PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Minutes of February 8, 2010

The Peterborough Planning Board held its regular monthly meeting on Monday, February 8, 2010 at 7:00 p.m. in the Selectmen's Meeting Room of the Town House.

Members Present: Chairman Leandra MacDonald, Vice Chair David Enos, Richard Freitas Michael Henry, Ivy Vann, Carl Wagner, Rick Monahon, and Barbara Miller, *ex officio*.

Staff Present: Carol Ogilvie, Director; and Laura Norton, Administrative Assistant, Office of Community Development.

Chair MacDonald called the meeting to order at 7:00 p.m. She introduced the Board members and staff. Chair McDonald appointed Alternates Freitas and Wagner to sit. She then noted the first item on the agenda was a request for utility work on scenic roads by PSNH.

PSNH Request:

Jeff Enman introduced himself as a Program Coordinator for PSNH. He noted the need to cut trees in two separate locations on scenic roads in town and began with Carley Road. Mr. Enman noted a new home was being built on Carley Road, creating the need to set two new poles and cut some trees. Mr. Enman noted "the majority of trees are on private property and we have obtained permission to cut them." A very brief discussion about the location of the poles followed with no other questions from the members or the audience.

Mr. Enman continued with their request to cut trees on Old Jaffrey Road. He noted that once again a large percentage of the cutting would take place on private property "but we do have some trees in the town right-of-way." Mr. Enman described one of the larger trees being cut was a "mostly dead" hemlock that "is almost a hazard" and another as an old oak that was in the path of the new wires. Mr. Enman noted PSNH would need to install a new mid-span pole near the junction of Old Jaffrey Road and the driveway of the new house, "and then the service will go underground to the home."

Ms. Vann in at 7:05 p.m.

Mr. Freitas asked for clarification of what a mid-span pole was with Mr. Enman replying "it is a placement with a shorter span than normal." He went on to give Mr. Freitas an example.

Dick Freeman introduced himself and stated he was a resident of Old Jaffrey Road. He expressed his frustration of being unable to understand the diagram or the legend provided by the applicant. He asked Mr. Enman to clarify the request with a sketch noting "it may be self-explanatory to public utility guys but not to me." Mr. Freeman also asked "why do you have to cut the old oak tree? Why not just trim the branches?"

Mr. Enman responded with a brief clarification of the diagram and the factors that led to the current configuration of the plan. He noted they had discovered a natural break in the stone wall lining the road and opted to place the new pole there rather than cutting into the stone wall somewhere else. "That changed the trajectory of the lines right toward the old oak tree" he said. A brief discussion followed with Mr. Freeman noting "the preparation for this has been less than acceptable." Chair MacDonald responded by asking "do you want more detail?" to which Mr. Freeman relied "I question the amount of cutting that needs to be done up there" adding "I think this ought to be looked at before you approve it. It is not shown very well on the sketch you have there."

Chair MacDonald asked the members "do we need to see this?" Mr. Enos replied "I am in favor of taking a look given our past experience." Chair MacDonald agreed and a site visit for Friday, February 12, 2010 at 5:00 p.m. was scheduled.

Mimi Bull introduced herself as a resident of Old Jaffrey Road and asked for confirmation that the pole would not have a light on it. David Weir introduced himself as a resident on the scenic road and asked about the "good deal of stone wall that was removed for the driveway to the new residence" adding "was that properly authorized?" Chair MacDonald suggested a review of the driveway permit. Mr. Weir went onto note "Old Jaffrey Road has a scenic designation" with Chair MacDonald replying "that is why we are here." Mr. Weir went on to say "I don't want to see the road compromised by unilateral unauthorized actions." Mr. Weir also described a pair of lights that had been installed at the end of a driveway on the Old Jaffrey Road noting he felt it was a driving hazard; He noted "coming from the other direction it looks like a car is coming at you." A brief discussion about private property rights and the purview of both the Public Works Department and the Planning Board followed. The discussion ended with Chair MacDonald noting it may be appropriate to have the Code Enforcement Officer take a look at it" but the Planning Board does not regulate lighting in these instances.

The scenic road applications were closed at 7:25 p.m.

<u>Glenn Brown Subdivision Request:</u>

Randy Brown introduced himself and noted "my father Glenn Brown owns the parcel, I am his agent." He distributed an updated version of his plan and explained the subdivision would divide the family lot into two separate lots with a single family home on 50 acres (his) with his father retaining the other 19 acre plot with the superfund site on it. He told the members he was still waiting for additional information for a dredge and fill permit from the state but that he had received a waiver from DES on delineation of the entire lot's wetlands.

Mr. Brown reviewed the plan noting the delineation he had just mentioned was to be completed this week. A brief discussion about the superfund site followed with Mr. Brown noting his father had maintained sewer lagoons on the property years ago. Mr. Brown also noted the location of perk testing on the site. He then reviewed the Groundwater Monitoring Zone (GMZ) noting the ground wells were tested on a regular basis.

Mr. Brown explained the New Hampshire Ball Bearing Company was the root cause of the contamination and had done some mitigation as well but noted the long term plan was to "leave it alone and not disturb the soil." Mr. Brown explained that the contaminants, over the years, would dissipate on their own and the state felt that was better than a massive dredge and fill campaign. Chair MacDonald asked "if DES does not issue a permit can we make this subdivision moot?" Ms. Ogilvie replied "yes their decision would be on file and the Board's approval can be conditional on that." Chair MacDonald noted "it is just strange; we have never subdivided a super fund site before."

"Anything else?" asked Chair MacDonald with no other questions. She did note she would like to know where the monitoring wells were located on the plan adding "it is nice to know where they are within that boundary." A brief discussion about the geo-thermal well Mr. Brown would be putting in followed.

There were no other questions and the meeting closed at 7:40 p.m.

Deliberation

Carley Road Request
Chair MacDonald noted she would entertain a motion for accepting the tree cutting on Carley Road. A motion was made /seconded (Miller/Henry) to approve the request by PSNH will all in favor.

Old Jaffrey Road Request
Site visit scheduled for Friday, February 12, 2010.

Glenn Brown Request
The members began by reviewing the staff report on the request. Mr. Enos asked Ms. Ogilvie if all the concerns had been addressed with Ms. Ogilvie noting she had not had an opportunity to review the updated version but had communicated several times with the applicant and would review the updates.

Chair MacDonald reviewed the pending items that an approval would be conditional to as follows:

-a report on the standing water on the plat (old lot)
-the waiver request for the topo
-the wetlands delineation
-septic and perk testing results/location of proposed well*
-GMZ well locations on the plan

*Mr. Brown noted the proposed well would go "go anywhere it can go safely, and there is ample room on the lot where it can be located."

Mr. Brown also asked about the "Other Information as applicable" section in the Subdivision Regulations where it calls for a report from the Fire Chief, Police Chief, **and/or** Town

Conservation Commission." He went to say "maybe I read it wrong" he said "but is says "and/or." The members agreed and noted the "or" should be removed from the language.

Chair MacDonald then noted "I have one question, has anyone ever seen this before? A subdivision of a super fund site?" She added "it meets the criteria but it makes me nervous, creating a lot with a lot of problems." Ms. Vann noted "as long as the GMZ is clearly delineated, I think it is OK." She added "we are creating two lots where there was one but we are not creating *land*, there won't be anything more there than what is existing now." Chair MacDonald replied "just to make sure I would like to make sure everything is well delineated and there are notes on the plan." Ms Ogilvie noted "the plat would be recorded with that information." Chair MacDonald replied "good, we are obligated to make sure all the information is provided on the plat. Right now it is family owned but the information must go with the land."

A brief discussion about the design of the septic system being contingent on the water supply (well) followed. They also re-reviewed the location of the well. Mr. Monahon noted "that is my relief on this for our responsibility, when the state accepts the septic plan from the septic designer." Chair MacDonald re-reviewed the pending items as follows:

-a report on the standing water on the plat (old lot)
-the waiver request for the topo
-the wetlands delineation
-septic and perk testing results/location of proposed well*
-GMZ well locations on the plan
-waiver for power/utilities

She reiterated "we need to note that pertinent conditions exist on the site." Mr. Monahon noted "the waivers are all sensible."

A Motion was made/seconded (Freitas/ Henry) to approve Mr. Brown's request for a subdivision conditional to a review of all the pending items and changes made on the plan with all in favor.

<u>Discussion of Potential Zoning Amendments</u>
The members engaged in a pertinent discussion about the schedule and their time frame in bringing proposed amendments to the ballot. Ms. Ogilvie reviewed the available meeting times and posting of public hearings (which were decreased by the observance of a Holiday February 15th).

The members reviewed the status of the Demolition Delay ordinance, Work Force Housing, No Interior-lit Lights in the Downtown Commercial District, Emergency Generator Noise Exception, Work Force Housing and an In-Fill Overlay District. After brief discussion the members decided to advance the lighting and demolition ordinances. They decided to table the Work Force Housing pending new legislature recently introduced. When it was noted that no work had been done on the Neighborhood Overlay in months Ms. Vann replied "I would hate to see us let that go another year."

Ms. Miller interjected an example of a petition introduced last year for an alternative energy credit. She noted the petition itself was not thoroughly thought out, adding "it has created a lot of work for a lot of people." She noted the petition was not studied fully in a time-constrained period and warned of a similar fate for many of the amendments before the Board tonight. She went on to say "they can be more trouble than they are worth, you don't want analysis paralysis but you have to have a handle on them."

Chair MacDonald then revisited the re-zoning of the Community Garden parcel on Route 202 North. A brief discussion about ownership, usership and the Rural District followed. Chair MacDonald concluded by noting "it is logical to put it back to rural."

Mr. Enos gave an update of the progress of the Wetlands Workgroup meeting noting an amendment may be difficult for the Planning Board to put before the town. He noted they were stuck on the "minimum exemption size versus all wetlands need protection issue." He added "we had no resolution on exemption size with two different motions." A discussion that included buffer and setback limitations, monumentation, wellhead protection and whether the amendment was do-able or not followed. Mr. Enos concluding the amendment had been manipulated to a point where it was considerably shorter and more concise "and not that difficult to work with." He noted the Workgroup's progress made at their meeting this morning and stated they would continue to plug away at it the next two weeks.

Mr. Freitas reiterated his support for the Moosewood Report and his support of a tiered system and a minimum acreage exemption. "This is a big thing with me" he said. He noted "my opinion is that if it (the exemption) doesn't stay it will affect those trying to build or add on." He added "property affected by arbitrarily adding 50 feet of protection can really rip a site apart." The brief discussion that followed included protection for all *functioning* wetlands. Ms Vann noted "that is the operative word, you have a damp spot on your land, it is wet in the spring but is not a vernal pool, how high functioning is it?"

The members had a brief discussion about the marriage of the protection and the political sides of the ordinance. They touched on Conditional Use Permits and the time frame for scheduling public hearings. Chair MacDonald noted she felt a bit overwhelmed with Ms. Vann noting "it is never going to feel happy." Mr. Enos suggested they all continue "to go through the exercise" adding "you can always walk away." Chair MacDonald replied "to take this to public hearing we have to have the stuff to show for it and have to believe in it." Ms. Vann agreed and suggested creating a "show and tell" for the public. The members reviewed low impact development, road connectivity and other objective criteria for Conditional Use Permits. Ms. Vann noted "we can come up with what we know is important, we just have to say it." Chair MacDonald replied "yes, come up with it and administer it objectively."

Site Visit to Old Jaffrey Road:

Friday, February 12, 2010 at 5:00 p.m.

Next Wetland Workgroup Meetings:

Wednesday, February 17, 2010 at 7:30 a.m.
Monday, February 22, 2010 at 7:30 a.m.

Next Workshops:

Monday, February 22, 2010 at 5:15 p.m.
Thursday, February 25, 2010 at 5:15 p.m.

Next Meeting:

March 8, 2010 at 7:00 p.m.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant