

PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire
Minutes of June 9, 2014

Members Present: Ivy Vann, Tom Weeks, Rick Clark, Alan Zeller, Jerry Galus and Barbara Miller

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

Chair Ivy Vann called the workshop to order at 6:35 p.m. She welcomed the attendees and introduced the Board members and staff. She noted the goal of the evening was to talk about the Agri-Tourism ordinance that had just recently passed at Town Meeting “and gather information and input on the issues related to it.” She noted there were one or two Planning Board members at each table of the three tables that had been set up. She also asked those wishing to make comments or ask questions please identify themselves for the record.

Chair Vann briefly reviewed the workshop approach, noting “there are technical difficulties with the ordinance as it is written but the Planning Board is committed to write an ordinance that will work for the farmers and the town.” She noted the Planning Board had not supported the Citizen’s Petition as it was written “but as it was voted in and we are working to see how we can move forward with the ordinance we *have*.” She also reiterated that a major focus and goal was to identify the issues and start the work for another ordinance “which we hope will have a more coordinated process.” She added “we thought we needed to develop standards for Conditional Use Permits” noting “we talked to the lawyers and they said the standards are required to be in the ordinance so we cannot do that.”

Chair Vann then held up a matrix that would be used in an exercise to “prepare a new ordinance for next year.” This matrix listed columns for *Uses, Definition, Frequency/Scale, Benefits* and *Potential Impacts*.

Andrea Cadwell asked for clarification and Chair Vann replied “two things” adding “we need to determine how to administer the ordinance we have right

now and to allow people to apply it and move forward *and* we need to do this exercise and talk about definitions and impacts of uses because they are not defined in the current ordinance. We want the future ordinance to be clear and rational to administer.” Peter Throop interjected “we will seek to amend the ordinance next year” adding “so that it includes standards to guide the administration of the ordinance as required by the statute.”

Mr. Throop then distributed a one-page synopsis of the ordinance that was voted in. He noted it was “subject to the provisions of RSA 674:21 II which authorizes the Planning Board to issue Conditional Use Permits subject to the criteria and process of Article IX.” He said that the ordinance should include the standards by which those Conditional Use Permits are issued.” Chair Vann added “Article IX has to do with issuance of a condition use permit for a wetland crossings and does not address agricultural issues.” She briefly read from a few of the submission requirements and standards from Article IX (*Conditional Use Permits for uses within the Wetland Protection Overlay Zone*) of the Site Plan Review Regulations. She then looked up and said “that is our big problem.”

A brief discussion about the issues with the language followed with Mr. Throop noting “the statute states the ordinance shall contain standards to guide the Planning Board process. So those would have to be adopted at Town Meeting” adding “there are no standards in Article IX related to the ordinance so there is nothing there to guide the board in issuing a conditional use permit.” Chair Vann agreed noting “with that said it is important to do our best to figure out how to make this possible.”

A brief discussion followed about the things that a Conditional Use Permit set of standards might address for each type of use including possible differences in frequency and scale, the location, and potential impacts. Mr. Throop noted the mention of the 100-foot setback and the parking areas “could be construed as a standard, but it isn’t a lot to go on.”

Ian McSweeney pointed out the four Performance Standards listed on the handout noting “and we have the site plan review.” Chair Vann agreed and explained that the process we are working on would include an applicant submitting an application asking permission for a use listed in the ordinance. At that point the Code Enforcement Officer would make the determination whether or not a use meets the ordinance and how the ordinance can be applied. She

went on to say “if the Code Officer agrees that the use meets the ordinance it goes to the Planning Board for a Conditional Use Permit and Site Plan Review. A negative determination can be appealed to the ZBA to ask for relief.”

Ms. Cadwell asked “so the decision is on Dario?” adding “*and* this could take up to a year to happen?” Chair Vann replied “no, not necessarily” with Ms. Cadwell stating “but it could.” Matt Gifford interjected “so we should start now” with Chair Vann relying “it is worth coming in and having that conversation.”

Loretta Laurenitis asked for clarification on why the Planning Board did not support the Petition. “I was under the impression that the ordinance could not be applied because the district it mentions (Agricultural Business Enterprise Zone) does not exist in Peterborough” she said. Mr. Throop confirmed that there was no such district in the town “but what is more problematic is that it is not clear that the petition met the statutory requirements to be implemented.” He reiterated that standards would have to be adopted at Town Meeting and that the Planning Board had no choice but to not support it. Chair Vann agreed adding “without standards it is not usable but we are trying to make this work because the town voted it in.” Chair Vann went on to say “it is awkward, if an application triggers Site Plan Review we have standards relating to commercial development, the problem is the Conditional Use Permit. Where we are pinched is the standards for that permit.”

The time was 7:15 p.m. and Chair Vann suggested that the individual groups at three tables start the matrix exercise and clarified instructions for the small group work. She resumed the workshop at 7:50 p.m. and asked each table pick one of the uses from the ordinance that the group had talked about.

Table 1

Table 1 reported they mainly discussed the use of *Farm Dinners* with their matrix. Chair Vann recorded their information regarding the definition, frequency and scale, benefits and potential impacts of the use.

There was a brief discussion about seasonal and weighted seasonal events. Sandy Eneguess brought up the notion of 4-season activity with shared resources from other farms. When Chair Vann listed *economic development* as a benefit Ms. Cadwell interjected “sustainable economic development” with the group in agreement. This became a common theme in the discussion.

Table 2

Table 2 reported their discussion focused mainly on the use of *Weddings*. Chair Vann recorded their information regarding the definition, frequency and scale, benefits and potential impacts of the use.

Ms. Von Mertens noted the group had discussed *Farm to Table* events as well and noted “we need to define these and other uses the way the states defines agri-tourism so that they are secondary to the farm.” The group briefly discussed the definitions (or lack thereof) for wedding and reception. Ms. Von Mertens noted “I think we can let Merriam-Webster worry about that.” Barbara Miller noted the difference between a venue and an event when dealing with weddings, funerals and parties.

Table 3

Table 3 reported they mainly discussed the use of *Bed and Breakfasts* at their table. Chair Vann recorded their information regarding the definition, frequency and scale, benefits and potential impacts of the use.

There was brief discussion about the difference between a B&B and a Farm Stay with a conclusion that they are not the same. As Table 3 concluded and a question about the 50-acre lot size surfaced as well.

Chair Vann counted the people in the room and said “there is one more important question we want to ask before we adjourn.” Continuing she asked “who is not here that needs to be here?” Ms. Miller replied “the town attorney.” Ed Henault noted the lack of presence of real estate agents. Tyler Ward thought the people who own these parcels should be present with Ms. Von Mertens adding “and the abutters.” A woman named Suzanne added “the Grange” with Ms. Miller concluding “the Fire Chief.”

Chair Vann reminded the audience that the ordinance covered all parcels of land 50-acres or larger “not just farms” she said. She mentioned that the intent is for the uses to be secondary to agriculture and a brief discussion about avoiding any impacts to agricultural resources followed. It is the unintended consequences that we need to worry about” interjected Ms. Von Mertens.

Gil Duval stood and introduced himself. He told the audience that he most likely had more experience in agriculture than anyone else in the room. He gave a brief history of how he worked on farms as a boy and young man “throwing and stacking hay bales for 50 cents an hour” adding “what happened over the years was that taxes went up so the farmers sold off their land.” He went on to say “I am so insulted, and I mean insulted by the ordinance.” He advised the audience to go to their laptops and “look up farming” adding “no farmer wanted anyone on the fields trampling the grass, if that happened they could not feed their cows.”

Mr. Duval told the audience he had been brought up in the old school of farming by the old farmer “who knew how to farm.” He went on to say “we are reinventing something that has been there for years” adding “this ordinance is disgusting it is just creating more ordinances. Forget that, just go out there and farm if you can do it and if not get out of it.”

Mr. Duval gave a brief history of several *farming firsts* that happened in the state of New Hampshire. Cynthia Nichols asked Mr. Duval if he were so disgusted with the current ordinance “what would you like to see?” This led to a brief discussion about how small local agriculture is better for the environment. Mr. Duval interjected “if you are farming right your product is good” adding “there is an old saying that goes “if you have good product the public will beat a path to your door but advertising helps.”

Ms. Cadwell stood and replied “I have farmed around the world without tools.” She spoke briefly about the benefits of eating locally grown food noting “what happens today is different than before.” Ms. Von Mertens interjected that this was not the time for rebuttals with Ms. Cadwell replying “it is extremely important to have rebuttals in a conversation like this.” Mr. Duval told the audience he had farmed the fields with only his hands and horses and left the room.

Matt Gifford noted that a lot of people do not eat in a healthy fashion and getting them onto the farms for activities and events is good way to promote their product and educate the public. Mr. McSweeney agreed adding “only 4% of the public consumes local produce once a month and the average yearly income of a farmer is \$18,000.00” Ruth Holmes noted the benefits of having other diversity on the farm as well.

Chair Vann thanked the audience for their participation. “It is hard to figure out how to do this fairly for the town, the farmers, the neighbors and the earth” she said adding “and remember this is *not* our last trip to the minimart. We will be revisiting this topic often in the next few months.” Mr. Gifford agreed, saying how much he appreciated the opportunity to participate in the process.

Ms. Miller concluded by noting “thank you Ivy” adding “and remember, we have two Alternate positions open on the Planning Board.”

The workshop adjourned at 8:40 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant