

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

**Minutes of March 9, 2015**

**Members Present:** Ivy Vann, Rich Clark, Tom Weeks, Jerry Galus, Alan Zeller and Audrey Cass.

**Staff Present:** Peter Throop, Director, and Laura Norton, Administrative Assistant, Office of Community Development

**Public Hearings:**

Chair Vann called the meeting to order at 6:30 p.m. She introduced the members and staff and welcomed the audience. "This is the regularly scheduled Monday night meeting of the Planning Board" she said adding "and we have a number of items on the agenda." Chair Vann noted "the first thing on the agenda is the second Public Hearing on the amendment to modify the existing ordinance relating to the Agricultural Business Enterprise Uses. Mr. Throop interjected "these are the housekeeping changes from the last time we met." Chair Vann read the proposal.

**"Agricultural Business Enterprise Amendment:** This will be the second Public Hearing on a proposed amendment modifying the existing zoning ordinance and regulations relating to Agricultural Business Enterprise Uses. After the conclusion of the first Public Hearing, the Planning Board voted to make several changes to the original proposal, necessitating the second public hearing. Upon the conclusion of this hearing, the Planning Board may vote to place the proposed ordinance amendment on the Official Ballot or may recommend changes to the ordinance which would require a third Public Hearing to be held Monday March 30, 2015. Town Meeting vote *is* required to adopt this amendment."

When done she handed the meeting over to Mr. Throop who briefly reviewed the changes page by page. He told the members the town attorney had also recommended streamlining the amendment description (located at the top of amendment shaded in gray).

When done, with no questions from the Board, Chair Vann opened the hearing to the public. Loretta Laurenitis introduced herself and asked about a letter written by Francie Von Mertens and the question of how to control attendance over the course of the day to conform to the ordinance. "I thought it was going to be addressed but it was not" she said. Mr. Throop replied "that may have been an oversight on my part" with Chair Vann interjecting "we agreed to leave the language as it was, it is not an oversight" adding "it is clear the Board has the authority to limit the numbers." She went on to say "and there are not too many places in town we would not limit the 150 attendees."

Andrea Cadwell introduced herself and noted her concern regarding the language in Conditional Use Permits that states "*applicants shall make all best efforts to meet with abutting landowners to discuss the proposal, identify concerns, and seek consensus regarding use designs (frequency, scale, scope, size of the proposed use) and site designs to address the identified concerns.*" "I feel that leaves a lot of room for interpretation. It feels very vague" she said and asked "who defines *best efforts*?" Chair Vann replied "it shows the applicant at least made the effort to send a

letter or knock on a door” adding “we do not require you come to consensus.” Mr. Weeks added “and it gives the applicant a chance to resolve things before the Public Hearing if possible.”

Ian MacSweeney introduced himself and agreed with Ms. Cadwell, “Who determines best efforts?” he asked. Mr. Throop replied “the Planning Board, this is in the Site Plan Regulations.” Chair Vann added “let me explain” and went on to say “the zoning amendment goes to Page 9 and after that are the Site Plan Review regulations and those belong to the Planning Board. They are administered and interpreted by the Planning Board.”

Ms. Laurenitis asked for clarification on *Uses Permitted by Special Exception* and Mr. MacSweeney asked about how the impact on a principal use is determined.

Carrie Dumas introduced herself and noted page 13 (*Criteria applied to all Agricultural Business Enterprise Uses*) and read “structures shall be located on parcels of a commercial farm where the majority of agricultural activities are located. Uses may not be located on parcels that are not directly adjacent to the parcels where the primary agricultural activities are located.” She looked up and giving an example of a use being a Maple Sugar House said “that is not always going to be the case.” Chair Vann acknowledged that fact and said “just as reminder, that is in our Site Plan Regulations.” Mr. Throop interjected “the idea is not to build a new venue on other property owned by the farm but not related to the core of the farm.”

The Public Hearing was closed at 6:30 p.m. with Chair Vann noting “this has been a long haul, it is time.”

A motion was made/seconded (Weeks/Cass) to place the proposed Agricultural Business Amendment Enterprise Uses ordinance with the amended purpose statement presented at the March 9, 2015 Planning Board second public hearing on the Official Ballot. All were in favor.

**Application for Minor Subdivision:** An application proposes to subdivide a 15.6 acre parcel of land, parcel number R012-020-000, located at 530 Greenfield Road in the Rural Zoning District, into two parcels with the original parcel and home located on 3.519 acres and the new parcel consisting of 12.122 acres

Chair Vann noted the nature of the application made it eligible for an expedited review. A motion was made/seconded (Weeks/Galus) to accept the application as complete with all in favor.

Chris Guida of Fieldstone Land Consultants, LLC introduced himself as the Project representative for the applicant. He also introduced Mark Schall of Schall-Given Contracting, Inc. Mr. Guida reiterated the application request as he pointed out the frontage and delineated wetlands. “It is really quite straight forward” he said. Chair Van asked if the Board had any questions. Mr. Weeks asked why the granite bound to be set was not on the plan. Mr. Guida replied “as you can see the plan is quite busy, we were trying to keep it as clean as possible but we can make that revision easily enough.” Mr. Clark asked about the distance of the point set and the wetlands with Mr. Guida pointing out the wetland buffer and calculated the additional distance remaining. Chair Vann interjected “you may be required to placard the wetland buffer as well.” Mr. Guida told the Board that while the exact location of the driveway had not been determined he pointed out the general area with the best sight distance. He told the members he

had submitted a driveway permit to the state DOT for a curb-cut. Mr. Clark noted seasonal flooding in the area and asked if there was a culvert. Mr. Guida noted there was and pointed it out.

With no other questions Chair Vann opened the Public Hearing to the public. Abutter Rosemary Sheldon asked "it is only one house is that right?" Mr. Guida replied "yes just one home with a driveway." Mr. Throop noted the driveway would be subject to the town's driveway standards.

A motion was made/seconded (Weeks/Galus) to approve the two lot subdivision at 530 Greenfield Road on property owned by George R. & Melissa A. Magee as shown on plan entitled "Subdivision Plan, Parcel No. R012-020-000, 530 Greenfield Road Peterborough, New Hampshire Land of George R. & Melissa A. Magee, dated February 3, 2015," by Fieldstone Land Consultants, PLLC subject to the following conditions:

Proposed granite bound between lots R012-020-000 and R012-020-001 along Greenfield Road to be noted on plan as GB (TBS) prior to the Planning Boards signature on the plan.

Monumentation tags and silt fencing being installed on the outer edges of the Wetlands Protection Overlay Zone along the proposed driveway location as drawn on the plan as provided for in Section 233-53 of the Site Plan Review Regulations. All were in favor.

Mr. Throop noted that issuance of the State Driveway permit and demonstration of compliance with the Town driveway standards would be necessary prior to issuance of a building permit.

**Application for Minor Subdivision and Voluntary Merger:** An application proposes to subdivide parcel number U17-011-000, a .37 acre non-conforming parcel with no frontage (the former B&M railroad right of way) by extending the existing boundary line between abutting properties to the west, parcel numbers U017-022-000 located at 42 Grove Street in the Downtown Commercial Zoning District and U017-023-000 located at 46 Grove Street in the General Residence District, eastward across U017-011-000, and merging the resulting two subdivided parcels with the respective abutting parcels to the west. The result of the application will increase U017-022-000 from 1.28 acres to 1.43 acres and U017-023-000 from 1.15 acres to 1.37 acres.

Chair Vann looked up and said "this application is also eligible for an expedited review, essentially it is taking a parcel, making it two separate parcels and attaching these to the two parcels directly abutting." A motion was made/seconded (Weeks/Galus) to accept the application as complete with all in favor.

Heather Peterson introduced herself and began with a brief history of the two lots at 42 and 46 Grove Street. "The homes look amazing similar because they were built by the same person" she said. She noted a back section of each lot was deeded to the railroad and over time the houses were sold independently "but the lot behind the properties was owned by the railroad until they gave it up in 1990." She went on to tell the Board "that is when John Brown and the Petersons bought it back." She told the members "there was no right of adverse possession and no right of clearing the title so when we bought it we agreed the lot would just continue as it was and we would split the tax bill." Ms. Peterson concluded "we waited for 20 years and then filed for a quiet title possession, which we have now so there is no more shared custody. We are back to the original 1800 configuration before the railroad came through."

Chair Vann had a question about the sewer easement and Mr. Weeks asked for clarification on the tax card for the lot. Mr. Throop noted that the error Mr. Weeks identified would be corrected in the Assessor's Office "and straightened out on the parcel map as a result of this application." Mr. Weeks also pointed out the application was missing a signature from Cara Hills, LLC. It was noted the signature in the application was not appropriate to the application and would have to be obtained as a condition of approval.

A motion was made/seconded (Weeks/Galus) to approve the Minor Subdivision and Voluntary Merger request of Heather D. Peterson, Andrew R. Peterson and Cara Hills, LLC as shown on plan entitled "Lot Line Adjustment Plan of Land, Parcel No. U017-022-000 Heather D. Peterson Andrew R. Peterson and Parcel No. U017-023-000 Cara Hills, LLC Peterborough, New Hampshire" dated February 9, 2015 by Monadnock Survey, Inc. subject to the signature page of the Subdivision Application being signed by the appropriate Officer of Cara Hills, LLC prior to the Planning Boards signature on the plan. All were in favor.

**Review of Proposed Zoning Amendment:**

Mr. Throop distributed an updated agenda for the review scheduled for March 16, 2015. He noted DPW Director Rodney Bartlett would be presenting Amendment B: a request to amend the zoning ordinance and zoning map relating to the zoning district designation for one parcel of land (U017-023-000) located at 46 Grove Street from the General Residence Zoning District to the Downtown Commercial Zoning District. He noted at the conclusion of the hearing the Planning Board may vote to place the proposal on the Official Ballet or may recommend changes to the amendment requiring a second Public Hearing which would be scheduled for Monday, March 30, 2015 at 6:30 p.m. He reiterated "a Town Meeting vote is required to adopt this amendment." Chair Vann added "this is just for the Cara Hill property, the Peterson property is already in the Downtown Commercial District."

**Report out from Other Committees:**

Chair Vann reported the Master Plan Steering Committee would meet on Wednesday, March 11<sup>th</sup> at 5:45 p.m.

Mr. Throop reported all Variances and Special Exceptions requested by the Stone Barn had been approved last week at the ZBA meeting.

Mr. Clark reported the Minor Site Plan Review Committee had approved a request for a pole barn on the former Waste Management site now leased by Frowling Energy.

Mr. Weeks reminded and encouraged everyone to participate in the School District voting day.

**Minutes:**

A motion was made/seconded (Cass/Clark) to approve the Minutes of January 21, 2015 with all in favor.

A motion was made/seconded (Galus/Clark) to approve the Minutes of February 11, 2015 and February 18, 2015 with all in favor.

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant