

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

Minutes of June 10, 2013

Members Present: Chair Joel Harrington, Ivy Vann, Alan Zeller, Audrey Cass and Tom Weeks.

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

The meeting was called to order by Chair Harrington at 7:00 p.m. He introduced the members and staff and appointed Ms. Cass to sit.

“Before we get started” said Chair Harrington “I would like to introduce Peter Throop.” He went on to give a brief biography of the new Director of Community Development concluding with “Peter will have some big shoes to fill.”

Chair Harrington then introduced Tom Mullins, the town’s newest Southwest Region Planning Commission representative. Ms. Ogilvie noted the Board of Selectmen had appointed Mr. Mullins who gave a brief biography adding he had recently moved to town. Chair Harrington welcomed both gentlemen. Ms. Cass noted it was important to maintain a good connection with the Planning Commission. Ms. Zeller suggested the members write a letter to the Board of Selectmen recommending Mr. Mullins. Ms. Vann interjected since he was already appointed “perhaps we should tell them we are grateful for their choice.” Ms. Vann noted her interest in serving as a representative as well.

PSNH Scenic Road Tree Cutting

David Crane, an arborist with PSNH introduced himself to the members. He noted PSNH had submitted an application to remove trees adjacent to and beneath power lines on Windy Row and Old Dublin Road. The purpose of the work is to replace several existing poles with taller ones along portions of both roads in order to comply with the National Electrical Safety Code and to remove one large, dying sugar maple on Windy Row just north of the junction of Spring Road (a request by the landowner). He also noted a correspondence he had submitted with his application that addressed the submission requirements as they appeared on the application checklist.

Mr. Crane noted no new lines were proposed as a part of this project. He told the members “the existing lines will be placed on new poles that will range from 5 to 10 feet taller than the existing poles and that most poles would be placed adjacent to the existing poles.” He noted some brush work would also be required “but the biggest issue is the overhead space for heavy snow and ice loads.”

Mr. Crane noted in all about 11 poles on Windy Row would be replaced. He also noted one dead pine tree on the property of 164 Windy Row would be taken down. “The owner has no problem with that removal” he said. Mr. Crane also reiterated that north of Spring Road on Windy Row there was a very large sugar maple in serious decline. He noted that normally they would not

appear before the Board for one tree and that he would like to include that request for removal with the current application. He concluded with “one other item is a request for an Old Dublin Road resident who has requested we remove three dead trees from his property. “They are located in the town Right-of-Way so we need approval, and we would like to add that to our request as well.”

Mr. Crane clarified that any tree over 15 inches in circumference must have town approval. He added “the regulation does not differentiate between live and dead trees so we need to get approval to cover us legally.”

Mr. Weeks asked who paid for trees to be cut on private property with Mr. Crane replying “when it involves the maintenance of our lines we pick it up.” Mr. Week asked “so a homeowner can ask you to remove a tree?” Mr. Crane replied “yes, they can ask and we decide whether or not to remove it” adding “we prevent outages every year by removing trees pointed out by customers.”

Chair Harrington asked if the abutters were notified. Mr. Crane replied “no, not yet but they will be before the work is done.” Ms. Ogilvie interjected that the Office of Community Development had notified every resident on Windy Row and Old Dublin Road of tonight’s hearing via first class mail. Mr. Crane noted that PSNH also speaks directly with the abutters. He said “we knock on doors and make phone calls. He told the Board the contractor this year was Lucas Tree Experts. Mr. Weeks asked if the replacement of poles on Old Dublin Road had anything to do with the 3-phase power that went in a few years ago. Mr. Crane replied “no, that has nothing to do with it.” Ms. Vann asked if PSNH had thought about burying their lines with Mr. Crane replying “actually a study commissioned by Public Utilities Commission was done after the ice storm in 2008, but as you can expect the cost was exorbitant.” Mr. Crane went on to note “it sounds like a great solution” but cautioned the Board about the effect on existing trees and the damage done to their root systems.

A motion was made/seconded (Vann/Zeller) to approve the request by PSNH to trim trees on Windy Row and Old Dublin Road with all in favor.

Mr. Crane asked for a point of clarification. He noted his request for the removal of several trees (three dead trees on Old Dublin Road, one dead tree on Windy Row and a dying sugar maple just north of Spring Road on Windy Road. Chair Harrington replied “we need another motion.” A second motion was made/seconded (Vann/Cass) to approve the removal of dead and dying trees in locations specific to Windy Row and Old Dublin Road with all in favor.

Magic Flute Application Amendment

Chair Harrington noted “next is the Magic Flute Site Plan.” It was noted that an existing vegetative buffer to the west of the property had been cut eliminating a good part of the visual buffering that had been in place when the application was before the Board for Site Plan Review. A 6-foot high stockade fence along the boundary line was proposed by the Magic Flute to provide a buffer between the commercial and abutting residential uses.

Chair Harrington noted “there was no notice of public hearing so we have to be careful” adding “I think we need to have a public hearing on this.” Ms. Ogilvie noted the case could be scheduled for the July meeting pending the receipt of an application for an amended Site Plan from the Magic Flute. Mr. Weeks asked if the Board would have any say as to where the fence would be located. “I just question the location of it” he said. Ms. Vann asked if the land owner had been notified with Ms. Ogilvie reply that they in fact had been through the Code Enforcement Officer and that he recommended no further alteration to the buffer area until a public hearing could be scheduled.

A motion was made/seconded (Harrington/Cass) to recommend a public hearing for this agenda item with all in favor.

Draft Open Space Development Ordinance

Chair Harrington asked “is there anyone here for the Conservation Commission?” It was noted that Tyler Ward from the Heritage Commission was present. Ms. Ogilvie noted the changes made after their workshop last month adding “we would like to set a date for another exercise.” Chair Harrington interjected “so you don’t want to do anything with this tonight” with Ms. Ogilvie replying “correct, I just wanted to get the information out to you tonight.” Ms. Ogilvie went on to note “for the next exercise I would like to use the newest version but apply it to two different parcels, one Rural and the other one General Residence to see what that produces.” Chair Harrington said it would be good for the Board to spend some time on this exercise. “This is complicated” he said adding “trying to find that balance.” He reminded the members “the current ordinance is not achieving the goal; it is not getting us the open space we thought we would get and not being used by the public. Let’s create an ordinance we can use and at the same time address some of the changes going on in our town.” A brief discussion about density and density bonuses followed. Chair Harrington concluded “I have some ideas, but I will save them for the workshop.” He asked the members to take some time and really think about it noting “hopefully we will come back to the workshop, really dig in and wrap it up soon.”

A brief discussion about the point system for density followed. Mr. Weeks suggested that instead of another applied exercise “could Carol create a subdivision with the newest draft and then show us the differences between the two?” Mr. Weeks noted that instead of spending more time fixing the ordinance “you could point out the differences between the two scenarios.” Chair Harrington added “and perhaps other things we have not thought about.” Ms. Vann interjected “the current ordinance is more restrictive than a regular subdivision, so it is like punishing people for trying to do the right thing.” She went on to note “we try to protect open space and accessibility to open space by protecting things like orchards and stone walls, we have to make it worth the while of the builder to protect them, make it worthwhile to take this extra step.”

The Workshop was scheduled for Thursday, June 27, 2013 at 5:30 p.m.

Minutes

A motion was made/seconded (Harrington/Vann) to approve the Minutes of May 13, 2013 as written with all in favor.

Updates from Members Serving on Other Boards/Committees

No updates with the exception that Ms. Ogilvie noted the Public Hearing for the two new chapters of the Master Plan will be scheduled for July 8, 2013.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved July 1, 2013