

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

Workshop Minutes of May 16, 2011

Members Present: Chairman Leandra MacDonald, Bill Groff, Tom Weeks and Rick Monahon.

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

The Peterborough Planning Board held a Workshop May 16, 2011 in the Selectmen's Meeting Room of the Town House. The primary purpose of the Workshop is to vote on the adoption of the amendment to the Site Plan Review Regulations regarding a Conditional Use Permit process for uses within the Wetland Protection Overlay Zone as presented at numerous public hearings, the last one being February 14, 2011.

Chair MacDonald called the Workshop to order at 5:07 p.m. she noted the first order of business was to congratulate Mr. Weeks and Ms. Vann as newly elected members of the Board. Chair MacDonald then appointed Alternate Bill Groff to sit for the Workshop.

Chair MacDonald noted the next order of business was to entertain nominations for Planning Board Chairman and Vice Chairman. A motion was made/seconded (Weeks/Monahon) to re-elect Ms. MacDonald as Chairman of the Board. Chair MacDonald accepted the nomination but noted "I want to put you on notice that this is my last year" adding "I don't think anyone should stay here this long." The members unanimously voted in favor of Ms. MacDonald for Chairman.

When discussing the Vice Chairman position Mr. Weeks asked who the currently held the position. It was noted that retired member David Enos had been the Vice Chairman. It was also noted that *ex officio* Barbara Miller cannot serve in that role. A motion was made/seconded (Groff/MacDonald) to nominate Rick Monahon as Vice Chairman. Mr. Monahon accepted the nomination and the members voted unanimously in favor of Mr. Monahon for Vice Chairman.

Chair MacDonald noted that since the proposed wetland ordinance had passed "we need to set up a Public Hearing for Site Plan Review Regulations." She went on to note "now we will need to have a procedure for implementing Conditional Use Permits and any monumentation we care to specify."

Ms. Ogilvie noted there had been a question raised about the amendment for the Site Plan Regulations had been properly noted in that it did not appear in the title of the public notice "so we will need to hold a further public hearing on it." She noted it would be posted for the June meeting. Chair MacDonald asked if there was another date that might work and the members decided to post the notice for public hearing for **Thursday, June 2, 2011 at 5:00 p.m.**

The members then reviewed the Site Plan Review Regulations. Ms. Ogilvie noted there had been some language changes to §233:53 (Wetland Monumentation) after the Public Hearing. Mr. Monahon noted it would give the Board an opportunity to "look at this again" by having the

second Public Hearing. Mr. Weeks asked about the changes and Ms. Ogilvie explained that most of the changes were in Paragraph 2 noting “it got expanded and we added language.” She also noted that the placement of monumentation tags and the extent of monitoring are addressed. A brief discussion about the flexibility of the Planning Board regarding larger parcels of land followed. It was noted that (for example) a parcel of 500 acres did not necessarily have to be completely monumented. “Just at intervals closest to the disturbed area” noted a member.

Ms. Ogilvie also noted that Paragraph 3 had been reorganized and the graphic of the tag (monumentation device) had been removed until such time what it looks like can be agreed upon. A brief discussion of how monumentation would be shown on a plan followed. Mr. Weeks also asked about monumentation on subdivisions with Chair MacDonald interjecting “we are not discussing that right now – we are in site plan.” Another member added “that comes into play during the Building Permit process.”

Mr. Monahan noted “if I were a smart applicant I would be looking hard at my wetlands” with Chair MacDonald interjecting “the wetlands must be delineated on the plan” with a brief discussion following. The members agreed the wording in Paragraph (3) should be changed from *buffer markers* to *buffer area* and *all monumentation must* be changed to *all monumentation tags must*. Mr. Weeks asked about the marking of a wetland when not applying for a Conditional Use Permit with a lengthy discussion about putting an increment number in the regulation or approaching that number on a case by case basis. “I think we should try it without a number” noted Mr. Monahan. Mr. Weeks reiterated that the increment number should be shown on the plan with Chair MacDonald interjecting “so we do need a number.” The members discussed potential language for the increment number of monumentation on a plan. It was noted the location of the buffer area will be shown on the plan and they focused on how far from the disturbed are they should target. Mr. Monahan suggested instead of a specific number of feet in each direction they consider a radius from the disturbance. Chair MacDonald noted that was an interesting thought adding “there may only be a disturbance on (say) one side of a driveway crossing.” Another member interjected “we may need a sketch.” It was noted that the monument tags would be provided by the Office of Community Development (via the Conservation Commission) and must be maintained by the property owner.

The members then discovered the apparent fact that monumentation (with the regulations as they stand) seem to apply only to the Conditional Use Permit process for street and driveways that cross a wetland buffer and additions or expansions to multi-family or non-residential uses provided there is no encroachment closer to the wetland than currently exists. Mr. Week noted “when we started marking the buffer we did it so developers knew the edge of the wetland, but we have gotten away from that and now the only time we are marking is when some one builds a road, a driveway or wants to expand or add on.” A lengthy discussion about this issue followed, which included a re-reviewed §233-53 and the potential to take the language and put it the subdivision and building permit realm. Ms. Ogilvie suggested the Board focus on getting through the process. She noted “we will have other areas to tweak as well after we have lived with it for a while.” Ms. Ogilvie noted the intent of the regulation was to give the Planning Board some flexibility to begin with and not send an applicant back to the Zoning Board. She also noted she would contact the town attorney for his opinion.

Mr. Weeks noted his concern that landowners may continue to encroach and remove monumentation tags. "You might find that (monumentation) tag gone" he said adding "that little tag may not mean anything to some people." A brief discussion about realistic enforcement of the regulation followed.

Mr. Groff asked "are we over thinking this?" He added the discussion was confusing to him and asked for clarification. Chair MacDonald replied "this section is dealing only with putting in a driveway or a road crossing." Ms. Ogilvie added "or additions or expansions to multi-family or non-residential uses without further encroachment." A brief discussion about known cases of moving stakes, pins and other property identification markers followed.

Chair MacDonald concluded by noting "well we need the regulations because we have an application coming." The members briefly discussed making monumentation a condition of a subdivision plan with Ms. Ogilvie noting "that would work in some cases but not across the board." Another member pointed out that over time "wetlands move."

A motion was made/seconded (Monahon/Groff) to move the amended regulations to Public Hearing with all in favor. The members agreed to post the Public Hearing for Thursday, June 2, 2011 at 5:00 p.m. Chair MacDonald noted "then we can have our regular meeting and work on Condition Use Permits."

In closing Ms. Ogilvie noted the Planning Board needed a representative for the Minor Site Plan Review Team. She noted retired member David Enos had been the most recent member. Mr. Monahon suggested "we should talk about what that is" and went on to give a brief synopsis of using the Minor Site Plan Review for small changes to a plan (often a small lighting change or moving something on the site). Ms. Ogilvie listed the Department Heads that make up the group and added "there is still a 10-day notification period but the group can act faster by not having to wait for a Planning Board meeting." Chair MacDonald suggested thinking about a representative but not appointing anyone until Ms. Vann and Mr. Henry were also present.

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Laura Norton,
Administrative Assistant