PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Minutes of June 14, 2010

The Peterborough Planning Board held its regular monthly meeting on Monday, June 14, 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, Barbara Miller and Ivy Vann.

Staff Present: Laura Norton, Administrative Assistant, Office of Community Development.

Chair MacDonald called the meeting to order at 7:00 p.m. and noting that the not all members were in attendance appointed Ms. Vann and Mr. Freitas to sit.

Appointments:

A motion was made/ seconded (Enos/Henry) to nominate Chair MacDonald to another term as Chairman of the Planning Board for the coming year with all in favor.

A motion was made/seconded (MacDonald/Miller) to nominate Vice Chair Enos to another term as Vice Chairman of the Planning Board for the coming year with all in favor.

It was noted that the Board had a vacant seat as a result of Mr. Perry's resignation late last year. Chair MacDonald noted "we are an elected Board and can appoint a replacement to serve until the next election, which will be next May." She went on to note "we know Ms. Vann has expressed an interest in the position" and asked "are there any other candidates?" A motion was made/seconded (Henry/Miller) to appoint Ms. Vann to the Board with all in favor.

Determination of Site Plan Review:

Ms. Ogilvie noted the Planning Board had been asked to review a request for outside wedding ceremonies at 20 Legacy Lane in the West Peterborough District.

Mr. Henry recused himself for this review.

Chair MacDonald asked "does it need site plan approval? Do they want us to think about giving it a Minor Site Plan Review?" Ms. Ogilvie explained that the ordinance is restricted to the inside of the house and the applicant would like to have ceremonies outside when the weather is nice. Ms. Vann interjected "I see no reason why this should go to site plan at all, this type of ceremony will not go on for hours and draw a crowd will it?" Chair MacDonald noted there would be no bands or entertainment, it is not anticipated as an entertainment event, it is a civil ceremony." She added "and as long as they conform to the light and noise ordinances there should not be a problem." Mr. Freitas agreed but asked about the parking issue and asked "how many people could show up when you are restrained to just 2 vehicles?" A brief discussion followed with Ms.

Vann concluding "I don't think you have more cars for an outdoor wedding than an indoor wedding." Mr. Enso agreed but noted "parking needs to be clear." Another member asked about the frequency of ceremonies taking place. The applicant replied "right now there is a ceremony about every four months but I would like to increase that to once a month." With regards to the parking issue the applicant added "six witnesses for two people getting married would be a rarity." Chair MacDonald interjected "what is the sense of the Board?" In agreeing the applicant was within the constraints of the home occupancy regulations and that parking had been addressed, the members decided a site plan review was not necessary with all in favor.

Informal Discussion with Jacqueline Goohs regarding the Gulf Station:

Ms. Goohs introduced herself as the owner of the Magic Flute in Peterborough. She briefly described her business to the Board and told them she would very much like to move the business to the corner of Routes 101 and 202 where the former Gulf Station is located. She noted the actual building would not change much but she envisioned a large green space out front with a white picket fence and "green" renovations for the inside that included wind (turbine) and solar power. Ms. Goohs then pointed out her parking ideas and concluded by thanking the members for their consideration.

Chair MacDonald noted that coming to the Board informally was a good idea. "It is a forum where issues that may need to be addressed can be identified before you move forward" adding "and nothing is binding on either side." Chair MacDonald went on to say "one of the first obvious things to consider is how the state driveway permit stands with the property." She noted "we have no control over the ingress or egress from the state highway point of view." A general discussion about traffic followed with Chair MacDonald adding "a second thing is a green setback to protect the abutters." Chair MacDonald also encouraged parking be located on the side and not the front of the building. Mr. Freitas added "it is nice to see this property improved." Another member asked about the status of the gas tank removal from the site. A brief discussion about the dispersion of product, levels of contaminants and closure reports followed. Ms. Goohs noted her husband was knowledgeable in that area and that "he has a good handle on this."

When a member asked about 103 Grove Street (the white vacant house next door to the Gulf Station) Ms. Goohs relied that she was planning on buying the building at the same time. She briefly explained the main floor of the house would be used for classes for the children and the upstairs would be storage and office space. She also noted that by expanding her business 5 new jobs would be created. Ms. Goohs did mention she had been working with Jack Dugan and wanted to partner with Ocean Bank as they have energy efficient mortgage programs. Another brief discussion about Mr. Goohs' plans for energy efficiency through wind and solar use followed.

Mr. Henry asked about any wetlands issues with Ms. Ogilvie pointing out the flexibility of the 5-foot wetland buffer in the Village Commercial District. In conclusion Chair MacDonald advised Ms. Goohs to look into the process of a lot merger between the tow properties "and what might be affected." Chair MacDonald then asked if anyone in the audience had any questions. Jim Stewart introduced himself as an abutter living on Ames Avenue. Mr. Stewart asked about the number of parking spaces at the business, stating he thought he hear 20 spaces. Ms. Goohs

replied by stating "yes 20 spaces, that or less, I would prefer less." Mr. Stewart asked about the height of the wind tower Ms. Goohs was planning. Ms. Goohs replied "I am not sure; it is not going to be very high though." Mr. Stewart asked about Ms. Goohs' relationship with Jack Dugan and asked the Chairman "is he still doing business development for the town?" Mr. Stewart concluded by noting "it seems like a reasonable use for the property, but the devil is in the details." Mr. Stewart noted he had been in his home for 16 years and that the plan seemed "good for now."

Ms. Goohs asked about the need for a traffic study with the members agreeing they did not think a study was indicated. Chair MacDonald encouraged Ms. Goohs to know the regulations and feel free to meet with Ms. Ogilvie and Mr. Weeks if/when she had any questions.

Mr. Stewart mentioned he thought a previous proposal for the property was involved in litigation and asked Ms. Goohs "if it possible you can not close that is resolved?" Ms. Goohs replied "I believe that is between those parties, it is for sale and I want to buy it."

Discussion ended at 8:40 p.m.

Update from Wetlands Working Group:

Mr. Enos began with a copy of a review of the proposed ordinance by John Ratigan, the town attorney. Mr. Ratigan had outlined several questions and concerns that Mr. Enos addressed individually. This review included Mr. Ratigan's concern that within the ordinance specific words and phrases may be too difficult to define and quantify. Mr. Enos reviewed "ecological balances and conservation corridors" as an example but felt it actually dove-tailed from the OEP model language. He reviewed the definition of a boundary of a zone or wetland in a boundary dispute as well as wetland buffers, setbacks, and permitted uses. He noted that under "Requirements" #3 (which included the process of appraising for taxes in the Wetland Protection Overlay District) "is in the current regulations" and should be removed and the Workgroup unanimously agreed to do so.

Mr. Enos reviewed the Buffer/Setback Width Determination Table and discussed the process of Planning Board approval of conditional use permits to grant or allow reductions in the buffer or setback areas within the Wetland Protection Overlay Zone. Mr. Enos went on to discuss Mr. Ratigan's question of considering off-site mitigation in exchange for exactions into a conservation fund was ultimately decided against by the Workgroup. He also reviewed Attorney Ratigan's question of considering waiving performance standards for those projects with only deminimus impact, concluding that it would be difficult to define "deminimus."

Mr. Enos noted he had been to the Business Support Group of the Chamber of Commerce and reported "the reaction was as anticipated." Ms. Miller suggested getting some of the Business Support Group members into a work study group so they would get greater exposure to the ordinance. Mr. Enos disagreed noting often those who seek out those types seats do so with the sole purpose of stalling the process, adding "and it works very well."

Chair MacDonald spoke briefly about the town's most attractive factor – "our beauty" she said. She went on to note "we have no other competitive features – we are shooting ourselves in the foot not protecting our resources." Ms. Miller interjected "many businesses that have done well were brought to town by those who want to live here as well." Mr. Henry asked about reasonable responses to the presentation and encouraged the Workgroup to use those responses. He went on to say "you will find those on the fringe, but you should see what we can accomplish from the reasonable comments." A brief discussion about the presentation to the Business Support Group followed.

A brief discussion about the nature of protecting the environment while allowing for expansion followed. Ms. Vann noted "some people are opposed to wetland regulations no matter *what* they are." Mr. Enos noted "we are doing what is necessary for the long term health and benefit of the wetlands." The members discussed the recent "wild weather" events and the necessity of flood storage areas and buffers to maintain those events. Mr. Enos noted "if you do not think that what you do does not affect someone else, you are wrong." He referenced the town and "6000 people doing so incrementally." They also discussed the fact that there is not finite value numbers for wetlands that they are compared to the other wetlands in town and even then "it is an empirical number, a snapshot in time."

The members then discussed the presentation Mr. Enos would be delivering to the Business Support Group with Ms. Miller noting the importance of the Chamber's support.

<u>Minutes:</u>

A motion was made/seconded (XX/XX) to approve the Minutes of May 10, 2010 and May 17, 2010 as written with all in favor.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant