a significant setback and will only be accessed maybe once a month, so vehicular traffic will remain extremely low. Mr. Adams said 5G technology is a public safety improvement allowing stronger coverage for not just one carrier, but all the other carriers on the market that provide services to residents in town.

Scott Adams stated people are now using this 5G technology to run everything in their lives; cell phones instead of landlines, internet coverage, cars, and technologically advanced appliances in the home. Mr. Adams said he does see the need for a communications tower in Pittsfield and the area they have proposed for the installation is within the light commercial zone which is an allowable location for the town.

Matt St. George noted the Pittsfield zoning ordinance does allow cellular towers in the light commercial zone which was voted on and approved by the citizens in town.

Adam Gauthier brought Ed Trzcinski to the table in place of Randy Severance before going over the previous conditions of the application/outcome below;

1. Get an interpretation of setback for zoning district line vs. property set back line from town council – Adam Gauthier stated the Board received the information and the condition was met.
2. Have a wetland scientist review the site for wetlands and environmental issues – Adam Gauthier stated the condition was met.
3. Show the length of the driveway on the plan – Adam Gauthier stated the condition was met.
4. Record lease property owner agreement and include a note on plan referencing said agreement – Adam Gauthier stated the Board received clarification from council and the condition was met.
5. Record any easements for utilities and include a note on the plan referencing said easements – Adam Gauthier stated the Board received clarification from council and the condition was met.

Adam Gauthier: I make a motion for all conditions and waivers to be included in the Notice of Decision and to be recorded at the Merrimack County Registry of Deeds.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for Vertex Tower Assets, LLC to agree to a reasonable request for the placement of a repeater for Police and Fire emergency vehicles to be included on the tower installation.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for the NEPA report to be provided.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for map and lot numbers to be included on each page.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for a Knox Box with keys to be installed for emergency access to all gates.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion to include a wetland stamp and signature on the plan.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for a removal bond for the tower structure.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier: I make a motion for Vertex Tower Assets, LLC to resubmit the affidavit with the correct information for the property location.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier stated the Board would now go over the previous waivers voted on at the March 10, 2022, Planning Board meeting (listed below);

1. Traffic Study waiver - approved
2. Water/Sewer Facility waiver - approved
3. Landscape Plan waiver – approved
4. Full boundary survey vs. Partial-Survey – Partial survey approved
5. Drainage Report waiver contingent upon a no wetlands study on the scope of work – condition met
6. Mylar recording waiver - approved

Adam Gauthier: I make a motion for all permits required by the town and sanctioned by the state and local inspectors to be on the plan.

Matt St. George: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Adam Gauthier asked if the applicants had attended a Tower Registration hearing yet.

Scott Adams said they attended a preliminary hearing to see if registration would be required and it was determined Vertex Tower Assets, LLC did not need registration for the tower since there were no airports located within 5 miles of the structure. It was also noted that any company pursuing a contract with the tower would need to get the required permits to do so;

“The contracted shall be responsible for obtaining all permits and inspections which may be required for the work by the engineer, state, county, or local government authorities”.

Adam Gauthier asked for the quoted statement to be placed on the recorded plan.

Board members went into deliberation at 8:00 p.m. to discuss the proposed plan.

Board members asked the applicants about part of an affidavit (section 7) included with the application from Stephen Kelleher dated and signed August 9, 2021 (transcribed below);

“Based on my personal knowledge of the proposed Site and the and the [sic] surrounding area, there are no potential alternative candidates located within this geographically driven search ring that would be considered superior to the proposed Site. In addition, based on my experience, in my professional opinion, the proposed PWSF to be located off Baptist Corner Road is the least intrusive and only available and viable alternative to adequate [sic] meet the coverage objective to fill this significant gap in coverage.”

Stephen Kelleher stated that it seemed to be a typo from another project referencing a road from a different town in Massachusetts.

Ray Ramsey asked if a study had been performed for other possible sites in Pittsfield.

Stephen Kelleher stated they did not perform a study for other possible sites in Pittsfield.

Carl Anderson said he agreed with the citizens in town who are in opposition of installing the tower and said that he doesn't see a pressing need for another telecommunications tower in the town of Pittsfield since he can use his cell phone anywhere in town without an issue.

Carl Anderson said while it may be true that a current use permit is allowable in the Light Industrial /Commercial district, as discussed before, the zoning ordinance needs to be rewritten because as it stands now the zoning ordinance would also allow a tower in the commercial district which could mean installing a tower right in the middle of town.

Carl Anderson said his vote is no because it would fly in the face of everything Article 18 is supposed to protect, primarily aesthetics, and feels that the applicants need to find another place to install the tower.

Carl Anderson: I make a motion to deny the application for a Conditional Use Permit to allow for the construction and operation of a Telecommunications Facility located in the Light Industrial/Commercial Zoning District on Tax Map R21 Lot 12, 1002 Upper City Road.

Adam Gauthier: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George– yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

The Board members thanked the applicants and abutters for coming in.

Adam Gauthier called for a recess at 8:04 p.m. and the meeting resumed at 8:09 p.m.

ITEM 6. – K & M DEVELOPERS, LLC MANNY SOUSA, JR., BAILEY PARK CLUSTER SUBDIVISION REVISION

Adam Gauthier read the following;

Notice is hereby given in accordance with RSA 676:4 & 675:7 that a letter of request by Shaun Vando, on behalf of K&M Developers, LLC., 46 Lowell Street, Hudson, NH 03051, for subdivision revision of the Cluster Subdivision known as Bailey Park will be submitted to the Planning Board on Thursday, April 14, 2022, at 7:00 PM, at the Pittsfield Town Hall, during a regular meeting of the Board.

The request is to amend the original decision of the 1,008 sq. ft. maximum building footprint, to allow garages and decks to be excluded in the calculation of the 1,008 sq. ft. building footprint for properties located in the Bailey Park subdivision (originally identified as Tax Map R3-7C).

Upon a finding by the Board that the written request meets the submission requirements of the Town of Pittsfield subdivision regulations, the Board will vote to accept the written request as complete, and a Public Hearing on the merits of the proposal will follow immediately.

Should a decision not be reached at the Public Hearing, this request will stay on the Planning Board's agenda until it is either approved or disapproved.

The written request for subdivision revision is available for review at Pittsfield Town Hall, 85 Main Street during normal business hours.

Board members welcomed the applicant Manny Sousa, Jr. owner of K & M Developers, LLC.

Manny Sousa, Jr. stated he was here tonight for an amendment to the original decision concerning the Bailey Park cluster subdivision. The purpose of the amendment is to request an allowance to build attached garages, decks, and porches as an exclusion in the 1,008 square foot building footprint.

Manny Sousa, Jr. said allowing the additions will improve the housing development. Some of the homes allow for underground garages, but some of the lots in the cul-de-sac don't allow the space for an underground garage. Allowing attached garages would also allow buyers to store personal items rather than storing items around the yard. Mr. Sousa said since COVID-19, more families are also looking for outdoor spaces for gathering, so allowing deck or porch additions would be an additional attraction for home buyers.

Manny Sousa, Jr. said the state is reporting over a 20,000-house shortage and although the homes in Bailey Park haven't been put on the market yet, they will sell on the day they are put up. Mr. Sousa stated he isn't trying to add additional footage to the footprint of the house, he is just trying to upgrade the cluster development and give it character rather than having little boxed houses in a row. Mr. Sousa said the town has been plowing the road to Bailey Park for several years now and selling the homes will bring more tax income into the town.

Manny Sousa, Jr. said at the last Planning Board meeting a discussion about the deeds of residents already on the road and how to include those residents in the changes. Mr. Sousa said after speaking with his attorney, they have no problem with it being part of the approval, although it might take a bit longer for residents who have a mortgage company they have to work with.

Ed Trzcinski asked Code Compliance Officer Scott LaCroix for his opinion.

Scott LaCroix said he would agree with the builder as far as adding attached garages or porches/decks because it would separate the homes and give aesthetic variation instead of just a line of square boxed houses going in. Mr. LaCroix stated adding decks going off the back of the homes wouldn't be encroaching on any zoning or setbacks on neighbors and would enhance the Bailey Park development so he didn't see an issue with it.

Adam Gauthier asked why it took the builder 12-14 years since acquiring the property to come in to take care of the open space issue because three homes went up during that time and the homeowners couldn't come in for additions to their own residences until the developer took care of the open space

issue.

Bonnie Theriault said there was an email correspondence within the file that indicates the Planning Board had contacted the owners regarding the open space a few times and noted there was also a letter that went out saying that no building permits could be issued on the properties that have not already been built upon until the open space issue was taken care of.

Manny Sousa, Jr. said his father previously owned the property before retirement and that he just recently started cleaning up loose ends after learning of the open space issue. Mr. Sousa said the land was purchased at foreclosure and the open space was an issue no one at auction would have known about. Mr. Sousa said he never intended to come in at what seemed like the last minute for changes and actually had to pay to have his attorney fix the open space issue and work directly with the town to get it right. Manny Sousa, Jr. said the open space issue should have been taken care of by the previous builders before the prior permits were issued to build since that is what he is having to do.

Manny Sousa, Jr. said he has been able to speak with some of the neighbors who have already purchased a home in Bailey Park and feels the changes will not only benefit them as far as raising property values, but allow those residents the same benefit of adding garages, porches, or decks to their own homes. Mr. Sousa said his family has been building for over 30 years and when he finishes a development, he likes to come back later and wave at homeowners to check in on them to make sure they are happy with their homes.

Carl Anderson said in his opinion, that it doesn't do any good to look back on what should or shouldn't have been done. Carl said he can see where the gentleman is coming from because it was his father who purchased the property and now that the issue is being resolved, the Board should concentrate on moving forward to do the best for the town and Bailey Park development. Carl agreed putting in houses worth more money will not only look better but will bring much-needed tax revenue into the town.

Adam Gauthier opened for public input at 8:20 p.m.

Katelyn Nye said she is a current abutter who recently purchased a property in Bailey Park and agrees with the builder because none of these issues were disclosed by the realtor when she purchased her home. Katelyn said she is currently living in a 2-bedroom ranch (that is very small, to begin with) on 2 ½ acres of land and would like a detached garage.

Board members welcomed Katelyn Nye to Pittsfield and Adam Gauthier closed public input at 8:21 p.m.

Ed Trzcinski asked about the acreage on the other lots as far as attached garages.

Manny Sousa, Jr. said the smaller lots (under 1 acre) will have underground garages and the large lots (over 1 acre) will have the attached garages.

Adam Gauthier questioned whether maximum-sized garages should be a consideration in a cluster development to bring things in tighter and smaller.

Carl Anderson said cluster developments are supposed to be designed to allow for land, beyond what people have bought for a lot, to be designated as protected common land and that is why smaller homes are usually built.

Ray Ramsey read the definition of cluster development (below);

According to the experts, cluster development is the economic development of a business cluster or residential area to permanently protect open space environmental resources. Under this scheme, houses are built closer together on a part of land rather than spread evenly on large lots over the whole development.

Bonnie Theriault noted the previous builders were looking into building more affordable and economical family housing by limiting the build to 2-bedroom homes, but since they weren't able to do that, they limited the homes to a 1,008 square footprint.

Board members agreed to allow the additions as long as there is no impact to the setbacks and meets all local and state requirements.

Adam Gauthier: I make a motion to approve the addition of garages, decks, and porches in the Bailey Park cluster development and for the additions to not be included in the 1,008 living square footprint of the building.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey– yes, Carl Anderson – yes, Ed Trzcinski – yes.

Board members thanked the applicants for coming in.

ITEM 7.- NOTICE OF SUBMISSION AND DETERMINATION OF COMPLETENESS ON AN APPLICATION FOR SITE PLAN APPROVAL

Planning Board Chair Adam Gauthier read the following;

The Pittsfield Planning Board will hold a meeting pursuant to RSA 676:4, I, (c), (1), to determine whether a submitted application for Site Plan approval is complete according to the board's regulation. The time and place of the meeting are Thursday, April 14, 2022, during the regularly scheduled Planning Board meeting that starts at 7:00 p.m., at the Pittsfield Town Hall, 85 Main Street, Pittsfield, NH. The name and address of the applicant are Michael Fairbrother/Over the Moon Farmstead, 23 Londonderry Road, Unit 17, Londonderry, NH 03053. The proposal is a major Site Plan Review to renovate a portion of the existing farmhouse to accommodate an indoor tasting area and restaurant. Proposed deck off of the existing house to provide additional outdoor seating. Existing indoor ordering counter and gift shop within barn and outdoor picnic table tasting area to remain. Property is restricted to a maximum of 60 seats (indoor/outdoor). The subject property is identified as Tax Map R17, Lot 2, in the Rural Zoning District. The proposed work area is located at 1253 Upper City Road, owned by OTMF, LLC. The application for Site Plan Review is on file for public inspection at the Town Hall, 85 Main Street, Pittsfield, NH.

Notice of Hearing on the Merits of an Application for Site Plan Approval

If the Pittsfield Planning Board determines that Michael Fairbrother/Over the Moon Farmstead's, application for Site Plan approval is complete at the above-noticed meeting, then the board will hold a public hearing pursuant to RSA 676:4, I, (c), (1); RSA 676:4, I, (e); the Town of Pittsfield Site Plan Review Posted 04-13-2022 Page 3 of 3 Regulations, section III; and the Town of Pittsfield Subdivision Regulations, article 5, section 1, (d), and article 5, section 4, (a) on the merits of the application immediately after the board's completeness determination. The board will not give additional notice of a continuance of the merits hearing to a later meeting.

Planning Board Chair Adam Gauthier opened the public meeting and welcomed the applicants.

Doug MacGuire with The Dubay Group, Inc introduced himself stating he was here representing Michael Fairbrother – Over the Moon Farmstead. Mr. MacGuire said the Board recently acted on what they are calling a Phase 2 application this last November of 2021 where the Board agreed that an indoor tasting area would be allowed.

Doug MacGuire said they originally came in for indoor tasting and approval for food to be served, but after the discussion, it was determined a restaurant type of use would not be allowed without approval from the Zoning Board of Adjustment. So, on the Board's direction, they excluded the restaurant portion of the application and continued the application for approval of a tasting area.

Doug MacGuire stated they then submitted an application to the ZBA Board and attended a meeting where they received a special exception to allow for food and restaurant use on the property. Mr. MacGuire said they are here tonight to provide the Planning Board with the updates from Phase 1 & Phase 2 and to also introduce Phase 3 of the plan. Phase 3 of the plan is the same plan that was presented as Phase 2 (no changes proposed) other than a request to allow extended food service to the 60-seat (indoor, outdoor, or mixture of both) capacity previously approved for Over the Moon Farmstead.

Carl Anderson said he noticed Over the Moon Farmstead has live entertainment sometimes and wondered if that was inside or outside.

Michael Fairbrother stated the live entertainment consisted of one musician and that it would continue inside.

Matt St. George asked if Phase 1 (June 2021) and Phase 2 (November 2021) had already been completed because the Planning Board had never received updates on the previous phases in order to move forward with Phase 3.

Ed Trzcinski stated he also had some concerns with the septic.

Matt St. George questioned the current septic system and stated the septic was supposed to be installed in Phase 2 and shown as completed before a restaurant or bathrooms were in use.

Doug MacGuire said the septic (already approved at the State level) hadn't been installed yet because finding a contractor for the size of the proposed system took a while. Mr. MacGuire said the new septic is ready for construction when the weight limits are lifted from Upper City Road.

Doug MacGuire said the existing leach system (900-gallon capacity) on the property is for a 6-bedroom home, but adequate enough for the 720 gallons needed (12 gallons x 60 ppl capacity) for that condition and shouldn't be a safety issue.

Matt St. George said it would be a safety issue until the septic is approved by the State.

Carl Anderson asked when the original septic was put in because the Board hasn't even seen the original septic system approval and design.

Doug MacGuire said the current septic is less than 10 years old and they can get a copy of the original septic if needed. The Phase 3 application before the Board has all of Phase 1 and Phase 2 notes and corrections.

Mr. MacGuire asked about approval for the 60-capacity food service with conditions for the septic due to the time schedule of Board meetings.

Adam Gauthier let the applicants know the Board never gave approval on Phase 1 or Phase 2 and had just received the updated Phase 3 yesterday.

Adam Gauthier stated a third-party review was also missing due to not having the digital copy and CNHRPC had to come into the office just to get the large plans.

Board members agreed they hadn't had time to look over the Phase 3 application due to the absence of a digital copy and the late submittal.

Ray Ramsey pointed out the Board members work full-time jobs, so without a digital copy (which is required), it makes it very difficult to look over the larger plans.

Doug MacGuire said he didn't realize the Board needed an electronic version of the plans and asked if it was in the regulations.

Bonnie Theriault stated she had reached out to notify them of the digital copy missing with the application.

Adam Gauthier said the requirements are in the regulations; small plans, large plans, mylar, and a digital copy of the plans a requirement for application submission.

Adam Gauthier stated the applicants wouldn't need to re-notice, but unfortunately, the Board would need to continue at the next meeting giving them time to look over all the phases of the application that were submitted.

Board members agreed they needed more time to look over whether corrections, waivers, and conditions were met for Phase 1 and Phase 2, as well as time to look over the Phase 3 application that was recently submitted.

Doug MacGuire said they haven't submitted the final mylar yet because they were waiting on Phase 2 approval. Mr. MacGuire said he would submit two full digital copies for Phase 1/Phase 2 and the mylar sheets. Doug MacGuire asked after the Board has had time to review Phase 1 and Phase 2 if they would let Bonnie Theriault know if it looks acceptable, they can bring the updated mylar in.

Matt St. George asked for a copy of the current septic system to show the gallon capacity.

Doug MacGuire agreed to submit a copy of the current septic system.

Matt St. George: I make a motion to continue the application for Over the Moon Farmstead Phase 3 on May 12, 2022.

Ray Ramsey: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

Board members thanked the applicants for coming in and said they would be in contact as soon as they

had time to look over the first two phases of the plan.

Adam Gauthier called for a recess at 9:18 p.m. and the Board returned from recess at 9:22 p.m.

ITEM 8. – LETTER TO CNHRPC REGARDING THE LAND DEVELOPMENT REGULATIONS UPDATE

Adam read the following letter dated April 14, 2022, addressed to Central NH Regional Planning Commission;

Dear Mike,

The Planning Board members have a number of concerns with the draft Town of Pittsfield Land Development Regulations, as presented by CNHRPC.

The Town contracted with your team to consolidate and simplify our regulations, to be a “one-stop-shop,” where the applicant can read the regulations and be able to complete the application process on their own. After an initial in-person meeting and one remote meeting with Matt Monahan, the Planning Board was tasked with going over a proposed Land Development Regulations.

Once our review process began, it soon became apparent that the proposed document was rife with errors in composition, law, and document referral references, redundancy of content, and simple rules of construction, language, and punctuation. The Planning Board has found it necessary to go over, as a committee, every word, page by page, not only considering whether we found the proposed regulations appropriate for Pittsfield (this we had anticipated) but also checking and rechecking for errors previously mentioned (which we had not anticipated). We are into this review to the tune of approximately 28 hours, with 20 more pages to go. We believe this process is far in excess of what we should have had to do. It is our opinion that what should have been accomplished long ago (an acceptable document, both in content and grammar) continues to be a slog, correcting things that should have been edited before it ever was delivered to us.

It is the feeling of the Planning Board and based on their report, the Board of Selectmen as well, that as a Town, we did not get what we bargained for and believe that the cost associated with this project needs to be reviewed and adjusted to reflect the above concerns of the Board.

Please let us know your thoughts and you may direct any questions to Office Assistant Bonnie Theriault, Planning Board Chair Adam Gauthier, or Selectboard Chair and Planning Board ex-officio member Carl Anderson. We look forward to a fair resolution.

Sincerely,

*Adam Gauthier
Planning Board Chair*

*Carl Anderson
Chairman, Board of Selectmen
Selectboard Ex-Officio Member*

Ray Ramsey: I make a motion to send a letter as written to Central NH Regional Planning Commission.

Ed Trzcinski: Second.

Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey – yes, Carl Anderson – yes, Ed Trzcinski – yes.

ITEM 9. - MEMBERS' CONCERNS

Board members voted for office positions and then looked over/discussed upcoming applications.

Matt St. George: I make a motion for Adam Gauthier to be Chair of the Planning Board.

Ray Ramsey: Second.

Discussion: None.

Motion carried 4-0-1. Matt St. George – yes, Ray Ramsey– yes, Carl Anderson – yes, Ed Trzcinski – yes.
Adam Gauthier abstained.

Matt St. George: I make a motion for Ray Ramsey to be Vice-Chair of the Planning Board.

Carl Anderson: Second.

Motion carried 4-0-1. Matt St. George – yes, Carl Anderson – yes, Ed Trzcinski – yes. Ray Ramsey
abstained.

ITEM 10. - ADJOURNMENT


Matt St. George: I make a motion to adjourn at 10:33 p.m.

Ray Ramsey: Second.

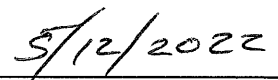
Discussion: None.

Motion carried 5-0-0. Adam Gauthier – yes, Matt St. George – yes, Ray Ramsey– yes, Carl Anderson –
yes, Ed Trzcinski – yes.

Approved.



Adam Gauthier, Chair



Date