

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

DRAFT Minutes of August 8, 2011

Members Present: Chairman Leandra MacDonald, Barbara Miller, Tom Weeks, and Rick Monahan.

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

The Peterborough Planning Board held its regularly scheduled meeting on August 8, 2011 in the Selectmen's Meeting Room of the Town House. The meeting was called to order at 7:04 p.m. Chair MacDonald welcomed the audience and introduced the members and staff. She noted the first item on the agenda was the continuation of the Public Hearing on an application by Karen Clement and Richard Jordan for a Condominium Subdivision at 172 Elm Hill Road.

Ms. Ogilvie distributed copies of the plan to the members as Chair MacDonald reiterated the items for review which included the question of the necessity of monumentation of the building footprints and limited common areas of the four cottages, the condition of the driveway and a safety inspection by the Fire Department, and a review of the easement and the condominium documents by town counsel. Ms. Ogilvie reported the proposed easement and condominium documents had been sent to the town attorney and that he did not see anything out of the ordinary on his initial review.

The applicant's representative, John Jordan, was present to answer any questions. Chair MacDonald noted that the way the condominium documents were worded "doesn't really say anything about use of or improvements to the area." She asked "what about adding things like a clothes line, a compost pile or a garden in the common area?" A brief discussion about a home owner's rights outside the footprint of their home followed. Mr. Monahan noted the shared areas were also where the wells, septic systems and paved areas for parking were located. Mr. Monahan went on to note "my only question is that it seems probable that in the future a home owner may want to add a screened porch or have a first floor bedroom type of request." Mr. Jordan interjected "they would have to go to the association and petition for it" adding "anything like that would need their approval."

As the members reviewed and discussed the plan Chair MacDonald noted "there are no rights really given to the way they can use the common area." This led to a discussion about the Legend and the fact that the dotted line on the plan shows the building unit as well as the limited common area (or the land considered to be owned by the homeowner). One member noted "it (the dotted line) is not just the building but the land that goes with the unit as well." Chair MacDonald replied by noting "oh, I misunderstood that."

Mr. Jordan gave a brief history of the parcel and noted "there are three types of area on the footprint, the units themselves, the limited common areas that belong to the homeowner and the common area that includes the field and is where the septic and wells are located." He reiterated that his brother and sister-in-law rent the units adding "they have been doing this for 40 years

and they want out but they do not want to sell the land to a developer.” In regards to the monumentation of the limited common areas Mr. Jordon went on to note “if this was new construction and the developer was just building I agree you would have to know where the building limits are but the buildings are already there.”

The members compared the legend on the plan with the language of the condominium documents and noted they did not jive. Chair MacDonald suggested the language of the condo docs be incorporated into the plan. “I would like to have that on the plan, it is not clear otherwise” she said. Mr. Weeks agreed noting “the Legend calls it (the limited common area) something else.” Chair MacDonald also pointed out the condominium units’ vertical boundaries noting “it is not phrased that way in the condo docs” looking at the documents adding “I don’t believe that is the way it was phrased.” The members reviewed the documents and agreed the language denoted the sites as “Building Site Units with Limited Common Areas pertinent to.” Ms. Miller interjected “why are we concerned about this?” Mr. Weeks replied “to be consistent” adding “the language in here is not the same as the language in the plan.” Ms. Miller asked “to protect the buyer?” with several members replying “yes.” The members continued to review the metes and bounds and discuss the Legend with all in agreement the submitted plan and the condominium documents “should say the same thing.”

In discussing the fire department inspection it was noted that the Fire Chief, the DPW Director and Ms. Ogilvie had done a site visit to the parcel. The length of the driveway was mentioned as well and the width (10-12 feet wide) with a flair at the entrance. Ms. Ogilvie noted an ambulance would be able to negotiate the driveway but a fire engine would not be able to turn around without going off the driveway. Ms. Ogilvie also noted the Fire Chief’s strong suggestion to maintain good plowing resources throughout the winter. Mr. Jordon noted the plowing layout was good with good snow dump areas and that the plowing was done by an experienced driver who pushed the snow “way back” at the start of the snow season. Chair MacDonald asked about the location of the snow dump on the plan with Mr. Jordon noting no designated area as it was “a very open site.”

Mr. Monahan noted that if the Board were considering a new build of residential condominiums on the site things would be different “we would be demand to see things like the road construction, driveways and snow dumps.” Mr. Weeks interjected “we are just changing the ownership” with Mr. Monahan replying “right.” Mr. Jordon reminded the members that there would be no additional development on the parcel adding “it could be a *much* denser site than four buildings on 15 acres.” Chair MacDonald noted “it is our job to ask the questions now for the future owners, what they may ask. That is only fair.”

Mr. Weeks asked about the name of the road with Mr. Jordon replying “we would like to name it Taggart Farm Lane or Taggart Farm Road.” Mr. Monahan interjected “the name of the road is usually the owner’s prerogative” with another member noting road names and road signs should be referred to the Fire Department. Chair MacDonald noted “if Taggart Farm Lane works for the Fire Department it will work for us.” Mr. Weeks asked about payment of the sign. “I say that only because I know there has been a lot of confusion as to who is responsible for paying” he said. Ms. Ogilvie noted “it is a private road so I assume the owners would pay for it.” A brief discussion about the importance of input from the town including the proper location and consistency of placement of town signs followed.

Mr. Weeks also asked who was responsible for erecting the sign and more specifically “is there any money put aside for the town to do this?” The members briefly discussed the color and character of the street signs in town and how the town was tending to stay with the look of the street signs at Veterans Way and Derby Way.

There were no other questions and the Public Hearing closed at 7:30 p.m.

Chair MacDonald noted the second application was a request for a boundary line adjustment on land owned by Valerie Smallwood, Trustee and Sandra B. Proulx, John R. Banks, and Bradford S. Banks located on Route 136 in the Rural District. Robert Todd introduced himself as a Land Use Consultant from New Boston, N.H. and the representative for the parties. Mr. Todd took a look around the room and referring to the photographs of some of the town’s conservation lands noted “I hope to help you put another picture on the wall.” He went on to say “the project involves two lots” and pointed them out on the plat he had provided the Board. With some confusion as to where the parcels were located Mr. Todd also pointed out their location as between Burke and Gulf Road on the east side of Route 136. One member noted “the road wiggles a little bit so it can throw you off.” Chair MacDonald interjected “oh I think of that road as an east/west road” with Mr. Todd replying “me too! I am a surveyor and I still had a difficult time with it.”

Mr. Todd noted their request was for a Technical Subdivision. “The intention is two-fold” he said. “First to resolve a potential boundary issue and second to have the ability to put a land conservation easement on the two properties that will be conveyed to the Harris Center.” Mr. Todd also noted a parcel of the land will be conveyed to the Bank’s property “but not until the easement on the existing property is put into place. In essence the Ms. Smallwood is gifting land and increasing the Bank’s acreage up 4 or so acres to 14 acres. He reviewed the plan and pointed out the monumented lines were blazed and painted so the easement monitors would not get lost.

A brief discussion about the property mistakenly being identified as being in the Rural and family Districts followed, it was noted the Family District has town water with the thought being “if you extend the water lines out further you could get greater density.” Mr. Todd replied “that will not occur, no additional development is planned.” The members all agreed the parcel is located in the Rural District.

Mr. Todd continued to review the plan with the members. He pointed out the conservation easement area as well as properties around it noting “so you have four major parties here coming together for a substantial block of conservation land.” Mr. Todd went on to point out an area to be excluded from the proposed conservation easement that included a paddock area that with permission from the Smallwood Trust and a break in the stone wall could be used by the abutting property. He also pointed out a shelter area for the horses.

Chair MacDonald asked about the conservation easement maintenance. Mr. Todd replied the easement would follow a pattern for a clearing schedule “but no further development will occur.” Mr. Monahan noted “that strip of Greenfield Road will continue to have a wonderful character to it.”

Chair MacDonald asked if any waivers had been applied for with Ms. Ogilvie replying “no.” Mr. Todd briefly reviewed the topography (no survey) but noted “most of the land is relatively flat with some pretty steep slope on the east to Otter Brook.” He also noted the AE flood zone along Otter Brook “is consistent with the town’s Shoreline Conservation Zone.”

Mr. Weeks asked about an offset pin on the plan with Mr. Todd explaining the different reasons a pin may be offset “but when we offset the bound we put a note on the plan as to how many feet on the line from the true point it is marked.” Chair MacDonald asked about the minimum setbacks marked on the plan noting “one says 25 feet and another says 30 feet.” One member noted “it’s the whole Rural Zone/Family Zone dichotomy” and all agreed the plan should reflect the Rural Zone setback of 30 feet. Mr. Todd noted “the plan you sign will be correct.” Chair MacDonald replied “that is why you should never put a map in front of me. I start looking at all the details.”

The Public Hearing ended at 7:47 p.m.

Deliberation

Condominium Subdivision application:

Chair MacDonald began with a brief review of the application noting “there are a number of waivers that do not apply” adding “and the road name and sign will have to be addressed by the Fire Department.” She asked the members “we agree the monumentation is not necessary?” with Mr. Weeks interjecting “if it were new construction it would be required, but in this case I think we agree it is not required.” Chair MacDonald replied “perhaps they could be defined in a dimensional fashion instead.” Mr. Monahan interjected “that doesn’t really help, the buildings are not perfectly rectangular.” Chair MacDonald noted “well even on an existing plan I would like to see them monumented.” She went on to note “perhaps for the future we can work on that. I am not trying to make it a burden; I am just trying to make it clear for the future owners.” A brief discussion about potential changes in the future and the role of the condominium regulation documents followed.

There were no other questions or comments and a motion was made/seconded (Monahan/Miller) to approve the application with all in favor. The Board imposed the following conditions for approval:

1. Fire Department approval of the road name and location
2. Sign installation to be done by the Department of Public Works
3. Applicant to be financially responsible for both the fabrication and installation of the sign.

Boundary Line Adjustment application:

Chair MacDonald noted “this is pretty straight forward.” “It is conforming to conforming” said one member with another agreeing and adding “everything is conforming, there are no waiver requests, you can’t really turn this down.” Mr. Monahan noted “the huge thing is that there is no further subdivision and of course the easement that is going in.” Mr. Weeks pointed out “the property could be a current use status now too.” “Could be” replied Mr. Monahan.

A brief discussion about covenants, current use and the perpetuity of land conversation easements followed.

A motion was made/seconded (Monahon/Weeks) to approve the application with all in favor. The Board imposed the following conditions for approval:

1. The plan should reflect the Rural Zone setback of 30 feet.

Armory Presentation by Rick Monahon:

Mr. Monahon presented a PowerPoint presentation on the status of the rehabilitation of the Armory Building into a Community Center. He showed several slides that included the site as it stands today, an aerial photograph, and an "as found" floor plan. He pointed out the current location of the Food Pantry and explained how and where the Pantry would be relocated on the site. He continued with slides of the Assembly Hall (pointing out the high ceilings and steel frame of the structure). He noted a concrete roof and brick walls with no insulation and single glaze windows. He also noted the "great light giver" windows. Mr. Monahon continued with slides of future meeting rooms, photos of the east and west sides of the building, the utility entrance in the back of the building, the mechanical room and a brief overview of the oil-fired burner and the heating system.

On a "first pass proposed site plan" Mr. Monahon pointed out the changes in the traffic route. He noted the current entrance to DPW would be discontinued and the snow dump road to the north would become the primary access to/for the Public Works vehicles. He noted the center could accommodate up to 600 people but would provide parking for about 200 cars. He added "we will most likely develop a relationship with the Bowling Alley and the auto garage business across the street to accommodate overflow parking on the few times a year an extra-large event is scheduled."

Mr. Weeks asked "will there be a wetland filling for the (proposed new access DPW) road?" to which Mr. Monahon replied "I have not crossed that bridge yet" adding with a smile "it is a bridge *to be crossed* or a bridge *to cross* the wetlands."

Mr. Weeks asked about the potential of actually having Public Works "cut off" if there was a problem with the proposed road, Mr. Monahon replied "we could block the current access with a gate if necessary, the point being we did not want mothers and their children negotiating their way through the truck traffic as they move through the parking lot."

Mr. Monahon continued with slides of landscape suggestions. A pleased Chair MacDonald pointed out the east/west planting of the trees in the parking lot noting most parking lots don't offer adequate shade because of no trees or north/south planted trees. Mr. Monahon noted that private monies were being raised as well as other public efforts to build a commercial greenhouse at the site. He also noted "and we may have an interested farmer to manage it." He noted food could be grown for the Pantry as well as the Senior Lunch Program.

"Where is the crosswalk?" asked Chair MacDonald adding "you need to show the pedestrian access." Mr. Monahon pointed out the area of the crosswalk as well as the conservation land

“right next door.” He noted the land next door was monitored by the Harris Center “and they may link with us, they have put some effort into clearing it.” Mr. Weeks asked “will we attempt to meet the site plan regulations?” Ms. Miller interjected “the town is exempt but we will try.” Mr. Mohanon replied “that is way too preliminary” but added we will try and if we encounter a hardship we will seek a waiver.”

In conclusion Mr. Monahon reviewed a master plan floor plan or the first and second floors that included the new pantry space and added (built) storage space for equipment and furniture. He pointed out the commercial kitchen where the senior meals will be prepared. Ms. Miller interjected “we got a grant to pay for that.”

Mr. Monahon briefly reviewed the oil and electric consumption of the building and the plan to use solar power. He noted Torphy Construction company was about to begin the \$130,000.00 to \$140,000.00 renovation. “This phase includes moving the Food Pantry, installing the bathrooms, installing the zone valves on the radiators (which is huge) and addressing a bunch of code issues” he said.

Minutes:

A motion was made/seconded (Monahon/Weeks) to approve the Minutes of July 11, 2011 and July 18, 2011 as written with all in favor.

The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant