

**NOTICE OF MEETING**  
**PETERBOROUGH SELECT BOARD**  
Wednesday, October 27, 2010 – 4:00pm  
1 Grove Street, Peterborough, New Hampshire



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On Wednesday, October 27<sup>th</sup> at 4:00pm the Select Board will meet to consider a request from the Conservation Commission regarding Zoning Board of Adjustment Case No. 1159-A.

*-Peterborough Select Board*



**MINUTES**  
**SELECT BOARD**  
**TOWN OF PETERBOROUGH**  
Wednesday, October 27, 2010 – 4:00pm  
1 Grove Street, Peterborough, New Hampshire

**Present:** Joe Byk, Barbara Miller, Elizabeth Thomas

**Also Present:** Pamela Brenner, Tom Weeks, Rodney Bartlett, Nicole MacStay

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**Chair Byk** called the meeting to order at 4:00pm.

**Request for Reconsideration – ZBA Case 1159-A**

**Chair Byk** explained that that Board is meeting today to consider asking the ZBA to reconsider Case 1159-A, a very complicated factual case. He said that Chair Waitkins is going to make a motion for the rehearing of the case at the November 1 ZBA meeting. **Ms. Miller** asked if Chair Waitkins is going to make that motion, then why is the Board meeting. **Ms. Brenner** explained that if the ZBA does not vote to rehear, the only board with standing to request a rehearing is the Select Board. **Ms. Thomas** said that she is recusing herself from this vote. **Chair Byk** said that he is generally disinclined to question the wisdom of the ZBA. However, as Ms. Von Mertens has pointed out, this person is in the wetlands, the Town gave him a wetlands exception for his septic system, but he went ahead without a building permit to build in the Wetlands Protection District. He said that he supports Mr. Weeks in his position against granting this variance on a hardship basis, and said that he hopes that Chair Waitkins motion passes so that the Board does not have to take this action.

**Chair Byk** then said that he had asked Ms. Brenner and Ms. MacStay to speak with Town Counsel Ratigan and find out if a simple motion on the ZBA's part is enough to rehear the case. **Ms. Brenner** said that they did check with Attorney Ratigan, who confirmed that was true. **Chair Byk** then said that the Select Board's letter would only be submitted if **Chair Waitkins'** motion fails. **Mr. Weeks** said that based on what is submitted as a request for rehearing, the ZBA will vote whether or not to rehear, and they could find that there is no merit to a rehearing. **Chair Byk** asked Ms. Von Mertens if she could give a few reasons why the ZBA should rehear, and asked if the Conservation Commission will be present at the ZBA meeting. **Ms. Von Mertens** said that as she understands the procedure, there is no place for comment at this meeting. Chair Waitkins will present his request and he will itemize his reasons why. The ZBA is not going to take public comment, understandably. They will vote yes or no to reconsider, and if yes, they will schedule a meeting, rather than waiting until December in deference to the applicant. There was further discussion about how the structure was built without a building permit, and the value of the wetlands.

**Motion:**

**Chair Byk** made a motion that the Select Board have a letter in place for the November 1, 2010 meeting of the Zoning Board of Adjustment outlining the Select Board's request for reconsideration of ZBA Case 1159-A Scott MacKenzie, and appointing the Conservation Commission to represent the Select Board in this matter. This letter will only be submitted if the ZBA does not on its own vote to reconsider; **Ms. Miller** seconded the motion.

**Vote:**

**Chair Byk** and **Ms. Miller** voted in favor of the motion; **Ms. Thomas** abstained. The motion carried.

**Chair Byk** then directed Ms. Brenner to inform OCD and the ZBA that all communications from the applicant and/or his attorney be directed to Attorney Ratigan.

### Public Hearing Follow-Up

**Chair Byk** said that he had written a note to Moderator Runyon thanking him, and said that Ms. Brenner's idea to have him moderate the hearing was brilliant. He added that Moderator Runyon did a good job, and most importantly the neighbors were heard, and now have more faith in the process. He also said that Mr. Bartlett and Mr. Lowe did a great job. **Mr. Bartlett** said that it did go well, and did provide a forum. The one piece of information that has become clearer is the desire to do the Main Street Bridge in as short of a time as possible. He said that he has forwarded all the written comments to HTA. The written comments from last night were approximately 75% in favor of a north crossing, and 25% opposed. He said that he has instructed HTA to find out from DES how the bridge needs to be designed; should it meet at 10-year storm, a 50-year storm or a 100-year storm? The design team has already determined that the second crossing location will not work, but the one by the Strand Building will work, and Kerry Peters stopped by today and said that he will do anything he can to help us.

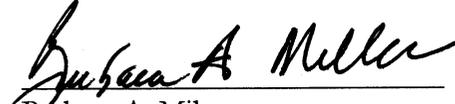
**Mr. Bartlett** said that he has also asked the design team to relook at the reconstruction of the bridge itself. We have recommended the ridging frame, cast in place bridge, however it is the most expensive and labor-intensive to do. He has asked HTA to look at a concrete girder style bridge with the stones reinstalled so that it will look the same, and a pre-cast arch. This method would allow for the quickest building time possible, and the façade work can be done after the bridge is opened to traffic. The Board discussed different ways to approach both the north crossing and the reconstruction of the Main Street Bridge at Town Meeting. **Mr. Bartlett** also informed the Board that the DOT bridge inspectors were able to gain entrance into the canal under the Main Street Bridge, and noted a number of areas of concern. He said that he will have more information soon.

As there was no further business, **Ms. Miller** made a motion to adjourn; **Chair Byk** seconded. All in favor, the meeting adjourned at 5:47pm.

Respectfully Submitted,  
Nicole MacStay, Assistant to the Town Administrator

PETERBOROUGH  
SELECT BOARD:

  
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Joe Byk, Chair

  
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Barbara A. Miler

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Elizabeth M. Thomas

**ACTION ITEM PENDING LIST**

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