

**PLANNING BOARD**  
TOWN OF PETERBOROUGH, New Hampshire

Minutes of December 13, 2010

The Peterborough Planning Board held its regular monthly meeting on Monday, December 13, 2010 at 7:00 p.m. in the Selectmen's Meeting Room of the Town House.

**Members Present:** Chairman Leandra MacDonald, Alternate Richard Freitas, Alternate Bill Groff, Michael Henry, Barbara Miller and Rick Monahan.

**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. and began with a welcome and introduction of the members and staff. She noted the only application for the evening was for Public Service of New Hampshire for the trimming and removal of trees and brush along the scenic roads.

**PSNH Scenic Road Application:**

David Crane introduced himself as an Arborist for PSNH, and Steve Swain from Asplundh Tree Services, who had been hired to do the tree work. He went on to note "we plan to trim all of our roadside distribution lines within the next year." He explained that the last time they had been in the area was in 2007. He noted "we trim on the average of a 4 and a quarter year cycle." He briefly reviewed the schedule "with some larger odds and ends pickup at the end of 2011."

Mr. Crane reported customers in the Town of Peterborough "are seeing tree-related outages of 50% more than other communities and "this is true for more than twice as often for the average customers on scenic roads." Mr. Crane noted "a 48% decrease in outages after trimming" adding "these recent outages indicate it is time for us to maintain (trim) the lines." He noted "the specifications remain the same as the last time we trimmed."

Mr. Crane reviewed the standards for trimming trees around power lines (15 feet above and 10 feet below) as well the diameter of the size of trees that would be cut. He noted cut trees would not exceed 4 inches in diameter "unless they are dead, decayed or defective trees." He noted that occasionally a landowner will request a tree be removed (versus trimmed) for aesthetic reasons, "but we will be doing more trimming and brush removal than anything else."

Mr. Crane reviewed the procedure to contact the landowner prior to any work being done. He added this contact was scheduled ahead of the crews doing the work. He noted about five crews are in town now that will grow to seven or eight into the new year. Chair MacDonald asked about the procedure for non-scenic roads with Mr. Crane replying "we contact the landowner regardless of whether or not they live on a scenic road." Mr. Crane reviewed the process of contacting the landowner face to face if possible and noted an informational card/brochure was sent to all customers affected by the trimming. He added that while in the past cards or brochures have been left on front doors that is no longer the policy and that all correspondences are mailed

(first class postage) to the landowners. He continued by noting the landowner may consent to the trimming via mail or request a consultation for more detail. When asked if a customer did not respond to the mailing Mr. Crane noted "if we don not have a reply after 45 days, per state law consent is implied and we are deemed OK to go." Mr. Crane then specified that "if we are talking about large trees, we will track down the landowner and get written consent; we will not take down large trees without it."

Deb Kaiser, a member of the audience interjected "it (the brochure) looks like a promotion not permission" and a brief discussion about the process followed. Ms. Kaiser noted she was a resident of Old Town Farm Road as well as a member of the Heritage Commission and the Open Space Committee. She stated "we have worked well with the arborist coming up the road in the past" adding "but this is about the whole length of the road, the whole idea of the road." She noted the "patchy" and "unsystematic" way in which people were contacted. She stated "we all received the card and threw it away."

Chair MacDonald suggested the contact information available in the card/brochure be printed in the Minutes for reference. That contact information is as follows:

**Roger Landry**  
**Asplundh Tree Services**  
**866-673-8234**  
**Cell: 401-8818**

Chair MacDonald asked about how the trees were marked with Mr. Crane replying the process involved orange ties used to flag the intended trees. He noted the process was two-fold in that they identified the trees for the trimming crews (the crews also have written descriptions of the intended trees) as well as avoiding the use of paint to identify trees that may end up not being taken down "and that does happen" concluded Mr. Crane.

Mr. Crane then reiterated the process of a landowner not wanting a tree removed. Mr. Crane noted "if it is not an imminent safety hazard we will not follow up, it comes down to a matter of priorities." He added "in the 21 years of doing this we have had to challenge the landowner maybe 10 times" adding "because of an imminent safety hazard." Chair MacDonald reiterated "so mostly brush and trimming and you will make landowner contact and the negotiation process of taking down a tree." Ms. Von Mertens clarified that "other than the requirement for a Public Hearing there is not a lot of difference between scenic roads and the other roads in town. The same policy applies to them all." She went to note "it seems there is a perception that scenic roads are afforded special attention but they really aren't. The difference is the requirement for a Public Hearing and a chance to speak to the Board."

A woman who identified herself as Bethany from Carley Road introduced herself and noted she was 100% in favor of cutting trees around the power lines. She referred to the card/brochure she had received and noted the questions asked were yes/no answers adding but what about a "yes *but* answer?" She went on to note some examples of how the trees were cut. She asked the Board "can I say yes *but* please do not cut or trim the trees like this" as she pointed to a tree in the

brochure. Mr. Crane suggested she contact Mr. Landry noting “that information will go to the crew.”

Ted Manning introduced himself as a resident of Old Greenfield Road. He asked the Board “does the Town have a choice in this?” Mr. Crane began to answer the question but Mr. Manning noted he would rather Mr. Crane did not. Ms. Ogilvie noted the regulation was vague in that it does not specifically say the Planning Board has to approve the request. She noted “what it gives is an opportunity for discussion and a means for the landowners to get what is appealing to them.” She added “obviously this would be the case given the obvious public safety issues.”

Mr. Crane added “yes, you can say no but the consequences are higher limb related outages and safety issues. He gave an example of a young boy scout injured by contact with a wire while clearing brush and a cable workman electrocuted when he came into contact with a 7200 medium voltage line. “His wife and son no longer have him” he said adding “so there are consequences.”

Maude Salinger introduced herself and asked about the flagging of trees and the timing of the flagging. Mr. Crane explained the process but noted “in some cases it depends on when the landowner is contacted. It may be a few days or a few months after flagging that the tree comes down.” He reiterated the fact that “we will not take down a good size tree without the landowner’s permission.” Ms. Salinger asked about the taking of a tree with landowner permission but against the wishes of the neighbors. Mr. Crane made it clear the decision rests with the landowner. “Private property owns that decision” he said.

Ms. Kaiser asked about right-of-ways and PSNH easements and a brief discussion followed. Mr. Crane noted they don’t “spend a lot of time looking for easements because 99% of the time we have to contact the landowner anyway.” He added “it is a lot easier to fix things before the chain saws come out than after.” He also explained how PSNH does have the right to cut trees “even without consent” in that PSNH has legally licensed poles either granted by the town or the state “and that license gives us the right to maintain it.” He reiterated that limb clearance of 8 feet needs a maintenance trimming schedule of “about every four years.”

Chair MacDonald interjected “it would behoove us to know where our easements are.” Mr. Crane replied “the best person to go to for that would be Rodney (Bartlett, DPW Director). He is the go-to guy for that.”

Ms. Von Mertens stated she would like to say something positive. She went on to say “we may say please don’t do this or that (in regards to tree cutting) but the reality is that sometimes they have to. Right angle cuts have been made and they are hideous but that is the reality.” She added “sometimes you may need an arborist to shape the tree after but this is the reality they (PSNH) face and it is a tough one.” Chair MacDonald asked about trees above the power lines with Mr. Manning adding the example of Old Greenfield Road and the majestic trees that arch over the road. She stated “that will be gone when you your work is done.” A brief discussion about how trees over wires can be maintained followed.

Ms. Von Mertens mentioned a new technology called a Tumbler being used in other communities. "It comes in and shreds the roadside, it makes you cringe" she said adding "these guys don't do that." Mr. Crane noted that they *do* use that technology "on our transmission lines where 99% of the work is brush work. It is more effective although not more aesthetic" he said. A brief discussion about leaving the felled tree behind, removing the felled tree and the uses of the wood chips created by the felled tree followed.

In conclusion Mr. Crane reiterated the schedule and the areas of town where trimming would occur. He noted "we will come back late in the year for the bits and pieces we might have missed due to unplowed or icy roads, mud season or awaiting the return of the snow birds. We will have those issues" he said.

Ms. Salinger asked why PSNH did not bury the power lines and the brief discussion that followed included cost, service issues and the tremendous amount of labor (New Hampshire is the Granite State) burying the lines would present.

As Chair MacDonald was closing the Public Hearing Mr. Crane raised his hand and told the Board "I wanted to let you know we had an incident today, on Powersbridge Road." He went on to explain the work on that road had begun earlier than anticipated. He told the Board the crews were trimming trees less than 5 inches in diameter "but it was not our intent to go out and work ahead of the decision tonight." He added "we stopped the work and we are willing to take the punishment." He told the Members "that is why Steve is here tonight to show our commitment to accountability. He understands your feeling toward an urban forest and I applaud him for doing that and being here tonight."

The members agreed that miscommunications can occur "it is of utmost importance that the procedures be followed" and it was the hope of the Board that communication be kept clear and open at all levels of the project.

The Public Hearing was closed at 7:50 p.m.

**Report Out of Board Members Serving on Other Committees:**

Chari MacDonald noted "CIP is done and will be presented to the Board of Selectmen and the Budget Committee tomorrow." One member asked what would happen if the CIP is not approved with Chair MacDonald replying "nothing, except without an approved CIP impact fees cannot be levied."

Mr. Monahon noted he was a member of the **Cultural Resources Committee** "but we have not met in a while, I think we are in a black hole" he said. The extraordinary talent of the committee was complimented and Mr. Monahon noting he would try to get an update.

Chair MacDonald noted the members all received a draft copy of the **Regional Concerns Chapter** and asked they read it and be ready to discuss it at a meeting in January.

**Review of the Wetlands Ordinance:**

The members discussed a Public Hearing schedule for the proposed new ordinance. Chair MacDonald noted "it is not necessarily in its final form but we need to get it on the schedule for Public Hearings in January and February and then vote at the end of that process." The members agreed that it was their consensus that the ordinance was ready to go. Ms Miller noted "we have enough time for three public hearings." Mr. Henry interjected "the more the better for the public. I like what the group has produced and it is ready for input. The more input, the more misconceptions we can eliminate."

Ms. Miller mentioned the suggestion of an informational round table for developers with a brief discussion following. Chair MacDonald noted the idea was to create an educational forum; "a focus group" interjected Ms. Miller. Mr. Monahon added "either way, we will need the expertise and support from the folks who do that especially in Dave's (Enos) absence." He added "it might be a dream to get the people on the left getting along with the people on the right but we can try."

The members agreed the schedule would depend on whether or not any Planning Board cases were filed for the January meeting. Ms. Ogilvie noted that deadline was December 21<sup>st</sup> and they could plan from there. She stated she had been thinking that possibly a meeting at lunch time with pizza and the support of professionals like Matt Lundsted, Joanne Carr and Fash Farashahi could be successful. Another member interjected "we can go through an exercise with them so that they may see personally how this would affect them." Ms. Ogilvie agreed noting "we can go through the information and take questions." Mr. Monahon noted "it is an opportunity to do some educating and show some examples of how you play through the full analysis."

Ms. Von Mertens mentioned inviting Catherine Owen Koning "to come and deliver what is missing, the education piece" adding "not what is going to happen to your property but *why* the Town protects their wetlands." A brief discussion followed with the suggestion that (given no cases in January) Ms. Koning be invited to the January meeting to speak.

Chair MacDonald noted "I am all for individual rights but the lack of public knowledge of what may start upstream is a problem." She added "it is incremental, people are not focused on the microscopic level but they need to be" adding "and look what is left for development, (referring to land with wetlands or steep slopes) this is a critical issue. It really is." Ms. Von Mertens replied "this is an educational starter for the Planning Board as well." Chair MacDonald noted her concern that the public may find the ordinance precipitous "and then they don't come." Ms. Von Mertens suggested outreach to service groups "like a Rotary luncheon or whatever." Ms. Miller suggested broadcasting the presentation on the Public Access Channel (Channel 22). Mr. Henry suggested Ms. Koning speak before the Public Hearing with Ms Ogilvie replying "I was thinking the same thing." Mr. Henry added "we can have a professional presentation, totally unbiased for public information and tape it." The members agreed it would depend on the January case load. "We will know about that early next week" Ms. Ogilvie said.

A motion was made/seconded (Henry/Miller) to move the proposed wetland ordinance to Public Hearing. Mr. Monahon noted concerns expressed by Ms Vann in the past during the discussion phase of the motion.

Chair MacDonald appointed both alternates to sit for the vote and the members voted to move the proposal forward with all in favor.

**Traditional Neighborhood Development (Infill):**

No further discussion.

Ms. Miller reminded the members the Board of Selectmen were meeting with the newly elected state legislators tomorrow at 6:00 p.m. and all were welcome.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant