

**MINUTES**  
**SELECT BOARD**  
**TOWN OF PETERBOROUGH**  
Tuesday, July 20, 2010 – 6:00pm  
1 Grove Street, Peterborough, New Hampshire

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

**Also Present:** Pamela Brenner, Rodney Bartlett, Carol Ogilvie, Nicole MacStay

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**Chair Byk** called the meeting to order at 6:00pm

**Main Street Bridge Update – Rodney Bartlett and Matt Lowe, HTA**

**Mr. Bartlett** began by giving a brief history of the project to date. He then explained that the next step in the process is to make decisions as to the bridge type, span and the roadway concept. Their goal is to have prioritized concepts so that the Board can make a specific recommendation to the DOT at their August meeting. **Ms. Thomas** asked how traffic will be handled during the construction. **Mr. Bartlett** said that a temporary bridge is difficult to place; it would require fill in the river, and the only location for it is the bank parking lot.

**Motion:**

**Chair Byk** make a motion to nominate David Simpson to the Heritage Commission; **Ms. Thomas** seconded.

**Vote:**

All in favor, the motion carried.

**Mr. Bartlett** said that if a decision is made in August then the bidding process will begin in the latter half of 2011. He also noted that they will need to return to Town Meeting in 2011 for additional funds. **Chair Byk** asked when the engineering process will be completed. **Mr. Bartlett** said that the actual engineering will be complete in August or September, and the design will be complete in 2011. He anticipated that construction may begin in 2011, or it may wait until 2012. **Ms. Miller** said that she arrived early and listened to some of the Heritage Commission's discussion, and asked if the Board chooses the oval at the intersection, would there be a possibility of cutting so far into the Smith property that the structure would be in danger. **Mr. Bartlett** explained that up to this point all that has been done are conceptual drawings, and the impacts on all the surrounding properties have yet to be engineered. He said that this is a big project which will have impact on all abutters, but it is hard to say what those impacts will be without doing the hard engineering.

**Chair Byk** asked which of the intersection designs are preferred over the long term. **Mr. Lowe** said that Concept 1 does not do anything to the flow of traffic through the intersection. He said that HTA's sub consultants are currently working on the historic and archaeological research. They are aware of the sensitivity of the house and are aware that there may potentially be required mitigation. **Susan Phillips Hungerford** said that she had looked into purchasing the end unit at one time, and said that the basement is block construction. She said that having a six to eight foot retaining wall in the yard would be detrimental.

**Fran Chapman** said that everyone seems to be concerned with how the town will survive the work, and asked when in the planning process does the question of traffic during construction get answered. **Mr. Bartlett** said that the specifics will be coming sometime in the spring. The concepts

have a temporary bridge or phased construction of the bridge so that Main Street is not closed during the process, and pointed to the Power Point presentation uploaded to the town's website for more information. He added that the design team is aware of the need to provide a level of access to the downtown during the process, and they will take those needs to the funding agency. **Mr. Chapman** asked if people will use roads like Hunt Road. **Mr. Bartlett** said that as with any construction project, many people will find their own detours around the inconveniences. Summer Street and Hunt Road are on one side, and Old Street Road is on the other. He said that as far as they can gather at this time traffic will never be closed on Route 202. There was further discussion about management of traffic during the construction process.

**Ms. Kirkpatrick** asked if the design of the bridge and intersection has to wait for the State's report. **Mr. Lowe** said yes and no; the process requires that a design is presented, and then feedback is taken. Depending on the design selected there will be mitigation, and in the end a safe design needs to be provided and they will work with Cultural Resources to assure that the needs of all the interested parties and stakeholders are met. **Mr. Bartlett** added that we need to take a step forward for them to respond. There will be no specific feedback until after the Board makes their priority decision. **Chair Byk** thanked Mr. Lowe for his attendance, and thanked the Heritage Commission for their input.

### Review and Approval of Minutes

#### Motion:

**Ms. Miller** made a motion to approve the minutes of March 16, 22, 30, 31, April 20 and May 10, 2010; **Ms. Thomas** seconded.

#### Vote:

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

### New Hampshire Municipal Association Legislative Policy Agenda

**Ms. Brenner** referred to the material in the Board's packet and explained that these are the policies and positions being put forth for consideration at the upcoming NHMA meeting, and that the Board can also put forward their own policies for consideration as well. One thing that came to mind is to reintroduce the Alternative Energy legislation. She asked if a Board member would like to attend the meeting and represent the Town's interests, since she will be chairing the meeting and will have a difficult time doing both. **Chair Byk** said that he would make that recommendation.

**Ms. Brenner** told the Board that she had been in the Office of Community Development earlier in the day, and said that Mr. Weeks had a number of building plans stacked on his desk. **Ms. Ogilvie** said that it has been getting busier, which has given **Mr. Carara** exposure to many different things. She said that most of the applications are for small projects, but there has been improvement. The Board then took a fifteen minute recess.

### Planning Board – Wetlands Ordinance Special Town Meeting

**Mr. Byk** said that this is a request by the Planning Board to put the Wetlands Ordinance to ballot during the September Primary voting as a Special Town Meeting. The only cost associated would be the cost of printing the ballots, since the Supervisors of the Checklist, the ballot clerks and the Moderator will already be there. There would not be an Open Session. He then invited Leandra MacDonald, Chair of the Planning Board to speak to the proposal.

**Ms. MacDonald** explained that this process began in 2003 when the Town's zoning ordinances were reviewed, and it was suggested that the wetlands buffers should be managed by the Planning Board. The Planning Board then had a functional analysis done, and with that data put together a Wetlands Working Group composed of Planning Board members, Conservation Commission members and professionals to craft the ordinance. Unfortunately they were unable to fully craft the proposed ordinance before the March 2010 deadline. The Planning Board did hold one public meeting which elicited good comments, and those were referred back to the Working Group. The Wetlands Working Group has since done a great deal of public outreach, including meeting with the Business Support Group, the Economic Development Authority and the Zoning Board of Adjustment. **Ms. MacDonald** then reviewed the specifics of the proposed ordinance, how it differs from what is currently in place, and why each of the changes was proposed. Returning to the Special Town Meeting request, she explained that the Planning Board has begun holding Public Hearings, and their hope is that since there are contested primary races that have raised interest there may be a good turn-out at the polls.

**Ms. Miller** said that she has received many questions about the proposed ordinance, and many people have said that this proposal would take property away from residents. She said that her understanding is that if a property owner has a low functioning wetland, this ordinance would allow them to reclaim that land and have a reduction of the buffer to as little as zero feet. **Ms. MacDonald** said that Ms. Miller is correct, and went on to say that a developer already has to delineate their property when they want to build, so the tools to evaluate the wetland's function are already present.

**Chair Byk** said that the narrow issue before the Board tonight is not the merits of the underlying proposal, but whether the Board is going to place this question on a Special Town Meeting ballot at the September Primary. However, he recognized that a number of people have come out who feel passionately about the proposal, and asked that if people would like to speak on the merits to keep those comments brief and address the ballot question.

**Mr. Chapman** spoke against the proposal, asking the Board to deny the Special Town Meeting request on the grounds that the voters have not had time to become aware and educated on the proposed changes. He opined that to ride the coattails of the primary vote is in direct conflict with the spirit and intent of the Town's Charter, and while putting forward the question in this manner may be legal, he did not believe that it would be fair. He said that the core of the issue is the taking of private property rights, and he believes that if passed it would take away the highest and best use of many properties, and will devastate any large development potential, which could result in the loss to the tax base. He added that he did not believe that there is an environmental or economic basis to justify the passage of these potentially damaging regulations. There was then a discussion of specific hypothetical applications of the proposal that were raised at previous Wetlands Working Group and Planning Board meetings.

**Ray Cote** said that he did not feel that there was a need to rush this proposal with a Special Town Meeting just because the process could not be completed in time for the May Town Meeting ballot. **Francie Von Mertens**, member of the Wetlands Working Group, said that initially when the suggestion of a Special Town Meeting was brought forward she felt that it was a sign of how seriously the Planning Board was taking the proposal, and how important they felt it is to be decided. However this is summer, and she questioned the effectiveness of an education campaign, both for the voters and for the Working Group and Planning Board. She said that she feels that waiting until the 2011 May Town Meeting does have the merits of providing more time to educate

the voters. **Gil Duval** said that he is in favor of wetlands protection, though not many of the specifics of this ordinance, but is opposed to the Special Town Meeting request. **Ms. Thomas** said that she thinks that waiting until the May Town Meeting will provide the opportunity for a better educational process, and stressed that it is important to make sure that the voters are informed. There was further discussion of various particulars of the proposed ordinance. **John Kaufhold** said that he agreed with Ms. Von Mertens comments. **Loretta Laurenitis** said that she was opposed to the Special Town Meeting proposal.

**Chair Byk** said that he is generally disinclined towards Special Town Meeting items, having said that, he is also mindful that committees shouldn't be penalized for their service, and that after working hard they deserve to have closure on the process. Before hearing the comments this evening he said that he was leaning towards supporting the Special Town Meeting request, however having listened to the comments made he feels that there is a perception that this proposed ordinance question is being forced on the voters, and thinks that it would be better to allow the proposal to come forward through the Planning Board's regular process. **Ms. Miller** said that she is also leaning towards denying the request after hearing the comments, and said that there are still many questions that need to be answered. While she thinks that this is a flexible ordinance and a great deal of time and care went into crafting it, more time is needed to convey that.

**Motion:**

**Chair Byk** made a motion to deny the request for a Special Town Meeting; **Ms. Miller** seconded.

**Vote:**

**Chair Byk, Ms. Miller** and **Ms. Thomas** voted in favor of the motion; the motion carried and the request for a Special Town Meeting was denied.

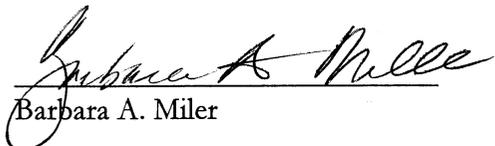
**Ms. MacDonald** thanked the Board for holding this forum, and said that she hoped that there will be a strong turnout at the May 2011 Town Meeting.

As there was no further business, **Ms. Miller** made a motion to adjourn; **Ms. Thomas** seconded. All in favor, the meeting adjourned at 8:01pm.

Respectfully Submitted,  
Nicole MacStay, Assistant to the Town Administrator

PETERBOROUGH  
SELECT BOARD:

  
Joe Byk, Chair

  
Barbara A. Miller

  
Elizabeth M. Thomas

**ACTION ITEM PENDING LIST**

- 1.

