

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

Minutes of July 11, 2011

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

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

The Peterborough Planning Board held its regularly scheduled meeting on July 11, 2011 in the Selectmen's Meeting Room of the Town House. The meeting was called to order at 7:00 p.m. Chair MacDonald introduced the members and staff and appointed Alternate member Bill Groff to sit. She noted the first item on the agenda was the Public Hearing on an application by Karen Clement and Richard Jordan for a Condominium Subdivision on Elm Hill Road.

John Jordon introduced himself as the representative for the applicants. He began by describing the parcel of land (67 acres off Elm Hill Road that borders the Casalis State Forest and has historically been known as the Taggart Farm). He noted the parcel has four separate cottages on it at the present time. He reviewed several graphics to show the locations of the Units (A, B, C & D) and the associated buildings and parking areas for the units. He noted Mr. Jordan and Ms. Clement are his brother and sister-in-law and that the property had been in her family for many years. Mr. Jordan noted that his relatives had been renting the units "for the past 40 years and they are tired of maintaining it." He added "they do not want to sell to a developer, their thought is to just leave it as it is and change over the ownership to condominiums." Mr. Jordan reviewed the house lots, a 15 acre field and the location of the leach system and well for the units. He noted the 52 acres of common land would go into a conservation easement in the name of Ms. Clement's sister Margaret.

One member asked about a subdivision with Mr. Jordon replying "there is no subdivision for this plan. The parcel will remain intact." He briefly reviewed an easement that would be placed on the parcel noting the one condition was that the 67 acres could not be commercially logged. He noted a portion of the parcel was a sanctuary for Monarch Butterflies and Bobolinks.

Mr. Jordan went on to review each unit noting "each one has it own designated footprint with 5 feet of limited common area, the rest being common area." He noted there would be no new construction and that the conversion to condominiums would allow them to sell to individuals and preserve the forest. He noted a draft of the condominium documents had been submitted but the details (landscaping, taxes, driveway maintenance, etc.) were pending. "They are working that out now" he said.

Mr. Monahon asked a few questions about the conservation easement and a brief discussion followed. Mr. Jordon noted that he had approached several agencies in the area (including the Forest Society and the Monadnock Conservancy) "but they were not interested because of the no commercial logging clause." The members noted the benefit of offsetting the cost of maintenance by logging conservation land with one member noting "it is simple economics." Mr. Jordan reiterated that the parcel would not be developed but would be available for

recreational uses (as it is today). He noted “the land will not be posted.” Mr. Jordan also noted that reasonable cutting/clearing to maintain trails, wood roads, or responding to natural disasters such as the ice storm of 2008 would be allowed. Chair MacDonald noted another example may be an insect infestation adding “I am glad you put in an exception for nature.”

Mr. Groff had additional questions about the condominium documents. Mr. Weeks noted the parcel was non-conforming with four dwellings on it and asked how long the buildings had been there. Mr. Jordon replied “the most recent dwelling was build about 1920” with Mr. Monahon interjecting “*way* before zoning.”

The members reviewed the plans with Mr. Jordon. Chair MacDonald asked about the units actually having a footprint just around the house. Mr. Monahon asked about the possibility of an addition. Mr. Jordon noted that there was not enough space to add on to any of the units unless it was a full tear down “and if that were to happen what gets put up must be compatible with the others.”

Chair MacDonald noted the access is a private road “there are four houses not three so it is not a driveway” she said. She asked Ms. Ogilvie the status of the road. Ms Ogilvie replied “Rodney (Bartlett, DPW Director) has not reviewed this yet but the road is paved so it already exceeds our minimum standards.” Chair MacDonald noted approval would be subject to the proper agencies review of the road (Fire Department/DPW). “We want to make sure a fire truck can get in there” she said adding “our job is to protect these future owners.”

Another member asked if the parcel had been surveyed with Mr. Jordan replying “yes, and the units are defined with deeds” adding “the metes and bounds are shown and monumented by Meridian Land Services.”

Chair MacDonald asked about waivers with Ms. Ogilvie replying “there were things on the checklist that did not apply in the first place as this is not a new development.” Mr. Groff had several more questions about the easement and the ownership of the units. He noted the condominium documents while still in draft form seemed amorphous to him. The members discussed the easement and other easements not held by the town including the Nubanusit Neighborhood and the Stone Ridge development.

Chair MacDonald asked about restriction of motorized vehicles on the parcel with Mr. Jordon replying “snowmobiles will be fine.” She also asked about 4-wheelers and Mr. Jordon responded “no, just snowmobiles will be allowed.” He added he had seen plenty of mountain bike trails on the land “and that is fine as well.” Chair MacDonald asked “why don’t they want the parcel to be commercially logged?” Mr. Jordan replied “Karen (Clement) has grown up with the land” adding “and Casalis (State Forest) was recently logged in not so sensitive a manner. She is not going to let that happen to this land.” Many members agreed with him with Mr. Monahon noting that while this (Casalis logging) was not the case “under the correct supervision low impact, selective logging can be successful.” Mr. Groff interjected (Casalis) is just terrible, it looks like the Civil War was fought there.” A very brief discussion about Best Management Practices followed. Mr. Jordan concluded by noting the applicants have managed the parcel for over 30 years and they are ready to be free of the responsibility “they are in their sixties” he said adding “but they want to preserve it as much as possible.”

The members once again reviewed the dimension of the footprints with Mr. Jordan reiterating “we depended on Meridian for this.” It was noted that a person may not be able to tell where those dimensions are. Mr. Weeks noted “you probably want those marked” adding “setting pins would make it easier.” The members agreed to send the plan to town counsel for review and a decision as to whether boundary markers would be required. When asked if there were any other questions Leo Smith introduced himself and noted he was present to give the Board a brief presentation on the CIP but asked Mr. Jordan “in your attempts to contact conservation organizations have you considered the Harris Center?” Mr. Jordan replied he had “but they all want to cut timber. That is pretty much the norm these days” he said.

There were no other questions and the Public Hearing closed at 7:35 p.m.

The next item on the agenda was a presentation of the CIP by the Committee Chairman, Leo Smith.

Mr. Smith gave a brief overview of how the CIP process is working noting “the process went according to how it has been set up in the past.” He described the presentation process of capital improvement items (usually over \$10,000.00 in expenditure) and over a six year period. He noted examples of town operations, roads, bridges, heavy equipment and fire apparatus. He gave a brief history and highlight of the 2012-2017 program and added “we are at a significant juncture as it relates to CIP and what will be spent on health, safety, bridges, and roads. It is going to be a pull-and-tug kind of thing on making the decisions on what the money is spent on.” He mentioned the school budget component and how “there is not a lot we can do on the school side” adding “this puts more pressure on the town and ultimately some negative impact on the CIP and our infrastructure needs.”

Chair MacDonald briefly explained that the CIP comes to the Planning Board “because that is the way the state has set it up.” It was noted that “it was a good idea to come in now after the dust has settled” with Chair MacDonald adding “because we knew there would be dust.” She went on to add “the main thing the CIP does is to look out six years and the CIP is the only committee that can require the school district to come in and talk to them and they *do* that.” She concluded by noting “it is a committee with a bully pulpit, it has no power but it does get the departments to think ahead of time and get the school in.” Mr. Monahan interjected “and we are eternally grateful for your hard work.” A motion was made/seconded (Monahan/Weeks) to accept the CIP as presented by the Chairman with all in favor.

Deliberation

Chair MacDonald began the deliberation by noting “I think we can accept the application as substantially complete” adding “but I would like to see the condominium docs reviewed by the town attorney.” A brief discussion about the boundaries, limited common and common areas followed. Mr. Weeks noted he would like to see the individual lots for the homes monumented and shown on the plan. He mentioned other projects where the boundaries were measured in the location of the house as an example. Chair MacDonald asked “is there a problem with this?” Mr. Jordan immediately replied “well it is a considerable expense.” He went on to note “if a home owner wants to propose a change they would have to bring that before you.” He reiterated the

survey had been done by Meridian Land Services “and it was not even discussed, setting pins will be a considerable expense at this point.”

Chair MacDonald asked the members “what is the sense of the Board?” Mr. Monahon noted “ownership of land and common ownership is not like waging war with you and your neighbor; it is more like waging war with you and yourself.” Mr. Weeks noted the advantage to the purchaser of one of the lots “it clears it up” he said. Chair MacDonald noted the questions should go to town counsel “and it will also be conditional on the review of the road standard and the Fire Department.” A brief discussion about the protection of individuals buying the lots and their possible future expansion (should they decide to do that) followed. Mr. Jordan reiterated “future expansion is very limited and only applicable if there were a fire or a tear down and re-build.” He also urged the members to “please take a look at the condominium documents carefully before you decide.”

Chair MacDonald concluded by noting “I suggest we accept the application as complete and start the clock.” She also asked Ms. Ogilvie to do some research on the monumenation of the limited common areas adding “and I am reluctant to approve this without thinking about it and getting staff reports on the access ways.” A motion was made/seconded (Monahon/Weeks) to accept the application as complete with all in favor. The application was continued to the August meeting for further deliberation.

Ms. Ogilvie noted she had distributed copies of the Draft Work Program and Workshop schedule for review. The members agreed scheduling their workshop for the third Monday of the month has worked well in the past and decided it would be best to continue with that schedule. Ms. Ogilvie noted she would send out an e-mail to the entire Board as several members were missing and see what the consensus was. The group did agree to schedule the next Workshop for Monday, July 18th at 5:15 p.m.

Chair MacDonald concluded by noting “we need another Planning Board member and some alternates.” A brief discussion about possible candidates followed. Chair MacDonald asked the members to think about “any good ideas” adding “we are looking for new thinking, new blood, new attitude. We can appoint a one-year member and our alternates.” Dave Anderson, correspondent for the local newspaper offered to mention the search for members in the newspaper.

Minutes:

A motion was made/seconded (Monahon/Groff) to approve the Minutes of June 2, 2011 and June 13, 2011 as written with all in favor.

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant