

PLANNING BOARD  
TOWN OF PETERBOROUGH, New Hampshire

Minutes of September 14, 2015

**Members Present:** Ivy Vann, Tom Weeks, Jerry Galus, Joe Hanlon, Alan Zeller, Matt Waitkins, Bob Holt, Ed Juengst and Rich Clark.

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

**Site Visit:**

Application for Minor Subdivision, 611 Old Mountain Road. All but Mr. Waitkins and Mr. Juengst were present.

Chair Vann told the members “we are here to look at the lay of the land” adding “keep this in mind when we look at the flat paper plan.” The members fanned out some to the side and down, others straight down a narrow trail to assess the parcel.

Mr. Weeks asked about the site disturbance with Mr. Throop noting his concern that there did not seem to be a curb cut as well as the steep slopes and potential for erosion. Noting recent substantial rainstorms he pointed out erosion of the fill that had been dumped there about two weeks ago. Dawn Tuomala of Monadnock Survey, the applicant’s representative noted the fill had not been compacted and had not been stabilized. Ms. Tuomala also noted that while the Minor Subdivision was clear, the plan was a conceptual with no real house on the parcel. “The concept can be adjusted” she said.

**Site Visit:**

Request for a preliminary Conceptual Consultation, 18 Vine Street. All but Mr. Juengst were present.

Once again Chair Vann told the members to “take a look at the neighborhood” noting the Traditional Neighborhood Overlay Zone “has design guidelines to be used by the Planning Board to ensure new homes in the zone respond to existing neighborhood patterns and resident values.” The members spent a few minutes walking the parcel. Once done they returned to the Town House for their meeting.

Chair Vann called the meeting to order at 6:15 p.m. to address other Planning Board business prior to the public hearing.

**Minutes:**

A motion was made/seconded (Galus/Hanlon) to approve the Minutes of August 17, 2015 as written with all in favor.

**Reports from Other Committees:**

*Master Plan Steering Committee:*

Mr. Throop reported the Master Plan Steering Committee met at the end of August and reviewed the initial draft of the Vision Chapter for the Master Plan. “They are really pleased with it” he said adding “they had a few minor changes but for the most part it is what they wanted and it reflects what the data told us.” Mr. Throop briefly discussed the procedure of how the new chapter would be heard at public hearings and approved. Chair Vann interjected “there are two things, the first being *where are we going and why* as well as any kind of *new land uses* that may come for this.”

*EDA/Enhanced Broadband Committee:*

Mr. Throop reported the EDA was working on an update of their vision and mission statements and noted “I think this ultimately is going to translate into a mission and vision for the revised or updated Economic Vitality section” adding “there is still a lot of work to do.”

Mr. Throop went on to note the EDA was presenting to the Board of Selectmen tomorrow night (re: the importance of broadband services) “and is initiating a town-wide survey on it.” He went on to note the survey was to gather information on how many home-based businesses or telecommuters (relying on enhanced broadband to be able to do their jobs) were in town. “Who is out there and what their needs are” he said. He also noted the creation of a website as one of their outreach strategies to existing businesses and those they can attract to town.

Chair Vann reminded the members of the Raising New Hampshire Conference Saturday, September 26<sup>th</sup>. “Please go and register” she said.

At 6:30 p.m. Chair Vann welcomed the audience, introduced the Board and Staff and read the first case.

## 1. Application for Minor Subdivision

An application proposes to subdivide a 9.8 acre parcel of land, parcel number R002-022-200, located at 611 Old Mountain Road in the Rural Zoning District, into two parcels with the original parcel and home located on 3.34 acres and the new parcel consisting of 6.43 acres. The Applicant is seeking a waiver of the Peterborough Subdivision Regulations Section 237-19 (D) Lots – “All cut and filled slopes shall not be greater than 3:1 and shall be graded, loamed and seeded and mulched.” The proposal calls for an 18’x100’ area to be graded to a 2.5:1 slope.

Chair Vann noted the Site Visit as described above and reminded the members that “in accordance with Section 237-8 of the Planning Board Subdivision Regulations, this proposal is eligible for expedited review, wherein the application may be submitted, accepted as complete, and voted on at the same meeting.” She concluded by noting “if the application is not decided at this meeting, it will stay on the Board’s agenda until it is approved or denied.”

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

Dawn Tuomala from Monadnock Survey, Inc. stood and introduced herself noting that while applicants Richard Frietas and Sheila Kozlowski were in the audience, she was their representative and presenter.

Ms. Tuomala projected a plan for the new lot of 6.5 acres and 582 feet of frontage along the eastern portion of the original parcel. She noted steep slope, a driveway easement and 3000-foot proposed easement for drainage. Ms. Tuomala pointed out two large boulders “those cannot be moved” she said as well as completed soil test pits and perk tests. She projected a topography map showing land sloping north to south in a downward fashion. She noted slopes ranged from 18 to 25% (color-coded 0-8% black, 8-15% blues, 15-25% greens (and where the majority of the work would be done) and finally 25-35% yellows). She also pointed out the wetlands to the south side and wetland drainages to the east as well as the town’s Wetland Protection Overlay District’s 50-foot buffer as being intact.

Ms. Tuomala went on to describe a house 55 by 30 feet in footprint “this is conceptual, I just picked a size” she said as she pointed out a walk-out basement. Ms. Tuomala noted an infiltration trench for run-off away from the building line out to a drywell of stone. As she pointed out the retaining wall and how it sloped away. “It seems to work” she said adding “but this is just a concept there is no house at this point.”

Ms. Tuomala then briefly reviewed the leach field and enviro-septic requirements (30-inches to seasonal high water and 30-inches to ledge) as well as the use of a 2:1 matting which would be planted to hold the slope in place.

Ms. Tuomala noted the last page of their plan was a sheet of details that included silt fence and erosion control denotation, drainage catch basins, driveway detail, dripline infiltration trench and stone swale detail. When asked about how much land would be cleared to do the work Ms. Tuomala replied “up to the silt fence” adding “which is up to the wetland 50-foot buffer.” She went on to point out the delineated wetlands to the east and the 111 feet plus 50 feet buffer from the leach field. “So 161 feet down to the wetland” she said.

Mr. Weeks pointed out the two large boulders visible at the site visit and on the plan. He asked “is that actually an outcrop of ledge?” he went onto say “my concern for the site is once all the vegetation is removed what will hold that material in place? There is nothing on the plan to support that soil once removed.”

A brief discussion about the 3:1 slope, retaining walls, loaming and seeding, base slab and grade changes followed with Ms. Tuomala reminding the members “this is a concept, there is no precise house proposed at this time.”

Mr. Clark asked “how is this virtual lot created?” Ms. Tuomala replied Sam and Jane Lewis subdivided and the Applicants bought it, “This is a minor subdivision” she said. “A minor subdivision on a subdivided parcel?” asked Mr. Clark. Ms. Tuomala noted “it has the acreage and frontage.” Mr. Clark replied “it is creep, constant creep.”

Chair Vann interjected “I have a severe reservation about the proposal and what Rich brought up is germane.” Mr. Throop noted “there is no abutter, the family owns the land to the west.”

Andy Peterson stood and introduced himself. He told the members he was quite familiar with the neighborhood and encouraged the members to allow the applicant to have reasonable use of their property. “It is a 9-acre lot that meets all the dimensional requirements. It is rural, I ask you support them in a reasonable use of their land” he said.

Mr. Weeks noted the plan was conceptual in nature. “It was created to show compliance to the standards in Appendix B” he said. Mr. Throop noted the specific criteria related to stormwater and erosion control. “These management systems need to be designed and they are specific” he said. Mr. Weeks also noted the plans

must be reviewed by a third party “they must have an engineered plan for that” he said. He then reiterated his concern about erosion control on the site concluding “we have no information on how this will be stabilized with the exception of loam and seed.” Ms. Tuomala noted the intent to install erosion-control matting designed to be used on slopes greater than 3:1. Mr. Throop indicated that the Board’s practice has been to require applicants to provide erosion-control matting on 3:1 slopes or greater. He also asked about the amount of pavement shown. He noted the crowning of the driveway and pointed out a fair amount of water running across it.

Chair Vann interjected “this is complicated enough that I think we would like someone to look at it.” Chair Vann asked if they have the ability to limit the area of disturbance and Mr. Throop replied “you have the authority to place a limitation on the square footage on a given site but you must articulate the basis for doing so.”

Mr. Tuomala briefly reviewed her drainage plan noting the fill that was there had not been properly compacted. “It was *just* placed there so it is more highly erodible” she said. She again noted the house was “nothing more than a concept at this point in time.”

Mr. Weeks told the members the driveway as proposed did not meet the zoning setback of 10-feet in the district. “That will require a waiver” he said.

Mr. Hanlon echoed Mr. Clark’s concern about creep and the ability to cut another lot out. He asked “is that something we can condition?” he asked “so there will be no more subdivisions?” Mr. Throop suggested they get advice from the town attorney on that.

Chair Vann reiterated that this was a public hearing and asked of anyone in the audience wished to speak about the proposal. Richard Frietas stood and introduced himself. He told the members vegetation would be removed “but I am not going to go in and cut all the trees down.” He noted that his home (directly abutting the lot) was well manicured and sloping. “I inherited it like this” he said adding “don’t look at my house and say this is what I am going to do here. That is all I have to say.”

### ***Deliberation***

Chair Vann began with asking “so what do we think?” She went on to say “I have concerns about the loss of vegetation on the steep slopes and the amount of ground being moved around.” She also noted the projected size of the house. “It is a big structure to put on the side of the hill” she said.

Looking for clarification Mr. Galus asked “why is this before us?” Mr. Throop noted the town has subdivision authority and regulations in place that need to be met. Under the regulations where soil is prone to erosion or a site is very steep as is the case here, the Board needs to evaluate whether the site is suitable for development, referencing Section 237-15 of the subdivision regulations.

He went on to explain that under Section 245-24 *Stormwater Management and Erosion Control*, a storm water management and erosion plan is required when the following conditions are present: “1. A cumulative disturbed area exceeding one acre or more; 2. Construction of a street or road; 3. A subdivision or more than three buildings; and 4. The disturbance of critical areas as defined in Appendix B.

Turning to Appendix B *Definitions* Mr. Throop read “critical areas is defined as disturbed areas of any size within 50 feet of a stream, bog, waterbody, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15%”

He added “under Appendix B, paragraph H(2) *Plan Approval and Review*, “a technical review of any storm water management and erosion control plan prepared under the regulation shall be reviewed by a qualified professional consultant as determined to be appropriate by the Planning Board at the expense of the applicant.”

Referring to 237-24 and the conditions for mandating a storm water management and erosion control plan Mr. Weeks noted “when a plan is required there are four areas” adding “it is the disturbance that gets us there.”

Mr. Galus asked “what is the objective?” he went on to say “there may be erosion” and asked “but onto whose property? The owners?” Chair Vann interjected “if a new lot is created the owners may sell it. It is our responsibility to make sure we are not creating lots that are apt to create problems.” Mr. Galus asked “what is below (the potential new lot)?” Mr. Throop reported a wetland area that flattens out. Chair Vann added it is less steep and flat-ish.” Mr. Throop noted sediment “continues to move.”

After a brief discussion about the contamination of sediment Mr. Galus asked about any run-off feeding into Cunningham Pond. Chair Vann noted that she did not think it did. “It is a difficult lot” said Mr. Hanlon adding “they may be

aggressive with the size of the house but it is not impossible, they could make it work. It is all pretty standard practices.”

As she looked around Chair Vann said “we need to decide what we want to do tonight.” She noted the amount of impervious surface on the plan and the need for a fully-engineered drainage plan adding “and I would like to see the Site Distance report from Rodney (Bartlett, Public Works Director) but they have the property and the frontage.” She also noted the thought of “this is how the rural character is lost one piece at a time.”

Mr. Throop noted that while the plan showed an approximate building location, footprint and layout “there is no actual building and suggested the members consider *237-15 Character of Land for Subdivision* where it states “land of such character that it cannot, in the judgement of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fires, flood, poor drainage, excessive slope, or hazardous conditions shall not be platted for residential, commercial or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.”

Mr. Waitkins immediately asked “how do you calculate that? Based on what?” A brief discussion about the structure of the hillside, unstable soils and ledge and boulder issues followed. Mr. Weeks had serious concerns of what may happen when the vegetation was removed. “It is not the size of the house but how much is disturbed” he said.

Chair Vann noted “it is my sense we are not ready to make a decision.” She added the regulations mandating a third party review the engineered drainage plan prior to any subdivision “but we could make that a condition of approval” she said adding “and no building permit would be issued until then.” A brief discussion about the options of a waiver versus obtaining legal counsel and even approval followed by third party review followed. Mr. Hanlon cautioned about “setting up a cascade subject to having the applicant come back at some unspecified time before an unknown Board is not good.” Many of the members agreed.

A motion was made/seconded (Hanlon/Zeller) to continue the public hearing to a date and time certain of October 12, 2015 at 6:30 p.m. with all in favor.

## 2. Request for Preliminary Conceptual Consultation

A request for Preliminary Conceptual Consultation regarding a potential residential subdivision being considered for Vine Street on Parcel Number U017-001-000. The discussion will focus on a possible cottage style subdivision that would be sited on the existing parking lot serving the Catholic Church. This is not a public hearing, but rather an informal discussion. Public comment may be accepted at the discretion of the Planning Board Chair.

Chad Brannon introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire. He also introduced Eric Jackson of the Stabile Companies.

Mr. Brannon began with a brief review of the lot located off Vine Street. He told the members it was 1.12 acre parcel bordering the old Catholic Church and its rectory to the east, the Elementary School to the north and the remainder of the area being residential. He told the members the parcel was located in the General Residence Zoning District and that his client was interested in applying the Traditional Neighborhood Overlay Zone ordinance. "There is 5000 feet of frontage and all other dimensional requirements met" he said.

Mr. Brannon showed a graphic of the conceptual plan noting a cottage-style layout with common areas between the units. "There are eight units per the regulations but technically a ninth could be proposed" he said. He went on to say "the units are between 1600 and 1700 square feet and with eight units you have 20 feet between the units." He told the members some of the cottages would offer second floors and each unit would have a single-car garage and a rear porch with a walkway that would connect the units to each other and to Vine Street. Mr. Brannon pointed out the closest sidewalk on Vine Street noting "we will tie into that so that residents can walk Downtown." He went on to note the project follows the design guidelines in that the front setbacks are consistent with others in the neighborhood, with the front of the houses facing the street (with pedestrian access from the street). "It responds to existing neighborhood patterns and residents value, fosters pedestrian-oriented harmony and streetscapes between the new and existing homes and creates a diversity of architectural styles" he said. A brief discussion about the garages, 20-foot separation between the units and height and massing followed.

Chair Vann asked about the roof pitch. Mr. Brannon distributed photographs of a similar development as an example. "They are quite aesthetically pleasing" he said adding "and we do believe this proposal does comply with the Traditional Neighborhood Overlay Zone." As he pointed out the uniqueness of the lot (not a

through street with frontage along the entire parameter) he noted “we are looking at the viability and feasibility of the project and we are happy to hear your input.”

As Mr. Weeks noted the need for a second parking space he noted “they can be tandem and the infill ordinance allows tandem.” Chair Vann added “I am delighted to see a proposal like this and the infill ordinance being used.” She then asked the applicant to approach the table and review the enlarged site plan. She suggested a rear alleyway with rear loading garages instead of eight separate driveways as well as porch suggestions, connectivity of the neighborhood dealing with the steep slopes and drainage plans. Mr. Brannon noted the cost of the suggestions may impact their ability to act on the suggestions. Chair Vann noted “it may *not* be more (money) than what you have and the pedestrian access up the driveway is not ideal.” Chair Vann went on to say “we can’t make you do this I just want you to think it through” adding “and also look at roof slope and pitch, the goal is to match the architectural detail around you.” The members also discussed the orientation of the garages to the south side, taking natural light away. One member commented that “We live on our porch”, adding “it is an outdoor living space that creates more aliveness along the street than anything else.” Chair Vann agreed noting “I see your porches are in the back but that does not tie your neighborhood to one another.” Mr. Brannon replied “the intent is to build a community within this neighborhood.” Chair Vann interjected “that is not the vernacular. It is not a proper porch when the point of infill is to tie to the neighborhood, not just to each other.” Chair Vann also noted the size of the homes and asked “do they need to be that big?” A brief discussion about grading and placing the garages under the structures followed. Chair Vann again noted “that are not our favorite thing, often they do not look great and they are really not part of the vernacular.”

David Torrey introduced himself as an abutter and noted the gradual decline of the water pressure over the years. “You are going to have to put in infrastructure to build these.” He went on to say that when he first heard of the plan he was pleased but added “but now it looks like a two-story housing development, not a pocket development.” He went on to say “what I imagined as two or three cottages tucked between the trees has grown to eight, possibly nine houses. My house is for sale so I may not even be here but the density seems pretty high.”

Patricia Lange introduced herself as an abutter and told the members she was surprised to see some of the homes appeared to be two-story. Mr. Brannon replied “we have looked at the option of two-story homes as many buyers want larger Master Bedrooms on the first floor, but no decisions have been made.”

Ms. Lange also noted safety factors (especially for children) pointing out heavy traffic in the area with the school located right up the street. Mr. Jackson interjected “these types of homes don’t typically attract those with children,” referring back to having Master Bedrooms on the first floor typically making the footprint of the home larger. Chair Vann said “I prefer a mixture, not each one the same, then it really does look like a condominium development.” Mr. Galus asked if someone could provide a sample of an attractive alleyway with Chair Vann noting *Street Designs*, the work of Victor Dover and John Massengale who revitalize traditional towns, growing neighborhoods and fixing sprawl - by design. She told the members she would send them an electronic link.

Chair Vann took a breath and reiterated: “roof pitch, front porches, (those are pretty important), private outdoor space, southern exposure and solar retro-fits.” Mr. Torrey asked “is the garbage going to be in the garage?” Mr. Brannon replied “yes, there will be no dumpsters.”

Andy Peterson stood and introduce himself and thanked the members for their suggestions. “It meets a market need” he said. A brief general discussion about the common area for the residents followed with Chair Vann reiterating “we just want them to think about it.”

Mr. Torrey asked about the (real estate) market in general with Chair Vann replying “what people are looking for is different than 10 years ago.” Mr. Peterson added a trend of older residents downsizing and moving closer to town. Mr. Torrey pointed out the steep terrain of the location to the downtown noting “it is really not walkable to older people.” Chair Vann concluded “if you keep walking you will be able to *keep* walking” that is what I tell my Mother-in-Law.”

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant