

PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire
Minutes of May 12, 2014

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

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

Chair Vann called the meeting to order at 6:37 p.m. and introduced the members and staff.

Minutes: A motion made/seconded (Zeller /Weeks) to approve the Minutes of April 14, 2014 and April 21, 2014 (with one minor correction) with all in favor.

A motion was made/seconded (Cass/Zeller) to approve the Minutes of Informational Session held April 21, 2014 with all in favor.

Spitzfaden Site Plan

Chair Vann noted the first case was a Site Plan application submitted by Gregory and Linda Spitzfaden. The proposal is to develop a two-story building for office use at 305 Union St., Parcel No. U030-044-000 in the West Peterborough District. This proposal was previously approved by the Planning Board at a duly noticed public hearing on June 11, 2012; however the approval has expired and the applicant is seeking approval of the same previously approved site plan with minor modifications including a second floor apartment residence.

Chair Vann pointed out the building on a graphic noting “this was Ed Dell’s Audio Amateur building for those of you who may not know.”

Dawn Tuomala of Monadnock Survey introduced herself and reiterated the Board had approved the original plan almost two years ago. “That approval has expired and we are here seeking re-approval of same with some modifications” she said. Ms. Tuomala reviewed the existing conditions noting the proposed building was longer and narrower than the original. “It is two-stories with parking on the north side” she said adding “and it will be 1750 square feet, not the original 2020 square feet.” She pointed out the existing trees in the front and on the west side that they intended to keep and replant. She noted the Right-of-Way to the right of the building and the drainage ditch on the eastern boundary. She concluded by pointing out 10 parking spaces in the rear and the loading dock and dumpster areas. Ms. Tuomala noted an apartment was slated for the second story, reiterating parking for 10 vehicles in the back and 3 more on the eastern boundary.

Mr. Weeks asked if the existing building had a basement with Mr. Spitzfaden relying “no, it is on a slab” adding “but the proposed building will have a basement.” Mr. Weeks noted the drainage to daylight on the plan and asked how that would be accomplished. A brief

discussion about the drainage parameter and the catch basin followed. Mr. Weeks asked “has anyone spoken to DWP about that?” Mr. Throop suggested the condition was a pre-existing one that already drained into the town system adding “but you can make all town approvals a condition of approval.”

Chair Vann noted she thought she remembered a discussion about the building sitting kitty-corner the street. It was noted the site and the building would be constructed using the principles of Maharishi Vastu and Maharishi Vedic Architecture (architecture with a precise orientation of the entrance on the eastern face and the building aligned to a direct north/south orientation).

Ms. Tuomala pointed out the Shoreline Protection Zone and noted they had secured their permit from the state which was good until 2017. She concluded they did not need a stormwater review from the town “but we did need one from the State” she said.

Chair Vann asked if there were any questions from the Board. With no additional questions Chair Van asked if there were any questions from the audience. Brenda Blanchette introduced herself and asked why the Spitzfadens had added an apartment. “The first plan did not have a residence she said and asked “why are you changing it?” Mrs. Spitzfaden replied “it was a question of being affordable and the apartment is involved with that.” With no other questions the public hearing was closed.

A motion was made/seconded (Galus/Clark) to accept the application as complete with all in favor.

A motion was made/seconded (Weeks/Zeller) to approve the site plan request for Gregory & Linda Spitzfaden at 305 Union Street, Parcel No. U030-044-000 for the construction of Office Building and residence on plan entitled Spitzfaden Office Building, 305 Union Street Peterborough, NH, sheets A-1 thru A-10 by Jonathan Lipman, AIA & Associates, Inc. last dated 06-29-12 subject to the following conditions:

1. Prior to signature of the plan, that applicant shall provide to the satisfaction of the Office of Community Development, the following plan modifications and documents:
 - A. Revised plans showing landscape providing screening of the parking area in the rear for the adjacent residential buildings.
 - B. Revised architectural plans showing the removal of the window wells.
 - C. Updated letter demonstrating permission for access to the three parking spaces on the east side of the lot across the abutting property.
2. Perimeter Drain: if the proposed perimeter drain discharges into the town drainage system it is to receive all appropriate approvals from the Public Works Director.

All were in favor.

Continued Public Hearing for a Conditional Use Permit and Subdivision at 161 Wilton Road Continued public hearing of application for Subdivision of 161 Wilton Road, to create two lots accessed from a new public road and a Conditional Use Permit to permit crossing the

Wetland Protection Buffer Zone.

Chair Vann noted this case was a continuation of a request to create two lots accessed for a new public road and a Conditional Use Permit (CUP) to permit crossing the Wetland Protection buffer Zone.

Conditional Use Permit

Chris Nadeau of Nobis Engineering introduced himself. He began by pointing out the three areas of the parcel in need of a CUP. He told the members some disturbance in the wetland setback would be necessary for the access road into the site as well as a demolition of a couple of small structures and cleanup of demolition debris. He also pointed out an area that may be used to connect Lobaeki Drive to the town sewer system with a gravity line. A brief discussion about the route for the forced main line for the project followed with suggestions made for considerably less disturbance of terrain. Nobis Project Engineer Robert Saunders introduced himself and explained how they were still coordinating all the elements of the system as well as their plan to investigate the integrity of the current line. "If you are investigating all of the pieces, where does that leave us?" asked Chair Vann. Mr. Throop noted that the applicant is requesting the approval of the submitted plan. If they determine that an alternative plan is feasible, they can submit a plan showing a modification of the approved plan. Chair Vann replied "that is what I meant when I asked *where does that leave us.*"

Mr. Weeks pointed out "some of this is outside of what is allowed with a Conditional Use Permit" adding "the demolition and grading are two examples, we have no authority to grant a Conditional Use Permit for that." He went on to propose a different route (other than a CUP) to accomplish their goal. "The cleanup, demolition and removal of debris is not included in the Conditional Use Permit" he said adding "but because they are consistent with the purpose and intent of the ordinance it may be allowed to happen."

A brief discussion about an Administrative Decision made by the Code Enforcement Officer followed with a distinction between shoreland (ZBA) and wetlands (Planning Board) jurisdiction being made.

A motion was made/seconded (Weeks/Clark) to **Approve** the application for a conditional use permit for 161 Wilton Road, LLC at 161 Wilton Road, Parcel No. U019-001-000, for the construction of the road and utilities as shown on plans entitled Conditional Use Permit Plan, Sheet CUP, last revision dated 04-30-14. The Board further agreed with the Administrative Decision, dated April 4, 2014, by the Code Enforcement Officer and made a finding that the areas of disturbance outside the limits of the road and utility construction for the purposes of demolishing a house, removing construction debris and associated grading were consistent with the purpose and intent of the Wetlands Protection Overlay Zone on the aforementioned plan, subject to the following conditions:

1. Prior to initiating any site work or demolition the applicant shall install all erosion control measures as noted and shown on plan entitled Divine Mercy Church 161 Wilton Road Peterborough, NH, Sheets C-8 by Nobis Engineering Inc., last dated 04-30-14.
2. The applicant shall contact the Office of Community Development for an inspection of the erosion control measures by an inspector who shall be determined at a later date once they have been installed and prior to initiating any site work or demolition.
3. Wetland Monumentation to be installed in accordance with Section 233-53 of the Peterborough Subdivision Regulations.

With **all in favor**.

Subdivision

Mr. Nadeau gave the members a brief review of the request for a two lot subdivision at 161 Wilton Road, one consisting of 6.58 acres for the new Catholic Church and the other consisting of 6.96 acres for future residential construction. He reviewed the reconfigured Hammerhead design and pointed out the pump station and snow storage spots. He confirmed the access road conformed to the town standards of two 10-foot wide lanes, each with a 4-foot gravel shoulder. Mr. Nadeau reviewed the drainage and landscape designs as well noting "at the Board's request we have added 6 street trees which will all be in the town right of way. He noted the need for 3-phase power for the pump station and noted the utility lines had been changed to overhead lines. Chair Vann interjected "didn't Public Service say in considering underground or overhead lines that the underground was cheaper?" Mr. Saunders replied "yes, but they have dug their heels in when it comes to going under culverts. If the culvert is damaged, they have to foot the bill to repair it" adding "underground is OK, but under culverts is not."

Chair Vann noted "as a member of the Board and not the person driving this train I do want to note that overhead electric lines are not widely attractive and there is always the issues of ice and trees being a problem. I don't know how the rest of the Board thinks but there has to be another way to skin the cat." She went on to suggest another location saying "if you put it on the other side you would not have to dig under the culvert." Mr. Zeller interjected "I support that idea."

Mr. Nadeau went on to review the lighting plan pointing out an additional light at the Route 101 intersection was necessary but the church would be seeking to add two additional light on the access road. Mr. Weeks interjected "these are lights we cannot approve, you will have to go to the Board of Selectmen for approval. Mr. Nadeau acknowledged the remark and replied "we realize that, we just wanted to keep you informed." Chair Vann replied "thank you."

The discussion quickly turned back to the issue of underground versus overhead electrical wires and the previous recommendation to put another pole on the other side of the road so the wires would not have to go under the culvert. Peter LaRoche reminded the members "PSNH will have the final say." Chair Vann suggested that while the Board could not make it

a condition of approval “the Board should attach language that it strongly advocates the underground route.” Chair Vann went on to ask for a sense of the Board with the members in agreement to the language.

Mr. LaRoche reminded the Board “it depends on what PSNH says “adding “if we can do it we will, if it works out.” Chair Van replied “so it is noted that the Board has urged you and you agree and are amenable to it?” Mr. LaRoche replied “if it is technically and financially feasible, yes.”

Ms. Cass interjected “in earnest?” adding “you have just added another whole element here. Believe me I understand that element but still.” Chair Vann noted that while not a condition of approval the suggestion was at the strong urging of the Planning Board if feasible. “Otherwise it will have to be addressed by Minor Site Plan Review.

A motion was made/seconded (Galus/Vann) to strongly urge the applicant to employ underground electrical utilities if feasible. Cass, Vann, Galus, and Zeller were in favor. Weeks and Clark were opposed.

Mr. Weeks first incorporated the motion of the Board strongly urging the use of underground electrical utilities if feasible where the applicant may resort to the original plan at Minor Site Plan Review.

A motion was made and seconded (Weeks/Zeller) to APPROVE the two lot subdivision requested by 161 Wilton Road, LLC at 161 Wilton Road, Parcel No. U019-001-000 on plan entitled Subdivision Plat of land of 161 Wilton Road LLC 51 Peterborough Street, Jaffrey, NH, dated February 2014, last revised 04-28-14, by Richard D. Bartlett & Associates, Inc. consisting of the Subdivision Plat and 16 associated pages by Nobis Engineering Inc., last revised 04-30-14, subject to the following conditions prior to signing of the plan:

1. Revised plans showing minor modifications as directed by the Office of Community Development, the Boards Drainage Consultant, and the Public Works Director including but not limited to minor changes to sewer pump station and force main design, drainage designs, grading details, stormwater management details, erosion control details and construction details. Final approval of said details shall be in the form of a memo to the file by the Office of Community Development, the Board’s Drainage Consultant, and the Public Works Director. The Applicant will place the electrical utilities underground at the closest possible point to the intersection with Route 101 (to be so shown on the revised plan). If this is not feasible the applicant may revert to the original plan subject to Minor Site Plan Review.
2. Copies of all permits including but not limited to the NHDES Alteration of Terrain permit, NHDES Wetlands Permit (as amended), NH DOT Driveway Permit, and any other required state or federal permit shall be provided for the file.
3. An agreement outlining all inspection procedures and responsibilities to be submitted and approved by the Office of Community Development and the Public Works Director. Payment for any required inspection fees shall be provided to the Office of Community Development prior to start of onsite work.

4. Applicant shall post a security in an amount and in a form approved by the town attorney and the Planning Board as specified in “Article X Performance Guarantee” of the Planning Board Subdivision Regulations. Such security shall be in an amount that is sufficient to defray the cost of construction of the street and public utilities. The Performance Guarantee may be released in phases as portions of the secured improvements are completed and approved by the Public Works Director and the Community Development Director. A portion of the performance guarantee as determined by the Public Works Director shall remain in place until one full year has passed after completion of the road.
5. Receipt of easement language in a form acceptable to the town attorney for: utilities easements related to the forced main, pump station and access road; drainage easement for the town road; access easement over parcel U019-001-100 for the benefit of parcel U019-001-001; easement for privately owned and maintained street lights located in the town right of way; easement for the water line serving the yard hydrant at the sewer pump station.
6. Select Board approval will be required for the privately owned and maintained street lights proposed to be located in the town right-of-way. Please note that two of the proposed lights do not comply with section 182-2 of the Code of the Town of Peterborough.
7. Prior to initiating any site work the applicant shall install all erosion control measures as noted and shown on plan entitled Erosion and Sedimentation Plan, Sheets C-6 by Nobis Engineering Inc., last dated 04-30-14.
8. Installation of parcel boundary monumentation except boundaries involved in the construction of the new road. Monumentation around road construction area shall be in place before 50% of surety held for road construction is released.
9. Prior to final release of surety, “as built” drawings for the road, water and sewer lines, sewer pump station and forced main shall be provided to the town in a form acceptable to the Department of Public Works Director.

With all in favor.

Continued Public Hearing for a Site Plan Review at 161 Wilton Road Continued Hearing application for Site Plan Review for Divine Mercy Church to be located on a newly created lot at 161 Wilton Road. The application includes a request for a waiver of Site Plan Regulations Appendix B, (A) Parking Design (6) which requires one bicycle space for every 20 parking spaces; and Appendix B, (B) Parking Lot Landscaping (4) (d) which requires “berming, curbs, or other protection” around parking lot planting areas to “prevent damage to trees and shrubs.”

Site Plan Review

Chair Vann began with “any questions for Mr. Nadeau?” With nothing from the Board Mr. Nadeau pointed out the Fire Chief had approved the street. He noted the two 10-foot wide lanes with 4-foot shoulders on each side. He again reviewed the actual and potential (future)

parking spaces as well as the drainage design and plan updates that included some of the requests of the Board (i.e. removal of chain link fence from a catch basin area). Mr. Nadeau reviewed the Landscaping plan as well, again with some changes initiated at the Board's request. He confirmed the Board was in receipt of the photometric plan and pointed out a dumpster location on the lot.

Mr. Nadeau concluded with a review of two waivers the applicant was requesting. The first of which was a waiver to supply a bike rack. "I don't envision a lot of people riding their bike to church" he said. The second waiver was for no curbing around the trees in the parking area for increase sheet flow of stormwater.

Chair Vann looked at Mr. Nadeau and said "right now I do not want to do away with the bike rack. For sure you will find someone who will ride their bike there. If we don't provide a bike infrastructure now there will never be one." Ms. Cass agreed "I think we should include the bike rack" she said. Mr. Zeller was not in agreement "that is not so true" he said. Chair Vann replied "we encourage all forms of transportation. Mr. Clark interjected "we required them at the Hospital." Chair Vann replied "we did" adding "and they are used."

As the Board readied to make a motion Mr. Throop interjected "just two things" noting the addition of Plan Modification E. To add the Church Lighting Plan to be revised so that electrical utilities are consistent with the Overall Utility Plan on Sheet C-5 and F. The Board requests the Applicant place all utilities underground (to be shown on revised plans). If this proves unfeasible, the Applicant may revert to the original plan subject to Minor Site Plan Review.

A motion was made/seconded (Weeks/Zeller) to **Approve** the site plan request for Divine Mercy Parish at 161 Wilton Road, Parcel No. U019-001-000 for the construction of Church building with attached function hall and associated parking on plan entitled Divine Mercy Church 161 Wilton Road Peterborough, NH, Sheets C-1 thru C-13 and Landscape Plan LS-1 and by Nobis Engineering Inc. last dated 04-30-14 and Peterborough Church Parking Lighting Plan by Reno Engineering & Light Design, Sheets L1 thru L3, dated 04-30-14, and grant a waiver for several landscape islands without curbs (Appendix B (B)(4)(d)) as noted, subject to the following conditions prior to signing of the plan:

1. Revised plans showing minor modifications as directed by the Office of Community Development, the Boards Drainage Consultant, and the Public Works Director including but not limited to minor changes to utility designs, drainage designs, grading detail, stormwater management detail, erosion control detail, lighting details, landscape plan details and construction detail. Final approval of said details shall be in the form of a memo to the file by the Office of Community Development, the Boards Drainage Consultant, and the Public Works Director.
2. Copies of all required state or federal permits shall be provided for the file.

3. Agreement outlining inspection procedures and responsibilities as approved by the Office of Community Development and the Public Works Director and receipt of payment for any required inspection fees.
4. Receipt of easement language in a form acceptable to the town attorney for the sewer line easement to accommodate a future sewer line to the east of the property; the drainage easement over southern corner of parcel U019-001-100; an access easement over parcel U019-001-100 for the benefit of parcel U019-001-001.
5. The Peterborough Church Parking Lighting plan L1 – L3, to be revised so that the electrical utilities are consistent with Overall Utility Plan on sheet C-5.
6. The Board requests that the Applicant place all utilities underground. If this proves unfeasible the Applicant may revert to the original plan at a Minor Site Plan Review.

With all in favor.

Updates from Board members serving on other Committees:

Chair Vann asked about the Master Plan Steering Committee with Mr. Throop reporting a tentative meeting on Wednesday, May 21, 2014

Mr. Zeller noted his disappointment in the local newspaper publishing a resident's point of view about a proposed zoning amendment "with no ability for rebuttal." Chair Vann agreed adding she intended to have a chat with the newspaper staff and hopefully set some guidelines.

Other Business:

Mr. Throop noted a special meeting on Wednesday May 28th at 6:30 PM "to welcome new members, elect a Chairman and Vice Chairman and set the Work Plan for the rest of the year." Mr. Throop spoke briefly about some continuing education sessions for the Board over the upcoming months.

The meeting adjourned at 8:32 p.m.

Regular June Meeting:
June 9, 2014 at 6:30 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant