

PLANNING BOARD
Town of Peterborough, New Hampshire

Minutes of January 27, 2020

Members Present: Dario Carrara, Ivy Vann, Rich Clark, Sarah Steinberg Heller, Judy Wilson Ferstenberg, Tyler Ward and Alan Zeller

Also Present: Pete Throop and Laura Norton, Office of Community Development

Chair Carrara called the meeting to order at 6:30 p.m. He welcomed the audience and introduced the Members and Staff.

Minutes:

A Motion made/seconded (Zeller/Clark) to approve the Minutes of December 9, 2019 as written with all in favor.

Public Hearing for Scenic Road: Consolidated Communication proposes to install 2-inch conduit underground within the right of way for Windy Row, a designated scenic road, from an existing pole at the intersection of Spring Road and Windy Row, north to a driveway just shy of the Town boundary with Hancock. The conduit will house fiber optic cable and the installation will include 2x2 hand holes placed approximately every 500 feet along the 1.9-mile length of the installation.

As a graphic was projected, Consolidated Communication's Tim Mahoney (Outside Plant Engineer) and Judith Miller (Right-of-Way Consultant) introduced themselves. Mr. Mahoney began by pointing out "this is a project for the University of New Hampshire (UNH) for their Satellite Dish in Hancock. They have requested us to lay fiberoptic cable from 10 Wilton Road to 70 Windy Row for their Dish, I am here to answer any questions you may have about that." It was noted a UNH representative had planned to attend but was ill.

A motion was made/seconded (Vann/Zeller) to approve Consolidated Communications request to install 2-inch conduit containing fiberoptic cable underground within the right-of-way for Windy Row, a designated scenic road, for an existing utility pole at the corner of Spring Road and Windy Row north to a driveway at the Peterborough town line with Hancock, New Hampshire.

Discussion:

The first question asked was if the conduit would be available to be accessed by the public at a later date. Mr. Mahoney confirmed that it would be. "We are building for the future" he said. Mr. Mahoney was asked about the handholds placed approximately every 500 feet and he confirmed this conduit would be in the ground with no disturbance to any trees or stone walls. As a point of information, Mr. Throop reminded the Members this request involved the scenic road and impacts to the right-of-way. He noted that the impacts to trees of 15 inches or greater in circumference and stone walls should be the focus of the Board's attention.

Mr. Clark asked how they planned to go under driveways. It was noted they intended to bore under paved ways and dig up dirt drives. It was noted only two dirt driveways existed on that stretch of road, both of which were inconsequential to the project.

Charlie Hough introduced himself and told the Members and audience of his displeasure for Consolidated Communications. He relayed a story of the poor customer service he had experienced and advised the Board not to approve their request. "They are not a trustworthy company and should not work with this town" he said.

Jim Hassinger introduced himself and asked about an alternate route to the Dish in Hancock. A brief discussion of alternate routes followed with Mr. Mahoney noting the current route being the most direct and simplest for the two exchanges (Peterborough and Hancock) without any tree removal.

John Patterson introduced himself and asked what side of the road the cable would be laid on. Mr. Mahoney note they would stay on the right-hand side of the road (east side) where their existing services are located now. Ms. Ferstenberg asked about any type of collaboration between Consolidated Communications and Comcast for overall better service to the town. Mr. Mahoney reminded the Members this request was from UNH and that Consolidated Communications had been asked only to provide the fiber service. When asked if he knew what branch of UNH was responsible for their request Mr. Mahoney replied, "the Broadband Group from UNH." Once again Mr. Throop redirected the discussion to any impacts to the scenic road. "That is your jurisdiction tonight" he said.

Swift Corwin introduced himself and told the Members Windy Row was scheduled for resurfacing by the town DPW in 2020 and suggested they coordinate all efforts with that department. Mr. Mahoney assured him they have already been in contact with Seth McLean, the Director of DPW Operations.

John Trautman introduced himself and noted that while any impact to the scenic road was minimal at best, he asked Consolidated Communications continue to be in touch *with* and take input *from* the local landowners. From the audience, Joann Eldredge agreed. Mr. Hough asked why just one road was being addressed for fiberoptic service and suggested other roads serviced by Comcast be considered. Ms. Heller echoed Mr. Throop's suggest that they stick to impacts to the scenic road, "there is only a certain amount of scope here on what we can do as a Board" she said. "You can say no" replied Mr. Hough.

With the motion made/seconded (Vann/Zeller) to approve Consolidated Communications request to install 2-inch conduit containing fiberoptic cable underground within the right-of-way for Windy Row, a designated scenic road, from an existing utility pole at the corner of Spring Road and Windy Row north to a driveway at the Peterborough town line with Hancock, New Hampshire. All were in favor.

Public Hearing – John Kaufhold, owner of a 10.65-acre lot located at 376 Jaffrey Road, Parcel No. R003-024-000, in the Business/Industrial District, is seeking site plan approval to construct a 2,112 square foot, 8-bay commercial storage facility and outside side materials storage area. Access will be from an existing curb cut and gravel driveway on the east side of Route 202. The proposed development area is located within the Groundwater Protection Overlay Zone

Chad Branon introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative Mr. Kaufhold. He noted Mr. Kaufhold was also present and available to answer any questions.

Reiterating the request for a 2,112 square foot, 8-Bay garage with outside storage areas and site improvements, Mr. Branon described the parcel as being a relatively narrow and forested lot with a clearing toward the south end that is suitable for development. "It is bordered by Drury Road to the west, Jaffrey Road to the south and north and the river and Town of Sharon to the east" he said adding "it has 10.5 acres, it is in the Business/Industrial Zoning District and has an address of 365 Jaffrey Road." He concluded by noting the proposed development areas was also located within the Groundwater Protection, Shoreland Conservation and near the Wetland Protection Overlay Zones. He told the Members Mr. Kaufhold's intent is to use four of the bays for personal use and rent out the remaining space. "The outdoor storage is intended for material from Mr. Kaufhold's marble and granite business" he said.

Mr. Branon briefly reviewed the drainage and stormwater management plans (self-contained direct runoff to the north with a filtration basin embedded on the north side). He noted there was an existing curb cut but the curb cut will have to be re-approved by NHDOT due to the change of use on the property. He noted all required vegetative buffers for all overlays were intact and respected, and that the road into the parcel will consist of gravel material. Citing the Staff Report Mr. Branon noted one of the suggested conditions of approval was a survey to locate the boundary of the Wetland Protection Overlay Zone and install a highly visible silt fencing in accordance with [233:52 C.2.a.](#) (Wetland Monumentation). "We have no objection to this but ask that the condition be applied to the proximity of the project only as there is much more wetland than is relevant to the project there" he said.

Mr. Clark asked about the hashmarks on the plans (indicating gravel work which will require a shoreland permit from the State) and noted his only concern was the proximity to the river and the potential of vehicle oil and/or gasoline spillages. Mr. Branon assured him any runoff is designed to flow toward the highway and the material on site (sandy soil) is great at breaking down any product very quickly. "This is really no different than other of the parking lots you have in your downtown, all of which are in the Groundwater Protection Zone" he said. Mr. Ward asked if the building would be visible from the road and if so, potential screening. Mr. Branon pointing out the already abundant blend of vegetative buffering on the site screening the parcel from the road. Mr. Kaufhold noted if there was a problem, he might be able to move the garage further back on the lot where it may be less visible.

With no other questions from the Board Chair Carrara opened the hearing to the public.

Loretta Laurenitis introduced herself. Citing groundwater, shoreland and wetland implications she inquired as to whether or not the Conservation Commission had been consulted for this application. Mr. Throop replied, "no, that is not standard procedure, we *can* do it, but we have not done it in the past." Ms. Laurenitis noted input from the Police and Fire Chiefs as well as the Conservation Commission should be sought. Mr. Throop again noted that information was at the Board's discretion and impact from the Conservation Commission was not obligatory. He added the Groundwater Protection Standards were specific and that the plan complies with the standards of that overlay district. Mr. Branon added the erosion and sediment control

plans were being reviewed by the Town's independent consultant as they speak and that "there are no impacts within the Wetland Protection Overlay Zone."

Mr. Patterson asked about protection of the river by the State with Mr. Branon noting the need for a state shoreland permit and review by the local river advisory committee to ensure the design meets local and state standards. "Everything is directed away from the river" he reiterated adding "we meet all the design criteria."

A motion was made/seconded (Vann/Zeller) to accept the application as substantially complete and grant a waiver of Section 233-17 *Submission Requirements* submitting detailed site information for the north end of the parcel with all in favor.

A motion was made/seconded (Vann/Zeller) to approve the site plan for an 8-bay commercial storage facility and outside material storage area to be located at 376 Jaffrey Road , as shown on the plan entitled "Site Plan, Parcel No. R003-024-000, NH Route 202 (376 Jaffrey Road) Peterborough, NH. Prepared for and land of Kaufhold Properties, 72 Concord Street Peterborough, consisting of 7 sheets, prepared by Fieldstone Land Consultants, at a scale of 1"=50', dated Sept. 3, 2019 and last revised November 15, 2019, **subject to the following conditions** prior to signature of the plan:

1. The drainage report shall be reviewed and approved by the Planning Board's Storm Water and Erosion Control Consultant, at the applicant's expense.
2. The applicant shall provide revised plans showing modifications as directed by the Planning Board during site plan review, the Office of Community Development Department, the Board's Drainage Consultant and the Public Works Director, including but not limited to changes and additions to the site grading and utility plan, site layout plan, drainage designs, stormwater management design, erosion control design, and construction detail.
3. The applicant shall demonstrate receipt of all required state and federal permits including an updated NHDOT driveway permit and a NHDES Shoreland as it may be required.
4. The following notes shall be added to the plan:
 - a. Prior to the commencement of any site work on the property, a preconstruction meeting will be held with the applicant, the contractor, any third-party inspectors and town staff.
 - b. Prior to initiating any work on the site, the applicant shall survey and locate on the site, the boundary of the Wetland Protection Overlay Zone within a reasonable proximity of the development area, and install highly visible silt fencing or construction fencing and monumentation markers in accordance with the Wetland Monumentation requirements set forth in Section 233-52.C.2.a. of the Site Plan Review Regulations.
 - c. Installation and maintenance of erosion control measures and installation of stormwater management systems shall be inspected by the Board's Consultant at the applicant's expect.
 - d. The type of material that will be stored outside on the site and the general locations for where the materials will be stored shall be labeled on the plan to the satisfaction of the code officer.

- e. The Rural Gateway buffer shall be clearly labeled showing its location and indicating that “cutting of vegetation in the Rural Gateway Overlay Zone is not permitted”
- f. Note 5 on Page 2 of the plan as it relates to the Groundwater Protection Overlay Zone shall be expanded to indicate that “use prohibitions listed in this section of the ordinance shall apply”

With all in favor.

Preliminary Consultation: Conceptual Review for a proposed Open Space Residential Development (OSRD) on land owned by Garland Family Realty Trust, located at 360 Middle Hancock Road, Parcel No. R010-005-001 in the Rural District. This non-binding consultation will consider a proposal to convert 7 existing single-family accessory dwellings originally associated with the Well School to become marketable single-family dwellings on individual lots. The project also seeks to create an additional 13 new single-family dwellings on individual lots with associated site improvements and designated open space as required under Zoning Section 245-26 “Open Space Residential Development.”

Chair Carrara reminded the audience the discussion was conceptual and non-binding and that no public input would be taken, “but I do encourage and welcome you to stay” he said.

Akhil Garland introduced himself and gave a brief overview and history of the proposed project. He noted that while no public input was being taken during the preliminary presentation, he welcomed any and all input via his email. “This is an inclusive project; it is open to all ideas” he said.

With a graphic projected Mr. Garland reviewed the layout of the two lots, the current school campus and the existing seven cottages. He noted that after accomplishing the mission of finally owning their own school campus and existing as a fully functioning private school Waldon Eco Village and Farm was created in 2010(ish).

Mr. Garland told the Members he’d lived with his family at the village for seven years. “They were some of the best chapters of my life” he said adding “living on a small carbon footprint can really be just amazing. There are so many other factors to living that area affected by the size of your house.” Mr. Garland noted the proposed addition to the village would create financially affordable housing rich in the quality of life offered to the residents with small footprint houses in an interconnected community. He concluded by playing a 4-minute video about the Eco Village before turning the presentation over to Chad Branon.

For the record Mr. Branon again introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative for the Garland Family.

Mr. Branon reviewed the existing conditions and some background for the project. He told the Members the project expanded over two lots and approximately 52 acres. He noted the underlying zoning is Rural (3-acre lot minimums for housing lots) and they were proposing development using the *Open Space Residential Development Ordinance*, OSRD (which is only applicable to lots that have a minimum of 10 acres and provides guidelines for the ownership, design and management of the protected open space).

After a brief orientation to the parcel, Mr. Branon told the Members they planned to expand the parking area and add 13 more houses. He noted they could develop the parcel in the *old fashion* way “but this is a much more creative formula” he said.

Mr. Branon added OSRD was a form of residential subdivision that encourages and facilitates the maximization of (protected) open space by allowing housing units to be clustered with reductions from the conventional (underlying) dimensional requirements. He noted the maximum developable land (after deducting steep slopes and wetlands) was 25%. He concluded that they had calculated the area (with density bonuses) would allow for 13 units in addition to the existing 7 units.

Mr. Branon told the Members the goal was land preservation with the opportunity for open space and agricultural land. He pointed out the common areas of the existing units, where the new units would be located and how they would fit nicely into the current terrain and surroundings. He again pointed out the agricultural lands, an existing barn, the forested lands and the sawmill, a kiln and maintenance garage structures, noting he would be happy to go through the criteria of the OSRD regulation. “We’ll be using the existing infrastructure while maintaining the original area intact” he said as he proposed ¼ acre lots for the development, not the ¾ acre lot sizes required by the regulations of the OPRD. “This will result in more land in open space in the end” he said adding “and we will be looking for relief in the lot size.”

Mr. Branon moved on to the proposed improvements on the site which included upgrades in the access to the site for emergency vehicles; expansion of the parking lot for a secondary access to the common area and widening of the existing road (to no more than 20 feet).

Mr. Branon reviewed the topography and indicated it would be favorable for enabling individual septic systems on each lot. (no need for a half-acre lot as Ms. Vann queried whether there was need for state septic system approval and Mr. Brannon responded that “the state sees the lot as one big parcel, so it is not required.”

Under the impression there was not enough space to put both well and septic systems on each lot Mr. Zeller asked about a central water distribution center. Mr. Branon noted that there was in fact enough room when using both the front and back yards. “What is there now?” asked Chair Carrara with Mr. Branon replying, “a common well and septic system for the existing 7 seven homes.” A brief discussion about how those homes may be sold followed.

Mr. Clark asked about the boundary line between the two parcels with Mr. Branon noting the parcels would be merged with all regulatory setbacks intact. Ms. Vann interjected that those regulations (RSA Chapter 233 *Subdivision Regulations*) belonged to the Planning Board and an argument can be made that a buffer is *not* a buffer if it is in the wrong place. “Just an observation” she said.

Mr. Ward interjected he had only counted 17 units, Chair Carrara concurred, and a brief review of the units and their locations followed. Mr. Ward asked if this project would be the extent of the development with Mr. Branon relying, “yes, this is their one shot based on the way the ordinance is written” adding “remember, this is the first step and introduction.” Ms. Vann replied, “I would like to have another look at this, I think it is a good idea.” She went on to note the project would make something not quite legal (the existing 7 units), conforming.

Chair Carrara agreed noting “it will bring them into full conformity.” Mr. Clark reiterated his only concern was the ¼-acre lots. “I just don’t like it” he said with Ms. Vann replying, “then don’t live there.” “I don’t” said Mr. Clark as he reiterated his concern for setting a precedence. “Others are going to come along and want to do it too” he said. Ms. Vann contended it was a better use of the infrastructure. “You can do ¼ acre lots without it being the end of the world” she said. Chair Carrara interjected “you do have the land, could you make the development bigger?” Mr. Branon pointed out how the extension of the lots (longer and larger) would intrude into the agricultural fields. “I am not wed to ¼ acre lots” said Ms. Vann, “I would just hate to lose this opportunity because the lots were not big enough.” A brief discussion about how the land would be held (Covenants, Easements, Deed Restrictions, Homeowner’s Association, etc.); troubleshooting of septic system locations, potential failures and backup locations; road widths and fire protection (evaluation of the creation of a fire protection pond) followed. “The key thing is you get full use of infrastructure without paying an enormous amount of money” concluded Ms. Vann.

Other Business:

Mr. Throop explained to the Board that a zoning related communication, which was included in the packet, had been received from Sharon Monahan and Andrew Dunbar on the evening of January 22. The Chair indicated that this item would be discussed at a future meeting.

Next Meeting: February 10, 2020 at 6:30 p.m.

The meeting adjourned at 8:05 p.m.

Respectfully submitted:

Laura Norton

Administrative Assistant