

**PLANNING BOARD**

TOWN OF PETERBOROUGH, New Hampshire

Minutes of August 11, 2014

**Members Present:** Ivy Vann, Tom Weeks, Jerry Galus, Audrey Cass, Alan Zeller, Rich Clark and Barbara Miller

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

Chair Vann called the meeting to order at 6:35 p.m. She welcomed the audience and introduced the members of the Board and staff.

Chair Vann then read the first case on the agenda and noted “this case constitutes a minor subdivision as defined by the Planning Board Subdivision Regulations and is eligible for expedited review “where it is submitted, accepted as complete and voted on at the same meeting.” A motion was made/seconded (Weeks/Cass) that the application was complete and acceptable for review with all in favor.

Heather Peterson stood and introduced herself as the agent for the applicant Lata Chatterjee. She noted her client and his wife were former educators who have retired to North Carolina and are looking to subdivide their property in Peterborough to facilitate selling the property. “They have been trying to sell their home and surrounding land and found that selling an antique country property like theirs had been difficult to move in the current marketplace.” Ms. Peterson pointed out the property lines and how the property abuts the Sharon town line noting “by the time it reaches Sharon the Class 6 Road is a trail.” She noted the road was maintained by the town to the end of the pavement and explained how the previous owner had moved the original road which was then discontinued. She pointed out the 5.3 acres to be subdivided with the remaining 13.6 acres with a house and barn that has been converted to a residence. She also noted a shed on the new lot and the need for an easement for a septic system. She concluded by showing a visual of the lot and its view noting “this is the new building site with a view.”

Chair Vann thanked Ms. Peterson and asked if the members had any questions. Mr. Weeks asked “has Public Works looked at this?” adding “are they concerned at all with the turn-around?” Mr. Throop replied “yes they had and they are not concerned with the turnaround” and went on to explain that the road was currently maintained by a smaller DPW truck “and they turn around in the driveway.”

With no other questions Mr. Throop clarified two things in his staff report, the first being a correction of 13 acres stated to 13.9 acres and the second being since he wrote the report he realized the boundary line for the parent parcel will be along the east side of the Class 6 Road “making the existing apartment conforming with setback requirements to the property line if approved.” He also noted two conditions which included the removal of the shed to the right of

the boundary line prior to the signing of the plan and the easement for the septic system need to be reviewed by the town attorney.” He concluded by noting the applicant should be aware that a driveway permit will be needed and the use of any portion of the Class VI road for the driveway would require Board of Selectmen approval. “Just so they are aware” he said.

Mr. Galus inquired about the waiver requests with Mr. Throop explaining the requests for a waiver of §237-26B (a full boundary survey) and §237-19C (a waiver from the Square Box requirement) were appropriate.

Chair Vann opened to hearing to the public. Eric Pomasko stood and introduced himself as an abutter. “I strongly oppose that you approve this request tonight” he said adding “we take our privacy very seriously and we have not had time to review this and consider how it may impact us.” Chair Vann asked “did you get notice?” with Mr. Pomasko replying “yes.” Chair Vann asked “when did you receive notice?” with Mr. Pomasko replying “two or three weeks ago.” Ms. Miller asked “did you not have time to come down and review it?” Mr. Pomasko replied that he had some family issues that kept him busy adding “if I were going to do something with my land I would tell my neighbors.” Ms. Miller asked how long he thought he would need to review the request with Mr. Pomasko noting “two weeks so I can discuss this with my neighbors.” A brief discussion about the Class 6 Road, the public way, access, and gates and bars followed with Mr. Pomasko reiterating “I strongly oppose your approval tonight. I would like some time to review how this impacts me” adding “I am not here to make waves I just need time to review it.” As a point of interest Ms. Peterson noted “there are no gates or bars on the Peterborough section of the road.”

Chair Vann concluded by noting “I have to tell you I feel this is a pretty straight forward request” adding “I understand your concern but this will be OK.”

A motion was made/seconded (Weeks/Miller) to approve the request for a two-lot subdivision of Parcel No. R002-020-0000, located at 83 Condy Road and dated July 11, 2014.

Mr. Galus suggested they approve the waivers as well. A motion was made/seconded (Galus/Weeks) to approve the waivers to §237-26B and §237-19C as described in the formal request **with all in favor**.

Mr. Weeks continued with his motion (to approve) the request for a two-lot subdivision of Parcel No. R002-020-0000, located at 83 Condy Road entitled Subdivision Plan for Lata R. Chatterjee, prepared by Meridian Land Services of Amherst, N.H. and dated July 11, 2014 subject to the following conditions: a shed located on the lot be removed and the easement for the septic system be established prior to the plan being signed **with all in favor**.

Chair Vann note the next item on the agenda was a continuation of the application for Subdivision and Site Plan Review for Wilson Farm Condominiums located at 161 Wilton

Road. She noted “this application was continued from the July 7<sup>th</sup> meeting.” Chair Vann read the application and when done noted the total number of condominiums had been decreased to 28 residential units. Jack Belletete introduced himself and Robert Saunders of Nobis Engineering who reviewed the changes to the plan first addressing the drainage concerns voiced by the town’s third party consultant. He noted an enlargement of the retention basins. Chair Vann asked “which one?” with Mr. Saunders replying “all of them.” Chair Vann asked if it was a requirement of the state with Mr. Saunders replying it was not adding “it is a recommendation.” A brief discussion about the third party recommendations and the response by the applicant followed. Chair Vann also noted she wanted to review the height of the chain link fences “because you all know how much I love them” she said. Mr. Clark asked what the previous height had been with Mr. Saunders replying “4 feet.” Mr. Clark then noted his approval of the increase in height noting “I don’t want anyone to drown in it” adding “if it is going to be deeper a 6-foot fence is OK with me.” In the discussion that followed Chair Vann argued her points for a 4-foot fence, Mr. Saunders reiterated the basin enlargement was not a requirement but a recommendation by the state and several safety scenarios were pointed out. With respect to the screening Chair Vann also noted she saw trees “but no bushes” on the landscape plan. She also indicated that she would prefer to see concrete walkways not asphalt across the driveways. She said she felt it was important to some sort of differentiation in the concrete (i.e. stamped or textured concrete) to “signal this is a walkway. A visual change does that so much better than a painted line.” A brief discussion of some of the problems encountered with concrete and concrete maintenance followed.

When Chair Vann asked about the remaining staff comments, Mr. Throop distributed the responses by Nobis Engineering noting “they are pretty close to being done.” He noted “Rodney (Bartlett DPW Director) needs to do a final review but nothing major is expected.” Mr. Weeks noted for the record that the Site Plan Review Regulations require rear and side elevations of the project and that they had only seen the front. “The Board should be aware of that” he said.

Chair Vann then opened the meeting up to the public with no questions or concerns forthcoming.

In conclusion Mr. Throop reminded the applicant that the location of underground phone, cable and or fiber needed to added to the plan and noted other outstanding submissions included exterior light fixture cut sheet, side and rear elevations of the project and a letter describing construction phasing. With that Chair Vann looked to the members and asked “are we ready to approve and condition this?”

A motion was made/seconded (Miller/Clark) to approve the waivers Section 233-17(B)(33) and Section 233-26(E) requiring submission of a lighting plan showing location, type and height of exterior lighting and foot candle data sufficient to determine compliance with Section 245-33D as there will be no public outdoor lighting and private garage and entrance lighting is proposed to each condominium unit.

***And***

A waiver to Section 237-27(A) Street Standards to allow more than 10 units from a private driveway and reducing the width of the private road right of way from 50 feet to 40 feet. **With all in favor.**

A motion was made/second (Weeks/Miller) to approve the twenty-eight (28) dwelling unit subdivision and site plan request for 161 Wilton Road, LLC on Church Street, Parcel U019-001-100 on plan entitled Wilson Farm Condominiums Church Street, Peterborough, NH, dated July 2014 by Nobis Engineering, Inc. consisting of 16 pages, 3 separate front elevation photos and floor plan consisting of 1 sheet, and approve of the requested waivers, subject to the following conditions prior to signing of the plans:

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, landscape plan 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 Boards Drainage Consultant, and the Public Works Director.
2. Sheet C-2 of the proposed site plan, note number 1 to be changed to 28 unit condominium development not 30.
3. The conditionally approved subdivision plan for 161 Wilton Rd, Tax Parcel number U-019-001-000 to be signed by the Planning Board Chairman and recorded at the registry of deeds.
4. Receipt of condominium documents, which also include provisions relating to private roads as set forth in Appendix A: Street Standards section D(5) of the Peterborough Subdivision Regulations, to be reviewed and approved by the Towns Attorney.
5. Copies of all permits including but not limited to the NHDES Alteration of Terrain permit, NHDES Wetlands Permit (as amended), and any other required state or federal permit shall be provided for the file. (Permits to be issued in conjunction with the subdivision of U-019-001-000 and the development of Divine Mercy Church.)
6. 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.
7. 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 road and 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 may be required to remain in place for up to one full year has passed after completion of the road.
8. Prior to final release of the security, “final as built” plans shall be provided for the built out site which shall include but not be limited to the road, water lines, sewer lines and other

underground utilities to the Office of Community Development and shall be provided to the town in a form acceptable to the Community Development and Public Works Directors.

9. The Wetlands Protection District and Shoreland Conservation Zone shall be clearly marked/staked in the field by the surveyor of record to insure no disturbance of the Wetlands Protection District and Shoreland Conservation Zone during construction. Prior to initiating any site work, the applicant shall install and maintain throughout the construction of this project all erosion control measures as noted and shown on plan entitled Erosion and Sedimentation Plan, Sheets C-9 by Nobis Engineering Inc., last revised July 28, 2014.
10. All materials to be used in the construction of roads and utilities shall be reviewed and approved by the Public Works Director or his designee prior to bringing the materials onto the site.
11. The applicant shall provide three options for naming the private road, in order of preference, to the Fire Department Chief for review and selection.
12. The chain link fence at Basin C to be increased from 4 feet to 6 feet at the toe of the slope.
13. The sidewalks that cross the driveway entrances in front of the buildings to have a textured surface. **With all in favor.**

### **Other Business:**

#### Introduction of Potential Planning Board Alternates:

Peter Cross was in the audience and stood and introduced himself. He gave a short biography and review of prior work history noting he was in the process of figuring out how to give back to the town. "I am not an attorney" he said but he did acknowledge his interest in urban planning. Matt Waitkins introduced himself and stated his interest as well. Another gentleman in the audience introduce himself as Paul Waterman and told the members he was present to support an Ad Hoc Committee to review the noise ordinance.

Chair Vann noted individuals interested in alternate positions had been invited to attend the August and September meetings to observe and ask any questions they may have. "After that we most likely will be in touch with an invitation to join us" she said.

#### Proposed amendment to Agricultural Business Enterprise Ordinance Update:

Mr. Throop gave a brief update and noted Kim Peck of Peterborough was interested in joining the subcommittee. A motion was made/seconded (Cass/Miller) to appoint Ms. Peck to the subcommittee with all in favor.

#### Request to form an Ad Hoc Committee to review the Noise Ordinance:

This item began with a brief discussion of who was appropriate to steer this request. Chair Vann suggested the Master Plan Steering committee be responsible for it. Mr. Throop noted "we have a noise standard in the zoning ordinance that is related to land use." He added "typically though, a noise ordinance sits outside of zoning." Mr. Weeks agreed noting "our noise ordinance pertains to vehicle noise idling on ones' property, not travel on the street."

Chair Vann also agreed noting “it is my sense that it is not our job, it should be discussed at the Master Plan Steering Committee, which is actually a subcommittee of the Planning Board.” Mr. Throop suggested they do some research on how other towns have reacted to (particularly) motorcycles and the amount of noise they generate. He noted it would be important to understand the statute and the authority it provides adding “this is pretty much regulated at the state level.” Mr. Throop noted that straight pipes on motorcycles were illegal in New Hampshire and carried a fine of \$100.00 for the first offense, \$250.00 for the second offense and \$500.00 for a third offense. “They eventually will get the message” he said. A gentleman in the audience noted “complaints about fireworks, loud music, squealing brakes are all addressed but they do not touch the motorcycles, it is not right.”

Request to form an Ad Hoc Committee to consider broad band capacity and future needs:

The members agreed that this item should also be steered to the Master Plan Steering Committee.

**Reports from Other Committees:**

Mr. Throop reported the Minor Site Plan Review Committee had met August 8, 2014 to review a site plan amendment for Monadnock Orthodontics at 166 Hancock Road. “That request was approved” he said. He went on to note the Committee had also reviewed a site plan review for Hidden Treasures at 180 Concord St. and said “that case has been referred to the Planning Board.” He concluded by noting Dawn Tuomala of Monadnock Survey will be presenting a Preliminary Review application for the Temple Mountain Buddhist Meditation Center at the Planning Board meeting in September.

**Planning Board Training:**

Postponed to Monday, August 18, 2014 at 6:30 p.m.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant