

PLANNING BOARD

TOWN OF PETERBOROUGH, New Hampshire

Minutes of August 18, 2014

DRAFT

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 to the working session of the Planning Board and introduced the members and staff.

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the minutes of August 11, 2014 with all in favor.

Proposed Amendment to Conditional Use Permit Application:

Chair Vann began by noting “we need to set the public hearing date for the Conditional Use Permit application form.” She reported the work of the agri-tourism subcommittee had done to create a submission checklist. She noted the purpose of the checklist was to give the Board enough information to review, discuss and approve the uses requested under Amendment M which was adopted by the town in May. “It is also helpful in maintaining administrative efficiency” she said as she suggested the Board review the form line by line. “In the end if everyone is satisfied we will set the public hearing date.”

Chair Vann noted the checklist included applicant and owner information, a general description of the proposed request (use), plan submission items, context plan, site design items, and a site plan prepared by a qualified individual to assess the functions and values of wetlands including associated wetland buffers, soils and vegetation, topographical contours, drainage and area impacted. She emphasized that much of the information requested in the checklist was available in the Office of Community Development.

Mr. Throop distributed copies of the checklist that had been sent to the board via e-mail. Mr. Zeller asked for clarification of the need for names and addresses of “holders of conservation, preservation or agricultural restrictions.” Chair Vann explained that abutter information was required by law with Mr. Throop noting that abutters that are holders of easements have a legal interest in the property and for that reason “we need to know who they are for notification purposes.”

The members reviewed the general information section with Chair Vann noting the importance of signatures of property owners and their representative or agent. Mr. Throop pointed out the general description of each proposed use with Mr. Weeks noting the importance of noticing any individual who had their stamp and signature on a plan. “The law requires we notice them” he

said. Mr. Galus noted that the application did not include a check box for a Home-Based Business Conditional Use Permit.

The Board moved on to Page 4 of the application with Chair Vann explaining “now this gets into what we are trying to accomplish here, the idea is to complete the form with the requested data unless it is not applicable or a waiver is being applied for.” She went down the checklist reading each item. Mr. Throop pointed out #7 on Page 4 (a list and description of all proposed uses to be covered by the Conditional Use Permit) and indicated that “this is intended so the applicant does not have to submit separate applications for different uses.” He noted as applicants identify additional uses they want to include over time, they can request to have the Conditional Use Permit amended.

At one point Chair Vann looked up and said “we are talking about events with up to 99 attendees. That is an important number.” When Mr. Clark asked why, Chair Vann replied “for events greater than 100 people, it changes how the site is looked at from a public assembly point of view.” Mr. Weeks noted “new things happen if you go above 100 people” adding “different building code and fire code requirements are triggered.” A brief couple of questions from the audience followed (i.e. what about tents? What about an open field?) Mr. Weeks noted that tents would require a permit from the fire department.

Mr. Weeks added a few suggestions that would help clarify the application form with Chair Vann replying “good points”. She also reiterated “there are many information items on this list that the town may be able to provide for the applicant.” Ms. Miller noted her concerns of making the application process as easy as possible for the applicants.

Chair Vann continued with reviewing the next section, *Site Design Plan* and another line by line review of the information requested including provisions for fire safety, locations of proposed entrances, exits and driveways, location and dimensional sizes of parking spaces. Ms. Miller suggested listing the actual dimensions on the form to make it easier for the applicant with Chair Vann in agreement noting “I think that is a good idea Barbara.” She then continued with the direction of storm water run-off, pedestrian walkways and crossings, location and size of existing and temporary structures and proposed uses, approximate location of existing and proposed wells, septic systems and portable septic systems, signs, dumpster and trash receptacles. From the audience Bryn Dumas asked “did you skip #8?” Chair Vann replied “yes we did. I don’t think it is applicable but thank you for catching that.” She explained that it would only be applicable if there was an intent to build something “which will be covered in Site Plan Review.” Mr. Throop indicated he would remove both #8 and #12 from the section.

Next was a review of the information to appear on the *Context Plan* which is intended to show a broader overview of the site including information such as parcel lines, parcel numbers and property owner names of all abutting properties, roads used to access the site, structures, driveways, and setbacks, as well as contours, water resources, the boundaries of any applicable zoning over lay districts and parcels subject to conservation easements.

Chair Vann continued to review the “*Other Information*” as applicable including reports from the Police and Fire Chiefs, any additional reports or studies deemed necessary by the Planning Board to make an informed decision and finally all other local, state or federal permits that may be required.

Having finished her review Chair Vann looked up and asked “anything else?” Ms. Miller replied “the subcommittee did a great job” with Chair Vann interjecting “and Peter did a great job.”

Chair Vann opened the meeting to the public. Bryn Dumas introduced himself and asked for clarification on the wetlands. He noted the identification of wetlands on a property and asked “all of them?” Chair Vann replied “yes, all of them.” Mr. Throop indicated that the subcommittee wanted to minimize the burden on an applicant of having to delineate wetlands if it was clear that there were no wetlands near the areas to be used for the events. He went on to say that the zoning ordinance relating to wetlands applies and suggested applicants keep proposed uses “as far away from apparent wetlands as you can so there is no question.” Mr. Weeks asked “what about a standard 100 feet?” Mr. Throop replied “I think in some cases that may be too arduous.” He suggested that if there is doubt, he or the conservation commission could visit the site.

Swift Corwin III introduced himself and asked about parking requirements and also about the use of existing maps to show those areas “to save the trip out to the property and expedite the process.” Chair Vann replied “sometimes, if that information is available on the map.”

Dan Holmes introduced himself and said “we keep talking about staying away from the wetlands but what are we keeping away?” Chair Vann replied “pollution and disturbance, parking, porta potties. All those kinds of things.”

Mr. Corwin questioned why the location of a dance floor would need to be identified. Chair Vann replied “that is all about sound.” Mr. Corwin asked if that would be controlled by “the hours of operation?” with Chair Vann replying “yes it is.” Mr. Weeks indicated that zoning ordinance rule of thumb of “200 feet from a property line” as the typical point for determining a noise violation. With reference to the activities at the local High School Mr. Corwin replied “so ConVal is in violation?” Mr. Weeks replied “yes they are but the School District is exempt from Section 245-33 C.”

Mr. Dumas asked about the use of existing parking areas and setback for temporary and overflow parking areas. Ms. Miller interjected that the application should be as user friendly as possible and the checklist should direct applicants to where they could find the data requested. Mr. Holmes asked about the sign regulations and off-site signage. He noted three different routes that may be taken to get to Four Winds Farm. It was noted that if the applicant got temporary sign permits and permission from the property owners along the route that offsite signs could be permitted. It was also pointed out that directional signs are not counted.

Mr. Corwin then asked about the decision to invest in a business venture on a farm “when there is no guarantee that you will get the permit.” Chair Vann immediately agreed noting “you are right, there is no guarantee.” Mr. Corwin replied “that is not very business friendly” with Chair Vann noting “Mr. Corwin, I did not pass this ordinance. If you need to make an investment you need to think about it and know you may not get the permit. This is true with anything involving land use regulations.” She went on to say “these are community decisions on community zoning and planning. That is what this is.” It was noted that it is customary in land use development that approvals are typically obtained before large investments are made and when land is being purchased for development the purchase and sale agreement is often contingent on receiving approval for the development before the closing.

Carrie Dumas asked for clarification on the renewal of the permit once it had been approved. Chair Vann explained that the subcommittee still needed to discuss it. "We need to talk about how to manage this in the future but our short term goal is to allow those already in the pipeline to take advantage of the ordinance from now until next May." Mr. Throop interjected "this is an interim application to take us to May when the ordinance can be amended to provide more clearly defined standards" adding "our hope is that this draft is representative of what that will be requiring." Chair Vann added "we believe in the uses and want them to be successful but we also have to make sure they are not frightening to other people."

Ruth Holmes introduced herself. She referred to an e-mail she had been copied on from subcommittee member Joanne Carr indicating information had been included in the draft that the subcommittee had not discussed. Mr. Throop explained that when the initial draft was prepared, he had misunderstood what the committee was looking for. He thought the committee wanted one application to serve all types of conditional use permits and as a result he included the checklist for the Wetlands Conditional Use Permit. "I called her and clarified the confusion" he said. Mr. Throop indicated that the subsequent draft would be revised to show requirements for only the agricultural related uses.

As Chair Vann was closing the public hearing Mr. Clark interjected that he thought the checklist may be excessive. "Looking at this as a person there is a *lot* to get" he said. Chair Vann reiterated that much of the requested material can be provided by the town. Mr. Clark disagreed with Chair Vann replying "I hear you Mr. Clark thank you very much."

A motion was made/seconded (Weeks/Miller) to move the draft of the Conditional Use Permit Application, as modified during the workshop, to a public hearing on September 8, 2014 with all in favor.

Chair Vann concluded by noting "there you have it, if adopted on the 8th those in the pipeline can come forward with their requests." Mr. Throop noted he would have the new draft out to the members by this Friday.

Ms. Miller advised the members that the Board of Selectmen has been dealing with noise issues/complaints for some time and that she was under the impression that the town did not have a noise ordinance. Mr. Throop referred to Section 245-33 C of the Zoning Regulations. He noted the regulation pertained to on-site activities and idling vehicles parked on a premise, "but not street noise." He also noted the plan for an Ad Hoc Committee to be formed to consider the street noise issue and focus on what strategies the town can employ to address the problem.

Mr. Clark offered his thoughts of the draft. "It is not bad" he said and asked "we still need to take [the amendment to the ordinance] to the town for a vote right?" Chair Vann replied "yes." Mr. Clark noted he sensed a bit of a manipulation of the ordinance that passed with Chair Vann clarifying "we are offering an amendment to the existing ordinance. If it does not pass at Town Meeting the worst we can do is continue to struggle with what we have." She went on to say "we are trying to help the people do what they are meant to do. The Petition Amendment that passed uses the Condition Use Permit Standards for a wetland crossing which has nothing to do with the farm requests of farm to table cafes, farm stays, or any other use." She concluded "we did not think it was fair for the farmers to have to wait when we can give them guidance for an event that is successful for them and still protects safety and the rights of their neighbors. We are not manipulating anything."

Mr. Clark replied “you keep saying we but it seems like it is you that is taking a different point of view.” Mr. Clark went on to speak about the intent of the ordinance reiterating “what is being proposed is not bad but it involves too much hoop-jumping.” He pointed out the amount of “back and forth” that goes on and the process taking far too long. “I am just saying it needs to be streamlined.” Chair Vann asked “so Mr. Clark, may I ask what do you think the process should look like?” Mr. Clark replied “more streamlined.” Chair Vann asked him “and what wouldn’t we ask for? Mr. Clark replied “it is quite complex.”

Ms. Cass reminded the members that there was a subcommittee that had been appointed to address the draft. Chair Vann acknowledged the subcommittee noting she and Mr. Weeks were on it as well as Andrea Cadwell, Kim Peck and JoAnne Carr. Ms. Cass noted “the subcommittee has met and gone through a process to make sure what was passed down was done well and with consideration” adding “this is the initial step that has not been done by one person, it is the first step of the subcommittee.” Ms. Cass acknowledged that the draft could be more streamlined “that would be nice” she said adding “but again, this is the first step in getting the knowledge of what the process is.” Ms. Cass also noted the process included the farms, the farmers, the abutters and the event attendees. She advised the members “let’s let the subcommittee work and see what comes out of it.” Chair Van noted that the “we” she had verbalized had come from the subcommittee work. “That is what I was referring to” she said. Mr. Clark acknowledged the potential of the amendment but reiterated *his* position on the Board was to have a voice for the people. “They should have their say and they are having it through me” he said.

Planning Board Training:

Chair Vann suggested the training be postponed.

Other Business:

None

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved 9-8-2014