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

**Minutes of April 11, 2011**

**Members Present**: Chairman Leandra MacDonald, Bill Groff, and Rick Monahon.

**Also Present**: Carol Ogilvie, Director Office of Community Development, Laura Norton, OCD Administrative Assistant.

The Peterborough Planning Board held its regular monthly meeting on April 11, 2011 in the Selectmen's Meeting Room of the Town House. Chair MacDonald called the meeting to order at 7:05 p.m. She noted the first item on the agenda was a continuation of the discussion of the Regional Concerns Chapter of the Master Plan. She acknowledged that Chief Lenox had been invited to attend the meeting for greater clarification on portions of the Fire & Rescue section of the Chapter and thanked him for coming.

**Regional Concerns Chapter of the Master Plan:**
Chair MacDonald began by noting she had some questions about the direction of where things were going. Looking at the Chief she noted "and you are the source of a lot of the information in this section." She specifically pointed out the *Need for Regional Marketing* section and asked "would this be fire departments getting together and promoting the idea of getting involved?" Chief Lenox replied "this (Chapter information) is a couple of years old now when we were struggling." He added "back then a regional recruitment was a thought but since then we are up to full staff and have a waiting list." Chair MacDonald interjected "so the focus is more on needs and goals being met?" Chief Lenox replied with a brief description of the potential of a regional operations center and the Meadowood Concept (a program of expanded sharing of specialty equipment). He also detailed the State Fire Immobilization Plan that would be used for major events or situations like the ice storm of 2008. "That plan is rebuilt and coming off the shelf in a couple of months" he said.

Chair MacDonald then mentioned EMS (Emergency Medical Services) and asked "is the amount of equipment enough for our area?" adding "for instance is there a need for a third ambulance?" Chief Lenox replied "we could have used a third ambulance already a couple of years ago." He went on to explain the call volume and the number of back-to-back emergency calls the department receives. He explained that when the 2007 ambulance was replaced, it was kept as an emergency management vehicle. He noted the Police and DPW use the vehicle to store their barricades and that it could be used as a backup ambulance if needed "but it mostly goes out to service town events like the Children and the Arts and Peak into Peterborough." Chief Lenox reviewed the call volume for the department (approximately 1200 calls a year with about 300 being out of town). A brief discussion about the aging population and number of retirement and nursing facilities in town followed. Chief Lenox concluded the discussion by noting "we will often send an Engine out to handle a medical, we could definitely use a third ambulance."

Chair MacDonald asked if other towns in the community have taken the opportunity to develop emergency plans. "Are emergency plans required?" she asked. Chief Lenox noted that

emergency plans were required by both State and Federal Law. "Is yours up to date?" asked the Chair with Chief Lenox replying "yes." A very brief discussion of the requirements and necessary annual reports for the State followed. Chair MacDonald asked "do the towns look at each other's plans?" with Chief Lenox replying "no, we have never done that." He went on to explain the Mutual Aid System and how equipment from other towns is dispersed (depending on the seriousness of the call) via a run card system.

Chief Lenox went on to note "I think there is a misconception that everyone has everything and that is not the case." He explained how Peterborough's Ladder truck often assists towns that do not have a Ladder while towns like Jaffrey and Dublin assist us with their hose trucks. Mr. Monahon noted "to me the Regional Concerns Chapter of the Master Plan is a means to document that everyone *does not* have everything but it works through established lines of communication and shared equipment."

Chief Lenox went on to talk about MAFCA, a very active area Chief's group that meets every month. "We depend on each other and are probably the most active in the state" he said. Chair MacDonald asked "is everyone similarly trained?" with Chef Lenox replying "yes, both on the line and in administration." Chief Lenox went on to briefly explain the Incident Command System (ICS) adding "*and* we get to know each other's specialties" using equipment staging, water supply, and safety as examples. Chair MacDonald noted that with state funding cuts "getting together as a region to articulate our needs is a good thing. We can be a forgotten corner of the state if we are not careful to maintain our political clout." Chef Lenox concluded by noting "it strengthens regional cooperation and serves as a model for interdependency."

Chair MacDonald thanked the Chief for coming in and the discussion was closed at 7:25 p.m.

**Discussion with May Street Residents:**

Dick Reynells introduced himself as a May Street resident in Peterborough. He noted that he was present, along with several other May Street neighbors, in response to a proposal the Board heard last July for work force and elderly housing in West Peterborough. He presented a Powerpoint presentation entitled "Discussion of West Peterborough Development Proposal." He noted the presentation's intent was to provide the Board with certain facts and considerations regarding such a development as an extension of the May Street neighborhood. **A copy of the presentation is embedded at the end of these Minutes.**

Once the presentation was completed Mr. Reynells reiterated the lack of frontage on both May and Wilder Streets, the fact that May Street was not specifically impacted with sidewalks, street lights or traffic calming from the TIF fund, and the wetlands issues which include the special measures that many May Street neighbors must take to deal with the persistent water conditions (special drainage provisions, sump pumps, excavation of run-off, etc.). Mr. Reynells noted "there are 17 property owners, 8 parcels of land and 12 residences located along both sides of the street." He added "there are no sidewalks or road side buffers on either side" and "it is an investment and stewardship by all its residents." Mr. Reynells concluded by noting he and his neighbors believed "expansion north and west of our street is a threat."

A brief discussion regarding access, frontage issues, wetlands, steep slope and the Nubanusit River followed.

In referring to the presentation last July Mr. Monahon noted "in the context of the presentation to the Board, it was just that, a presentation. There were no plans or onsite exploration." He went on to note "we were not asked to determine if the proposal and statements about the property were accurate or not. It was a conceptual presentation, a first of many steps." Mr. Reynells replied "that is why we are here; we saw the threat of encouragement." A brief discussion about the mandate to consider work force housing followed with Mr. Monahon noting "it (work force housing) is a charge of the Planning Board; it has been put on our shoulders." He noted several examples of work force housing in all but the Rural District, "so when someone says something about work force housing in the Rural District, we listen and we ask *how can we get that*?"

Once again Mr. Reynells mentioned the threat of encouragement adding "we came together and thought what harm would it do to let you, the Planning Board know how we feel." A brief discussion about the conceptual process followed with Chair MacDonald concluding "it is a discussion that is non-binding on both sides."

The members once again noted the trend of seeing more problematic parcels of land coming before the Board. A brief discussion about land-locked parcels followed with Mr. Reynells thanking the Board for their time at 7:55 p.m.

**ZBA/Wetland Group/Planning Board Workshop:**
Workshop convened at 8:00 p.m.
Present from the ZBA- Loretta Laurenitis and Maude Salinger.
Present from the WWG - Jo Anne Carr and Matt Lundsted.

Chair MacDonald began by asking "what are we after here?" adding "so we know what we are here for." ZBA Member Loretta Laurenitis replied she had several questions, adding "I felt as though there should have been another public hearing on this – there was only one (hearing) on this version of the ordinance." Ms. Laurenitis also voiced her concern and reservations about the use of Conditional Use Permits stating "they give the applicants more options than they give the abutters." A brief discussion about the current appeal process with the ZBA and Special Exceptions and Variances versus the potential process via the Planning Board and Condition Use Permits followed. The members also discussed equal rights between an applicant and an abutter under the town ordinances and grounds for rehearing (determined to consist of new information to be heard, or if the Board feels an error may have been made). One member asked how other towns handle these types of applicant requests. The members also briefly discussed the added burden of an appeal to court (to both the town and the applicant).

Ms. Carr reminded the members of the limited circumstances that would allow the back and forth interaction of the applicant with the Planning Board via Conditional Use Permits. "How land is developed and a site plan can be received in the context of how the site is accessed is important, it makes sense to look at the whole project" she said. She added "that is the rationale for using Conditional Use Permits for this very narrow use." Another member noted "and the ZBA

authority, I believe is strengthened through this ordinance." Ms. Laurenitis asked about the possibility of getting a legal opinion from town counsel.

Ms. Carr asked if Conditional Use Permits were in other ordinances with Ms. Ogilvie replying "they are included in the wireless communication, the adult ordinance and in the Performance Standards for the three Commercial Districts."

Moving on Ms. Laurenitis noted the non-residential primary structure and asked "is there a definition for that?" A brief discussion about engineering a project that would not further encroach into the wetlands followed. Ms. Laurenitis also asked for further clarification about sideways constraints with Chair MacDonald replying expansion was possible "as long as the applicant can demonstrate they are not adding to the loading of the wetlands." A brief discussion about meeting Performance Standards Criteria in Article 9 as well as wetland mitigation after expansion followed. Mr. Lundsted clarified by noting "the ordinance allows sustainable redevelopment and infill rather than building new, so you can improve what you have."

Ms. Laurenitis asked for clarification on exempted parcels. When she was told exempted parcels no longer apply Ms. Laurenitis asked if the same was true for §245-15 F5 with Chair MacDonald replying "yes, they are gone."

Ms. Salinger noted she thought she had seen two different pieces of language on the access and a brief discussion followed. Ms. Salinger also noted §245-15 (2)(a) and read "streets, roads, access ways, and utility right-of-ways or easements, if essential to the productive use of land not designated as wetland, if so located and constructed as to minimize the detrimental impact of such uses upon the wetland *and no better alternative route exists*."

Ms. Salinger noted "the no better alternative route existing is missing." Ms. Ogilvie interjected "yes that is true" and added the ordinance had been discussed several times "and that language came and went several times." Ms. Von Mertens asked if the language had been removed because it was redundant with Ms. Salinger replying "actually no it is not redundant" as she went on to explain "it makes a big difference not having *a better alternative route*, a lot of different things can enter in to the overall impact of an alternative route." A brief discussion about the engineering of a wetland crossing, and the involvement of the ZBA, Conservation Commission and Planning Board followed. Ms. Ogilvie concluded by noting the language did exist in Article 9 of Site Plan Review but had been removed from the zoning because the Group felt it was not needed there; Article 9 is where the applicant is instructed on specific conditions. The members briefly discussed the criteria being located in Site Plan versus outlined in Zoning. Ms. Laurenitis noted her concern that the Performance Standards are not voted on by the community (public) with Chair MacDonald interjecting "they voted on by *us*."

Ms. Von Mertens spoke about taking a leap of faith in the Planning Board and that Board's responsibility to further their education process. A brief discussion about public education and improvement of properties followed. The members also discussed the reduction to a 50-foot buffer and the reduction in the size of protection for smaller wetlands (from one-half to one-quarter acre in size).

In conclusion the members once again talked about educating the public and how to get the word out. Mr. Lundsted jokingly interjected "I have been texting them." Ms. Carr suggested a fact sheet. They also briefly discussed a letter written by John Lord about abridging property rights. Ms. Salinger asked if requesting a response on land taking from town counsel in response to Mr. Lord's letter would be helpful. Mr. Lundsted replied "enormously." The night ended with a brief discussion about Mr. Lord's letter and making comments in a quasi-judicial versus legislative function. Ms. Von Mertens suggested a voter's guide and an advertisement in the local paper to better educate the public about the ordinance. Ms. Ogilvie noted "the Business Support Committee of the Chamber of Commerce has voted to support the ordinance" with Ms. Von Mertens replying "that is huge."

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant

# Discussion of West Peterborough Development Proposal

Prepared by May Street Neighborhood Residents

April 11, 2011

# Why here……..?

- We're here in response to a "workforce" housing development proposal presented to the Planning Board on July 12, 2010.

- Specifically, a proposal that would access certain property(s) owned and/or represented by Mr. Craig Hicks via May St so as to locate such a development in that area of West Peterborough.

- On behalf of the May St neighborhood residents therefore, this is intended as an informal discussion to provide the Board with certain facts and considerations regarding a so-called workforce housing development as an extension of the May St neighborhood.

# Background……

- The Peterborough Planning Board held its regular monthly meeting on Monday, July 12, 2010 at 7:00pm in the Selectmen's Meeting Room of the Town House.

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

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

First agenda item: **Informal Discussion with Craig Hicks on Workforce Housing.**

# Excerpts from the minutes……..

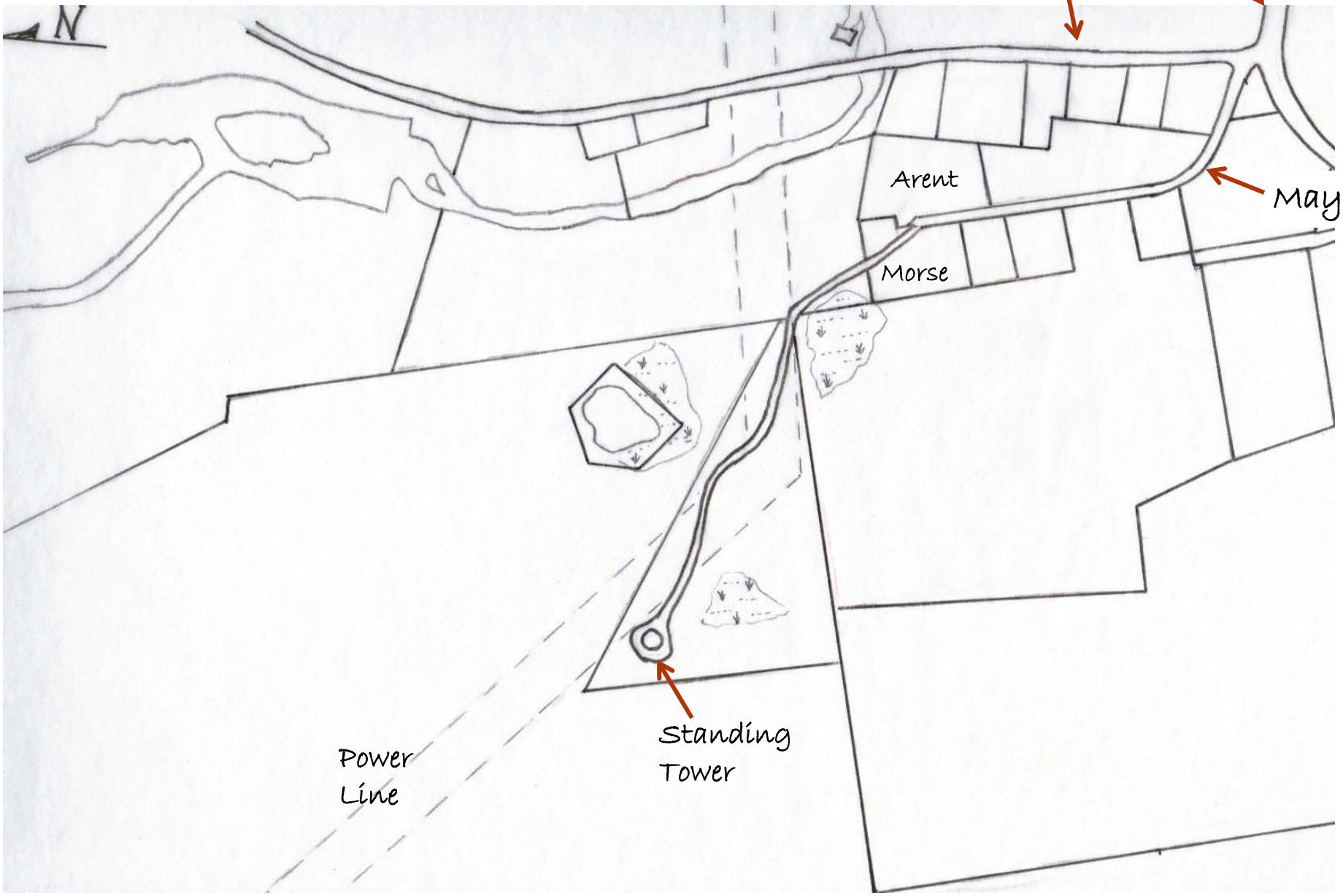
- Mr. Hicks distributed a graphic that outlined two lots he owns in West Peterborough. The graphic showed the existing lots and how they would look after a lot line adjustment. He noted both parcels were lots of record with one off Wilder Street and the other off May Street.

- When asked about frontage Ms. Vann interjected "he has plenty for his district."

- Mr. Hicks noted he would like to investigate creating work force housing on his property. "I have more people bugging me about another neighborhood" he said.

- Mr. Hicks explained how he would like to build 20 to 30 housing units all under 1000 square feet that would include a mix of senior and work force housing. Chair MacDonald noted the Planning Board's support of a housing development made up of small homes. "No one has done that in Peterborough" she said.

# The land……



# Excerpts from the minutes……..

- Mr. Hicks spent some time reviewing the right-of-ways and the deeds to the properties. He also reviewed the density calculations for the District.

- Chair MacDonald asked about the topography with Mr. Hicks replying "it is pretty decent land" adding "there is some wetland on the uphill side." Mr. Hicks noted he could have "crammed in more units" but added he grew up on Mountain View Drive, and "this kind of tags along that neighborhood."

- He noted the price would be in the neighborhood of $190,000.00 "which would free up apartments." Chair MacDonald agreed stating "it seems like people can afford an apartment but no one can afford a house, there are no small house subdivisions in this town."

- Ms. Vann asked if the houses would sit square on their lots and make a nice streetscape. She also suggested "putting in an alley and rear loading the garages."

# Excerpts from the minutes……..

- Mr. Hicks spoke briefly about the improvements that had been made to West Peterborough over the past year. He told the members "the sidewalks, traffic calming and streetlights are *all we envisioned."*

- A brief discussion about critical mass and sustainability in the District followed and Mr. Hicks was encouraged to come back to the Board as his plans solidified (because) "the Devil is always in the details" said Chair MacDonald.

- The discussion ended at 7:30 p.m.

# Discussion points……

Point: …..the graphic (handout noted in meeting minutes) showed the existing lots and how they would look after a lot line adjustment. He noted both parcels were lots of record with one off Wilder Street and the other off May Street.

Response:

While not understanding what was represented as a "lot line adjustment", our review of Town maps and records does not show frontage of any such properties off May Street.

And while there is frontage of a property off Wilder Street, it is not accessible without crossing the Nubanusit River.

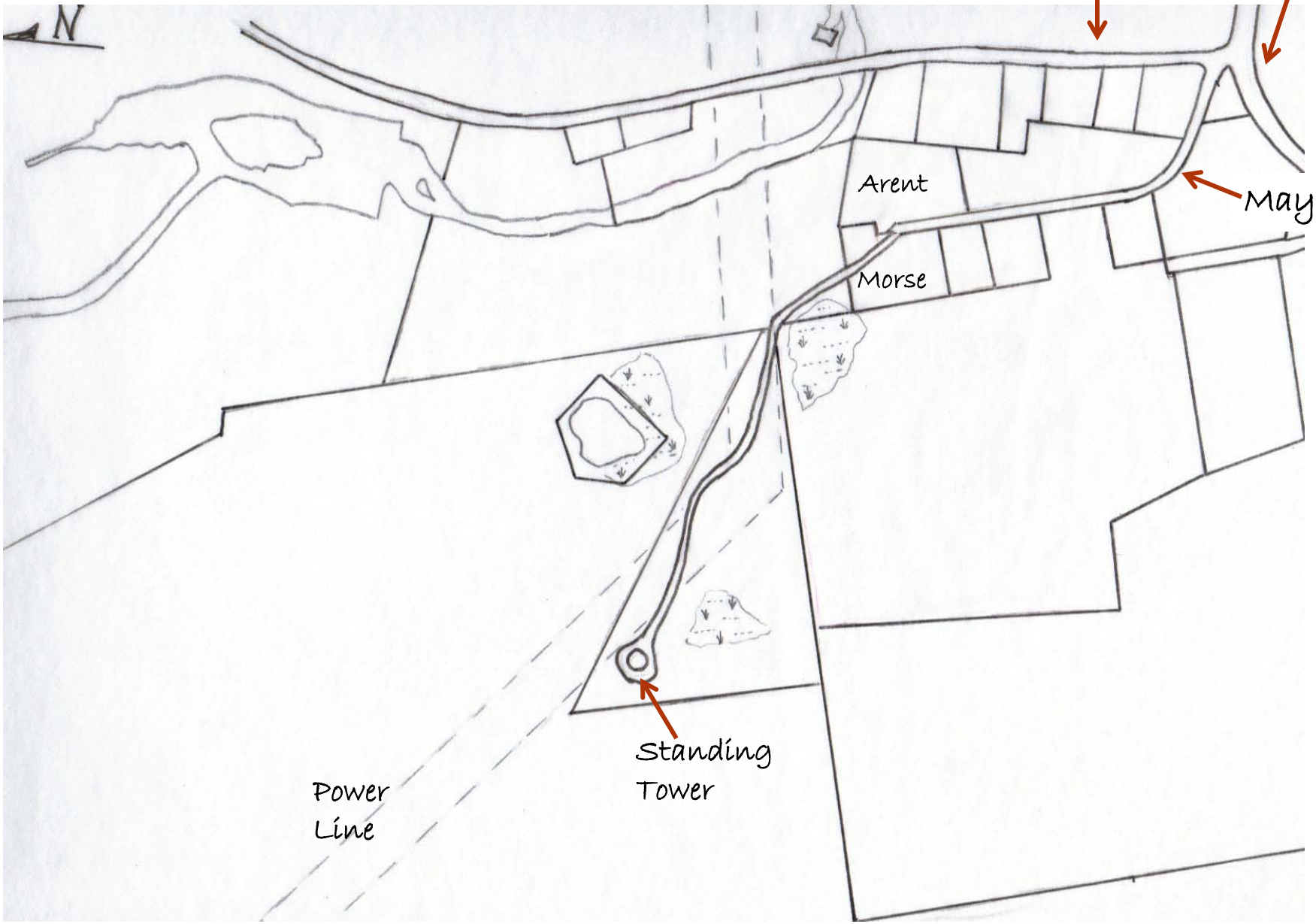
# Discussion points……

Point: ….. When asked about frontage Ms. Vann interjected "he has plenty for his district."

Response:

Again, our review does not show any frontage off May Street, and……

Access via the frontage off Wilder Street would require crossing the Nubanusit River.


Wilder
Union
N
Arent
May
Morse
Standing
Tower
Power
Line

# Discussion points……

Point: ….. Mr. Hicks spoke briefly about the improvements that had been made to West Peterborough over the past year. He told the members "the sidewalks, traffic calming and streetlights are *all we envisioned."*

Response:

May Street was not specifically impacted by 2009-2010 TIF funded upgrades. Sidewalks, street lighting, infrastructure upgrades, and resurfacing ended at the base of May St.

# Discussion points……

Point: ….. Chair MacDonald asked about the topography with Mr. Hicks replying "it is pretty decent land" adding "there is some wetland on the uphill side."

Response:

The properties to the north and west of May St are in fact very wet with property owners on the entire west side of the street having to take special measures to deal with this persistent condition…..including basement sump pumps, special drainage provisions and excavating for run-off.

A 0.6A pond just north of the tower access road (former Town water resource) produces a steady runoff year round and major overflow, ponding and erosion each spring and from heavier rains.

Runoff from the tower access road and associated slopes constantly feeds a wetlands are at the northern corners of the Morse and Reynells properties.

The Inglis and Reynells properties located on the lower/southern end of May St experience constant subsurface erosion due to year round runoff from the slopes to the west.

# About May Street…….

- May Street is a steep and narrow dog-leg incline beginning at a small and busy intersection forming the junction of Union, Wilder and May streets.

- There are seventeen (17) May Street property owners representing eight (8) parcels of land and twelve (12) residences located along both east and west sides of the street.

- All dwellings along the west side of May Street have limited 20 foot setbacks with no sidewalks or roadside buffers on either side.

- The 3 street intersection at the base of May St services traffic to and from Wilder St consisting of 9 homes and 24 Heather Brook Apartment units, all May St residents and all Edward MacDowell Lake traffic.

# About May Street…….

- There is no May St frontage or available access to the proposed housing development properties.
  - Mike and Barb Morse own the property abutting the northwest end of May St extending ~ 120 ft beyond the end of the street.
    - In order to access the standing tower property, the Town has an easement to cross the Morse's property.
  - Jay Arent owns the property abutting the northeast end of May St which also extends ~120 ft beyond the end of the street.

# About May Street…….

- Beginning at the north end of May St, a steep gravel road winds approximately 1,200’ up the slope to the Town’s standing tower.
- At approximately 375’ beyond the upper end of May St, a power line runs east to west across Town land and perpendicular to May St.
- This power line continues east down a steep embankment before crossing the Nubanusit River and Wilder St continuing east towards Windy Row.

# About May Street…….

- As a result of considerable investment and stewardship by all of its residents, May Street has evolved into a neighborhood we can be proud of and one deserving of respect and preservation.

- My family has resided in West Peterborough for 31 years and through that time have experienced varying degrees and types of exploitation.

- And while much of the development has been favorable towards bringing West Peterborough to where it is today, there is always the threat of reaching a point of diminishing returns……and May St residents feel an expansion north and west of our street represents just such a threat.

# Thank You!