

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

**DRAFT Minutes of September 12, 2011**

**Members Present:** Chairman Leandra MacDonald, Barbara Miller, Tom Weeks, and Ivy Vann and Bill Groff.

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

The Peterborough Planning Board held its regularly scheduled meeting on September 12, 2011 in the Selectmen's Meeting Room of the Town House. The meeting was called to order at 7:00 p.m. With no people in the audience Chair MacDonald noted "no need for introductions, we all know each other." She noted the first item of the agenda was an application for a boundary line adjustment by James and Susan Callihan and Kate and Thomas Root. Chair MacDonald read the request and looking at Ms. Ogilvie asked "anything outstanding?" Ms. Ogilvie replying "no, the application is quite straight forward; it is to enlarge the existing lot." Mr. Callihan interjected "it will increase the lot from about ½ to ¾ acre. It is a step up." Mr. Callihan then added "if you look at the map it is pretty self-explanatory."

Mr. Weeks asked about the other party noting "you have to have that abutter sign the application." In checking the application it was noted that while it appeared two signatures were on the application there was in fact just one, Mr. Callihan's. After a brief discussion regarding the other applicant, Mr. Callihan concluded by noting "they will sign it." Mr. Monahan noted the Board could go forward and "just make it contingent on the other applicant's signature." "My misunderstanding" replied Mr. Callihan.

A very brief discussion about the former and current driveway followed and the meeting closed at 7:10 p.m.

Chair MacDonald noted the next item on the agenda was a preliminary conceptual consultation for an Open Space Residential Development for two lots on property located at 40 Powersbridge Road. She read the application.

Robert Todd introduced himself. He noted his company (Todd Land Use Consultants LLC) was located in New Boston, N.H. and that he was indeed before the Board to discuss a preliminary plan for an Open Space Residential Development at 40 Powersbridge Road. As Mr. Todd pointed out the property on a graphic before the Board he noted several tracts of land he had not yet researched as well as Wallace Brook and the perimeter of the 152 and 25 acre parcels. He noted "the plan was drawn in the 1950s but it matches the current description."

Mr. Todd gave a brief history of the parcel and how it was sold in 2007 to Ernesto and Carmen Blohm, a couple from Venezuela. He added "we would like to create a subdivision so that Mr. Blohm can build a house for one of his daughters." Mr. Todd reported the previous owner had conveyed a conservation easement to The Society of New Hampshire Forests in 1974 and

pointed out an exclusion area from the easement. He added the exclusion shown was created by the Town's GIS System.

Chair MacDonald asked Mr. Todd why they were pursuing an Open Space Residential Development (OSRD). Mr. Todd reviewed the current status of the property pointing out the main house as well as the garage with the care-taker unit above. "It is the second structure on the lot" he said. Mr. Todd also pointed out the driveway noting "it meets all the criteria of the current driveway regulations" he said.

Mr. Todd went on to point out the service road that goes up to the pool house and an accessory building housing pool equipment and a dressing room "it has plenty of frontage he said "but to subdivide that would look strange so we decided to use the OSRD approach."

Chair MacDonald noted "the common drive would permit each party to use it and share cost of maintenance." A brief discussion about an OSRD versus a standard Subdivision approach followed.

Mr. Weeks asked about the square footage of the apartment over the garage. Len Pagano, the architect for the owner, noted "I have been there once, it is rather small. My guess would be seven or eight hundred square feet." Mr. Pagano went on to ask "would the existing caretaker space be grandfathered? It is really not a house, it is quite a small apartment, and certainly in comparison to the main house it is quite small."

Ms. Vann asked about the size of the exclusion area with Mr. Todd replying "7 acres" adding "we will make the lots smaller and put the rest into Open Space." Chair MacDonald immediately asked "with so much land in conservation why put additional land in?" Ms. Ogilvie replied "that is a good question" adding "the regulations do not address that." Chair MacDonald added "preventing further development is not really the issue here." Mr. Todd noted "it is a way of saying how they could occupy the 7 acres but it is difficult to make the back lot look reasonable. It would have to be gerrymandered. The members briefly discussed the unusual lot configuration with Mr. Monahan pointing to the graphic and suggesting "take a line from the bridge and draw straight down. Then ask for a common driveway. Mr. Todd replied "that is what I am looking for, input."

Mr. Weeks reviewed the current state law on road frontage and access from it, and how the applicant would have to go to the ZBA. "I don't want to the ZBA for a variance" replied Mr. Pagano. Ms. Ogilvie noted they may go before the ZBA for something called a *practical difficulty* and the discussion that followed included alternatives to wetland crossings in the planning stages, legal non-conforming structures and the intent of the size limitation of a conservation easement as well as the spirit of a conservation easement (which in this case the members agreed *does not* lessen the benefit to the community).

Mr. Weeks reminded the members "the question comes up about the driveway entrance." The members each gave their ideas about the lot in an attempt to use the existing driveway rather than creating one that crosses the wetlands. Mr. Pagano remained adamant that he did not want to go before the ZBA.

A brief discussion about the differences between the options followed with Chair MacDonald noting “OSRD is more expensive as far as engineering drawings and that type of thing goes.” Mr. Pagano noted “the owners appreciate the open space thing, they feel comfortable with it” adding “and if we can avoid a trip to the ZBA that is fine with me.”

The members agreed that a shared road must meet town standards, have a name and a 50-foot Right-of-Way for Utilities.

Mr. Todd noted “the drive is in good shape” with Mr. Pagano adding “I would rather go to the ZBA than upgrade the driveway.” Mr. Pagano went on to note “the thought of a practical difficulty is a good idea and if I don’t get approved at the ZBA we can go back to the original plan. I am on board with that.” Ms. Vann suggested “draw the 3-acre lot, go to the ZBA and ask for relief through a practical difficulty and if granted you are home free.” Mr. Monahon interjected “and you can use the existing driveway.” “That makes more sense” said Chair MacDonald.

Referring to 674:41 Mr. Weeks advised Mr. Pagano to get a copy of the RSA and review it “that way you will know what to show the Board.” (Paragraph 2) Mr. Monahon noted “if nothing else this is a property that is better protected than any other property on the street!”

Mr. Pagano summarized by noting “so I go to the ZBA and if I am successful I will come back with a plan to be approved by you in November.” Chair MacDonald reminded the members “he still has to make an application, this just a conceptual.”

Mr. Todd thanked the members noting “we will continue the work we have been doing and come back with an application.”

Mr. Weeks noted “you are carving out 3 acres of the 150” adding “that is all you are doing.” Mr. Todd replied “that is all.” Mr. Weeks also reminded them to “honor the setbacks for the two existing structures on the lot (30 feet).

Chair MacDonald concluded by advising Mr. Pagano to “come in and pick up two applications – one for the ZBA and one for Planning Board. She noted “and remember, you are not bound to do anything we have suggested.” Mr. Todd replied “that is very nice, I like that.”

## **Minutes**

A motion was made/seconded (Monahon/Miller) to approve the Minutes of August 8, 2011 and August 22, 2011 as written with a typo to be corrected with all in favor.

The members then discussed their next workshop and decided to meet September 19, 2011 at 5:15 p.m. at the Town House.

Chair MacDonald concluded by noting “I just have one question” she continued by asking about the sign ordinance, particularly sandwich-board signs. “How about one per property” she asked. Mr. Weeks replied “that is the way it reads.” The members briefly discussed this topic (specifically) how to prevent multiple signs at a single business. Mr. Weeks noted that the

regulations states one sandwich-board sign per business *or* one temporary sign that may be used for 90 days “but not both.”

A particular small business was mentioned with Chair MacDonald asking “why did we not see a site plan?” Another member immediately replied “it is less than 2000 square feet, it did not require site plan review.”

Chair MacDonald replied “what about a lighting plan? A port-a-potty? A brief discussion followed. Chair MacDonald concluded by noting “I am just concerned” and asked “isn’t anybody else? It is not that I don’t want people to start up a business.” In response Ms. Vann noted “I am not particularly distressed because of his location.” Mr. Weeks interjected “he is in violation of the regulation regardless of the location.” He went on to note “it causes sprawl and it causes other businesses to do the same.” The members briefly discussed another business “that has never heeded their site plan, particularly their parking plan.

The meeting was about to adjourn when Ms. Ogilvie reminded the members they needed to deliberate the Callihan Case.

The members agreed they should approve the application subject to the abutter and co-applicant signing the application. Mr. Monahan noted “the approval is conditional on the joint application” with Chair MacDonald adding “with a full signature of the conveyors.” Chair MacDonald noted “this makes a non-conforming lot a little more conforming” another member interjected “yes, his chickens are now conforming.”

A motion was made/seconded (Groff/Vann) with all in favor.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton,  
Administrative Assistant