

PLANNING BOARD

TOWN OF PETERBOROUGH, New Hampshire

Minutes of September 8, 2014

DRAFT

Members Present: Ivy Vann, Tom Weeks, Jerry Galus, Audrey Cass and Alan Zeller

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

Chair Vann called the meeting to order at 6:30 p.m. She welcomed the audience and introduced the members and staff.

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of August 18, 2014 with all in favor.

Chair Vann continued with “we have two items on the agenda this evening” adding “the first of which is a preliminary design review of a proposed new temple and parking areas for the Temple Mountain Buddhist Meditation Center and the second is a public hearing on a proposed Conditional Use Permit application form for Agricultural Business Enterprise uses.” Chair Vann briefly explained the design review process noting with a smile “it is conceptual and nothing we say can be used against us *but* likewise, nothing you say can be held against you.” Before beginning the preliminary review Chair Vann also noted that the Scenic Road Application scheduled for September 15, 2014 had been withdrawn. “It was determined by town council that Scenic Road designation does not apply and will not come before this Board” she said.

Mr. Throop asked if there were any people in the audience that may be present because they were interested in becoming Planning Board alternates. Chair Vann explained people that had shown interest in joining the Planning Board had been invited to attend a few meetings to familiarize themselves with the process. With no response for the audience Chair Vann asked the applicant for preliminary review to begin her presentation.

Dawn Tuomala of Monadnock Survey introduced herself as the project representative that would review the site plan portion of the preliminary plan and introduced Architect Len Pagano who would review the building plan. She went on to say the property was located at 729 Wilton Road, “west of Miller State Park and on the same side as the Temple Mountain State Reservation entrance.”

She told the members a few years ago they had been before the Board for a Minor Site Plan Review to use the existing 3-bedroom house on the lot as a Temple. She pointed out the house and garage as well as the driveway and parking areas for the Board on a projected graphic adding “now the plan is to expand the Temple.” She reported receiving a Variance to construct the building and parking area with appurtenant grading and stormwater management within 50-feet of the Wetland Protection Overlay District and a Special Exception for the religious institution use from the Zoning Board of Adjustment in July. Ms. Tuomala told the Board that

they intended to remove the existing garage and replace it with an 88- by 40-foot Temple to service 75 participants (or *students* as the monks call them) for Sunday services. She also pointed out the Temple would be allowed to have up to 20 students for a week-long retreat of meditation up to four times a year with the students residing on the second floor of the Temple and that the existing 3-bedroom house would be used to house the monks, noting “with 3 bedrooms it could accommodate up to six people.”

Ms. Tuomala noted the kitchen and dining areas were in the basement of the new building. She concluded the first graphic by pointing out a note on Page 1 of the proposed plan which qualified an agreement with property abutters Jon and Patrice Hampson. She pointed out two setbacks (one where no building would be constructed and the other where no walk or pathways would be established) and that those setbacks would be recorded at the Registry of Deeds. “It is a private thing between the land owners” she said. When Mr. Zeller asked why the setbacks would be recorded at the Registry Chair Vann interjected “it is like an easement, it must be recorded or it is not binding” adding “and it is important as it goes to the lasting perpetuity of the land and not the ownership.”

Ms. Tuomala went on to the second page of the proposed site plan which included a review of the driveway entrance (a better entrance is needed but sight lines are good in each direction), the driveway (currently 12 feet wide and paved) and drainage (catch basin on the up slope side and outlet down below). She noted a discussion with the Mr. Throop and the Fire Chief who agreed a 16-foot paved drive with 2-foot gravel shoulders on the northwest side would create the 18-foot wide road. “They felt that was sufficient” she said. She briefly discussed fire apparatus access and how they increased the radii of the turns to accommodate the large vehicles as well as the use of porous pavers that would allow the grass to grow but would also support the heavy vehicles.

Regarding parking she pointed out the handicapped spot and attendee parking. She noted the Town formula of one space per four seats requires 18.75 spots (gravel) and two spots for the residence, noting that the plan included 5 additional spaces. She also pointed out an area for overflow parking (grass) with a brief discussion about the Conservation Commission” request for additional landscaping for the parking areas. She reviewed the proposed stone infiltration trenches that would capture the runoff from the parking area and tying it into a rain garden for treatment and infiltration.

Ms. Tuomala showed the location of the Temple and described it as a two-story structure with a full basement and a walk-out covered deck on all sides. She reiterated the monk’s need to be able to walk as a part of their meditation. She reviewed the roof drainage that will also feed into the rain garden. She noted storm water systems are best managed by the homeowner or people using it. “This is a really good fit for them. The monks are great at gardening, it seems to be a very natural fit” she said. She concluded by noting they had tried to use the simplest systems that would be environmentally and home-owner friendly. “This best assures that they will be maintained so that they will continue to function properly and as designed” she said.

Ms. Tuomala reviewed the leach field noting it would be replaced with a new combined system where each building would have their own tank that would distribute to either a two or three area leach field, each separated by 30 feet She noted the use of enviro-septic tubes for a better and cleaner system.

Moving on, Ms. Tuomala pointed out the parking spaces in the Temple parking area. She spoke briefly about using the 18 spaces and the adjacent overflow parking area in a “stacked” parking configuration to accommodate the needs of special events that would be held a few times per year, stating that this approach would accommodate up to 42 vehicles. “Overall, this provides a total of 49 spaces which exceeds the requirement of one space for every four people, it actually allows one space for every two people during the special events” she said.

Chair Vann asked if there were any questions from the Board. Mr. Zeller asked if the property had town water with Ms. Tuomala replying “no” as she pointed out the two wells. A brief discussion about the well requirements and protective radius buffers followed. Chair Vann asked about Department of Transportation permitting and a discussion concerning traffic and access followed. Ms. Tuomala noted the DOT was requiring 18 feet at the entrance to extend 40 feet up the driveway. She pointed to the graphic and said “the point is not to disturb the ditch line on the northern side of the property, it is a well-established ditch.”

Chair Vann asked if the (Route 101) site distance was adequate for the posted speeds with Ms. Tuomala replying “yes, they are fine.” Chair Vann then asked specifically about the western lane of travel on Route 101 and the potential of stacked traffic waiting to make a left turn into the Temple. When Ms. Tuomala replied that she did not have specific information Chair Vann made it clear the Board will need to know about any decisions or requests made by DOT regarding that area.

Mr. Weeks asked for clarification on a variance for the wetland buffer that had been granted for parking and asked “does that include overflow parking?” Ms. Tuomala replied “yes, no, well yes *and* no” and proceeded to point out and explain the newly created 50-foot buffer from the wetlands. Mr. Weeks replied “it should be clear on what line the ZBA used and that it was agreed upon” adding “and *that* is the plan they saw.” Mr. Weeks explained “I am looking at this in black and white so you are covered when you come back.” Chair Vann advocated the use of grass pavers on the fire lane and one corner of the building. “They are the bee’s knees” she said. Ms. Tuomala indicated that this is what is planned.

Mr. Weeks noted “I assume this will be over 5000 square feet” and asked Mr. Pagano what he had considered for a sprinkler system. Mr. Pagano replied he had not thought about the system. “All I know is that it will be sprinkled” he said adding “a 13 or 13R had been suggested but it is to be determined.” Chair Vann reminded the members this was a conceptual presentation with Mr. Weeks interjecting “I was just trying to get some information for the Fire Department and the Code Officer.”

Mr. Galus asked for clarification on the parking with Ms. Tuomala explained there were no “fixed seats” at the Temple.” Mr. Pagano briefly explained the occupancy load of 75 people based on what is envisioned and how the Temple will be used. “That being said” he said, “the building code is different, it is based on area.” Ms. Tuomala reviewed the (for lack of a better term) bumper to bumper design of parking vehicles at the Temple with Mr. Weeks asking “does that meet the purpose and intent of the town’s parking requirements?” He added “that type of parking, even for overflow has not been approved on a plan in 25 years.” Mr. Throop replied stacked parking was common in some jurisdictions. “It is a common way to handle special events when everyone is in and out at the same time” he said adding “what you have to determine is whether or not you feel comfortable with it.” Chair Vann interjected “I prefer

stacking to paving, I do not have an issue with it and it is not a residence, where stacked (tandem) parking is not allowed.”

Mr. Pagano briefly reviewed the building elevations to the Board. He pointed features of the lower and upper levels, means of egress, the mechanical room, the wrap-around porch, a Mezzanine space, and the main hall. “The main level of the meditation center is 1950 square feet, the gross area with the porch is 6400 square feet” he said adding “and the gross roof area with the porches and overhangs is 7700 square feet.” He pointed out the sleeping quarters that consisted of four bedrooms and two baths and concluded “this is the essential layout of the building.”

With no other questions from the Board Chair Vann opened the Preliminary Hearing to the public. Jon Hampson introduced himself as the closest abutter to the west. “I grew up in that house and have an intimate knowledge of the property” he said adding “and I am in complete support of this worthy project.” Chair Vann replied “that is so delightful to hear.” A brief review of the setbacks and buffers followed with Mr. Hampson noting his concern for the left-hand turning lane (west bound) from the highway. He noted seeing some new skid marks recently and noted “it is really a concern.”

The Preliminary Hearing closed at 7:20 p.m.

Chair Vann opened the Public Hearing on the proposed revisions to the Planning Board Conditional Use Permit Application form. She noted the Planning Board Subcommittee had worked on an amendment to the recently adopted “*Agricultural Business Enterprise District*” ordinance and had created a Conditional Use Permit Application Checklist for the District Uses. She went on to say “this hearing is to take public input regarding the proposed amendment to the application form” and following that testimony “the Board may vote to adopt the proposed amendment.” Mr. Throop interjected the main things to think about were public safety including fire safety in and around the buildings, storm water run-off and wetland protection, access and parking, sanitation facilities and their proximity to existing wells, and lighting.

Chair Vann then systematically read through the checklist noting that many of the checklist items or data requested may be available from the Office of Community Development “so it is not burdensome or unduly burdensome.” She read the *Application Procedure* which included fees and signature information, *General Information* requesting the owner and/or owner’s agent names, address, contact information, parcel identification number(s) and general description of the proposed request, and information for determining *Compliance with the Peterborough Zoning Ordinance*.

Chair Vann then reviewed the *Application Checklist for Agricultural Business Enterprise Related Uses*. This checklist included general information for plan submission with Submitted (yes/no), Not Applicable and Waiver Requested areas to be filled out. The general information itself dealt with the proposed use, frequency and scale, noise standards, hours of operation, parking (regular and accommodation of overflow), lighting, signage, trash receptacles and sanitary services. From there Chair Vann went on to *Plan Submission Items* which provided a checklist of the information to be shown on the Context Plan and the Site Design Plan (or the actual use areas). As Chair Vann went through each item listed she reiterated that much of the data requested would be available from the Office of Community Development.

When done reviewing the draft application Chair Vann looked up and said “all of this is required before an application is complete, that is what we are asking for.” She then asked the members “do you have any modifications? What would you like to do?”

Mr. Weeks referred to page 4 Item 10 and asked how for a clarification about when wetland’s delineation would be required. Mr. Throop responded that the intent is to keep the application process from being overly onerous and that if the proposed uses were clearly not anywhere near a wetland that was subject to the Wetland Protection Overlay Zone, then a wetland delineation would not be required for the submission. If after receiving the application, the Board felt there was a questions about possible encroachment into the zone, then they could require a delineation.

Mr. Weeks also questioned the language of “approximate number of parking spaces and proposed surface materials of temporary or overflow parking facilities”. “So we don’t ask for an absolute number?” he asked. A brief discussion followed with the members agreeing to remove the word “approximate.”

Mr. Weeks then noted the *Table of Proposed Uses to be Covered by the Conditional Use Permit* would need to be reformatted so that the use name may be printed in the appropriate column.

Bryn Dumas introduced himself and told the members and the audience that he had filled out the application and “found it fairly straight forward.” “There was no huge problem with it” he said adding “and going through the checklist actually made me think of things I had not thought of.”

Anne Meiklejohn introduced herself and told the members she thought the application was vague, that notification had been confusing and that she did not feel there was sufficient time for those affected to grasp the permit application and process. Mr. Throop explained the notification process and the obligation of the Office of Community Development to provide residents with proper notice. Ms. Meiklejohn acknowledged Mr. Throop but noted “I feel we have been shortchanged in terms of time and the ability to prepare for this.” Mr. Throop replied this is not an application, it is a regulatory amendment and the statue does not require direct notice to residents for amendments. “I understand you and hear you” replied Chair Vann, adding “but typically this sort of thing is a housekeeping item for the Board.” She went to note that the Board had received a request for an application “so we wanted to get public input on anything you think we have *not* asked for in the application.”

Ms. Meiklejohn also asked for clarification on the definitions of *property owner, owner’s agent, applicant and preparer*. A brief explanation from Mr. Throop followed. Ms. Meiklejohn also told the Board she was not sure how to comply with 233-52 *Performance Standards for Conditional Use Permits* as that regulation referred to the wetlands.

Chair Vann briefly noted that the checklist (including the location of the event) would allow the Planning Board to waive certain requirements. She gave the example of an event taking place with wetlands on the property. She noted if the event did not encroach on the wetland area and it was determined as such, the applicant would not be required to delineate their wetlands for the event. “If it gets close we may require a wetland scientist to review it” she said. Ms. Meiklejohn asked “when do you make the decision?” Chair Vann replied “after an application

has been accepted as complete, we hear the applicant's case and any concerns and comments from the abutters and general public." Chair Vann noted a case may be heard and continued for a site visit or additional information to a date and time certain to hear the results before entering deliberation and making a decision. "In this case we knew an application was coming so we acted accordingly."

Maude Odgers introduced herself and asked for clarification on the names and addresses of abutting land owners. She read "names and addresses of abutting land owns, taken from the town records not more than **five** days before the day of submitting the application." Chair Vann explained that information was necessary for the abutter's certified letters of notification and that the deadline for submission of an application was "usually a month before the next scheduled Planning Board meeting." Mr. Dumas interjected that he had notified abutters "that seemed like miles away" with Chair Vann replying "it is a statutory requirement that all abutters be notified."

Ian McSweeney introduced himself. He noted "so to clarify, tonight is for the Planning Board comments and public input on the Conditional Use Permit application." Chair Vann replied "with consideration of the public comments, we are hoping to adopt it. That is it."

Loretta Laurenitis introduced herself and pointed out several typographical errors in the application. There was also a brief discussion of the location of the septic system, testing of the well water and who may was responsible for portable water.

Ms. Laurenitis mentioned the criteria of Conditional Use Permits in other communities and actually read several to the Board. Specifically the criteria had to do with activities or events that would be compatible with the neighborhood and not substantially adversely impact the natural resources of the community. A brief discussion regarding RSA 674:21 *Innovative Land Use Controls* and the granting of conditional or special use permits followed. Chair Vann reiterated her concerns with the language of the amendment noting "that has been our concern since the beginning." She went on to say "and it made us look like villains to not support it but the standards were not part of the ordinance. Quite frankly, the town voted for it so we are doing the best we can under the circumstances."

Ms. Laurenitis pointed out that standards are adopted by the town and "conditions for approval are not in there." Mr. Weeks interjected "there are some" with Mr. Throop adding "it is vague, arguably there are some (standards) there but whether they are adequate and if not, what would be adequate?" Ms. Laurenitis noted responsibility to insure the safety of the public. Chair Vann referred to the Police and Fire Chief's reports as required submittal items.

Mr. Dumas inquired as to the frequency of permit renewal. "Would it be on a yearly basis? He asked. Chair Vann replied "we are just not sure "but that is one of the reasons the permits are conditional but our intension is not to have you do this over and over again."

Ms. Laurenitis suggested that any applicant have a meeting with their abutters to discuss how neighbor may be impacted adding "but that is not written anywhere." Chair Vann replied "that is a good point we will add a note to that effect" adding "the intent of course is to resolve problems with neighbors before the public hearing."

Ruth Holmes introduced herself and asked for clarification on whether or not there was a deadline on the Board's response to an application. Mr. Throop explained that once an application was accepted as complete. "It starts the clock ticking, we have 65 days to make a decision" adding "and we try to assist applicants so that it often does not take that long." Chair Vann agreed noting "we try to complete things in the timeliest way possible."

Chair Vann reiterated that the staff is available to applicants "and to the abutter as well." Ms. Odgers suggested that particular language be put in the application. Chair Vann concluded by noting "we are here for everyone. For now, this is what we've got." She then closed the public hearing and asked the members "is there any more discussion on this? Are we ready to adopt this as part of procedure?" **A motion was made/seconded (Zeller/Cass) to adopt the Conditional Use Permit application with the identified corrections/clarification obtained through public input with all in favor.**

Mr. Throop announced a site visit to the applicant's property was scheduled for Wednesday at 12:5 p.m. and invited the audience to attend if possible. Chair Vann reiterated that there would be no discussion about the application. "We are just there to see the areas of the site" she said adding "and while no testimony will be taken the public may ask questions."

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant