

**PLANNING BOARD  
TOWN OF PETERBOROUGH, New Hampshire  
Minutes of January 21, 2015**

**Members Present:** Ivy Vann, Tom Weeks, Audrey Cass, Jerry Gallus, Richard Clark, and Joe Hanlon

**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. noting “this is the regularly scheduled workshop meeting of the Planning Board” and introduced the members and staff. She then appointed Alternate Joe Hanlon to sit.

**Minutes:**

A motion was made/seconded (Galus/Weeks) to approve the Minutes of December 12, 2014 Minutes as written with all in favor.

**Draft Agricultural Business Enterprise Ordinance Review:**

Chair Vann began by noting “this workshop is on the *Petition Amendment M* the Town voted in last May” adding the meeting was a working session for the Planning Board and no public comments will be heard. “We’ll have a public Workshop January 28<sup>th</sup> for public input and if all goes well a public hearing on February 18<sup>th</sup>” she said. She went on to say that Mr. Throop had a Powerpoint presentation for them with questions, comments and concerns to follow.

Mr. Throop noted “the first thing we have to do is talk about the Master Plan” adding “anytime you amend an ordinance it must be supported by the Master Plan and I have integrated both into the presentation for you tonight.”

Mr. Throop projected the agenda which included *Background, Master Plan Update, 2015 Vision Survey Results, Ordinance Amendment Goals, Detailed Review* and *Next Steps*. As listed Mr. Throop briefly reviewed the Petition Ordinance (Amendment M) to allow Conditional Use Permit approval to the Agricultural Business Enterprise Zone. This ordinance was not supported by the Planning Board but did pass at Town Meeting. Mr. Troop noted the formation of a subcommittee to work on the amendment of the ordinance and, a public workshop in June. “Then we got an application” he said.

Mr. Throop also noted that an update to the Master Plan was necessary and had also been worked on. He told the audience “*RSA 674:21 Innovative Land Use*

*Controls* requires any control adopted must be supported by the Master Plan” adding “an example of this is a Conditional Use Permit and currently the Master Plan is silent on this.” He noted the proposed addendum recommended policies related to allowing additional commercial uses on commercial farms thus supporting their economic vitality and that while a Town Meeting vote was not necessary, “the Planning Board must vote to adopt the addendum as part of the Master Plan so that it ultimately recommend farms be provided reasonable opportunities to engage new uses while providing appropriate and reasonable regulations to protect abutting property owners from impacts created by these uses.” He also noted the Master Plan would allow both the Planning Board and the applicant flexibility to design sites to avoid and mitigate impacts.

Moving on to the 2014 Vision Survey results, Mr. Throop noted the survey was a follow-up to the Vision Forum held last April. He noted that just over 600 surveys were returned, although most questions had slightly less than 600 responses. He reviewed the results of seven questions that he felt were relevant to the issues at hand, including three that were directly related to agriculture. He noted that “the attractive natural setting and rural character” of Peterborough were identified as very important characteristics of Peterborough by 69% of the respondents and the “small New England town character” was identified as very important by 66% of the respondents. He went on to say that “protection of agricultural lands for current and future food production” was identified as very important by 50% of the respondents.

The survey indicated that “encouraging on farm production and sale of local agricultural products” was identified as very important to the towns future economic vitality by 45% and somewhat important by 34% of respondents. It also indicated that 44% of the respondents and 32% of the respondents identified “allowing commercial uses (B&B, Farm to Table Café, Farm Events, and Weddings) on farms in the rural district as long as farming remains the primary use” as being very important and somewhat important respectively.

He also related two other statements that while not agriculturally specific reflected what respondents felt Peterborough should be like in 20 years. “Those answers were “Peterborough will be a great place to raise a family” and “people live in Peterborough because of its great quality of life, physical beauty, and the outstanding quality of its natural environment.”

Questions that pertained to local farming activity, production and sale of local agricultural products, and commercial uses on farm (farm-to-table cafes, Bed &

Breakfasts, farm events, and current and future food production) in the Rural District were also entertained.

As Mr. Throop moved on to the proposed amendment outline he noted “Section 245:5 C *General Districts* which only needs to address uses that apply to all districts (non-commercial agriculture) and Section 245:8 *Rural District* noting permitted uses not requiring Special Exception of Conditional Use Permits but may require Site Plan Review. As well as commercial agriculture and its accessory uses (including retail sales, small scale events and other incidentally related farm activities).

Mr. Throop then moved on to Section 245:4 *Definitions* citing both new and amended definitions that had been defined. “Along with economic viability the clarification of definitions was a major ordinance amendment goal” he said adding “and if the amendment is going to support commercial farms then the uses will be restricted to commercial farms. This is a critical part of the ordinance.” He also noted that the uses must be accessory to commercial agriculture, that more intense uses would be provided reasonable and appropriate review and the Planning Board would be allowed flexibility to accommodate different proposed scale and frequency of the uses with different site conditions. His last point was that this was their first look at the draft and what goes to public hearing may be different than what they see right now. “We want to be cognizant, we have time to get it right and meet the needs of the community” he said.

Mr. Weeks asked about the size of incidental farm related activities as well as the expansion of a use. Mr. Throop noted that it would depend on the property. “It may be a function or the nature of a complaint that would trigger the Code Enforcement Officer going out to investigate” he said. Chair Vann interjected “or seeing an increase in a function or activity and knowing what we have permitted.” Mr. Throop replied “I just worry about the corn maze.” Noting Stonewall Farm in Keene he said “I saw it happen, it became the attraction itself.” He noted “that is why the spirit of our draft takes the size of an activity or event into consideration so that it cannot get out of control and cause detrimental impacts to the neighborhood. It allows us to review it and *pull it in* so to speak.” He also added “it is difficult to come up with hard numbers because locations, uses and abutters are *all* different.”

Getting to the actual petition Mr. Throop noted “everything in italics is new language” adding “everything else is existing language.” He also told the members the gray shaded area is what will be on the ballot to help to clarify the ordinance to the voter. “I am still working of some of those sections” he said.”

Mr. Throop reviewed other definitions including *commercial farm*, *community supported agriculture*, *events*, *farm* (farm land, farm stand, farm-to-table café, farm-to-table meals, and farm related activities), *incidental farm related activities* and *venue*. Mr. Throop spoke briefly about the difference between a café and restaurant. “That would be small and informal” he said adding “C’est la vie, Twelve Pine and Aesop’s Tables are all cafes.” He concluded with the requirement in the ordinance for a commercial farm to gross \$5000.00 to be eligible to apply for a Conditional Use Permit as well as amenities (such as a playground or animal petting area) that may be offered as an enhancement to the accessory use.

Moving on Mr. Throop reviewed commercial agriculture operations with accessory uses such as retail sales, incidental farm related activities and amenities, small scale events that would be subject to an administrative site approval by the Code Enforcement Officer.

Mr. Throop moved on to uses permitted by Special Exception and told the members and audience “there was no definition for recreation so we created a commercial recreations definition and put it in.”

Mr. Throop continued with a review of uses permitted by Conditional Use Permits. He noted the creation of a Purpose Statement stating the uses are intended to diversify a farm’s offerings and increase its opportunities to generate on-the-farm revenues through activities, education and events. Mr. Throop noted the purpose statement was created for guidance as he reviewed the general criteria and factors to consider that apply to all Agricultural Business Enterprise Uses.

He also reviewed the *burden of persuasion*, *conditions of approval* and *waivers and modifications* of the ordinance. He told the members and the audience specific criteria related to individual uses were located in Article IX.

Moving onto the Site Plan Review Regulations Mr. Throop noted the changes to this section did not require Town Meeting approval. “We do have to have a public hearing on them and then vote but with the exception of Article IX this is wholly owned and operated by the Planning Board” he said.

Mr. Throop reviewed the application process, the procedure for consideration and the granting of the Conditional Use Permit. He also reiterated that in the event of a violation to any of the provisions or conditions of the approval the Code Enforcement Officer had the authority to suspend or revoke the permit. He reviewed the criteria that applied total Agricultural Business Enterprise Uses

(parking, hours of operation, structural compliance to building codes, sanitary facilities, environmental sensitivity and life safety and fire protection) as well as **Bed & Breakfast Operations** (establishment provisions including meals, parking and number of rooms), **Farm to Table Cafes** (size and scale and hours of operation), **Venues** (small, medium and large) and **Incidental Farm Related Activity Expansion of Use** (expansion or change of use that is of sufficient magnitude to trigger Planning Board review).

Mr. Throop noted that on a commercial farm a farm stand in excess of 1000 square feet of area would be under the administrative site plan review of the Code Enforcement Officer. He told the members he had done some research (and measuring) and he had not found a farm stand over 1000 square feet in floor space in the area. He went on to say “Anything over 2000 square feet will be subject to Minor Site Plan Review.”

Mr. Hanlon asked for clarity on the revenue figure of \$5000.00 for qualification of applying for a Conditional Use Permit. “Is it \$5000.00 every two years?” he asked. Mr. Throop replied “no it is a gross of \$5000.00 per year” adding “that is a reasonable plan for smaller farms.” Mr. Galus asked “who decides what a sound plan is?” Mr. Throop replied “using the general criteria that apply to all Agricultural Business Enterprise Uses and the factors to consider in evaluating compliance with general standards, the Planning Board does.” Mr. Throop went onto briefly discuss his decision about the minimum gross of \$5000.00 being realistic to real farms and discourage the ordinance from becoming a loophole for a use on a farm that is not accessory to the primary farm use.

Mr. Throop spoke briefly about the spirit of the ordinance and its flexibility. He and the members discussed number of events coming up with the clarification that multiple days of activity equaled multiple events. The members also reviewed several of the definitions (including incidental and subordinate) impacts to neighborhoods and Best Management Practices as a reference tool.

Mr. Throop read a portion of RSA 674:32 B *Existing Agricultural Uses* and concluded “that is the statute.” He then walked the member through the pages of the amendment draft reviewing the criteria (accessory or subordinate, compatibility, aesthetics, nuisances, resources and loss of agricultural capacity of the farmland), factors to consider for compliance to the general standards (proximity of abutting residential buildings, neighborhood density, road type) for Bed and Breakfast operations, Farm-to-Table Cafes, Event Venues and Expansion of Incidental Farm Related Activities.

A member asked about Bed & Breakfast operation with Mr. Throop replying “it is not a particularly intense use” adding “it is limited to 6 bedrooms, 1.5 parking spaces per car and owner/resident-operated *that is important.*” He noted a significant impact to abutters of a Rindge neighborhood when a luxurious gothic castle known as JB Hunt Castle was advertised and rented as a picturesque vacation destination but was not occupied by the owner on a full time basis.

Mr. Throop went on to Farm-to-Table Cafes with a brief discussion about counter service versus table service with limited seating space and perhaps only open a few nights a week. Chair Vann reiterated that they must meet all the criteria and factors to consider in the application for a Conditional Use Permit. The members went onto review those criteria and factors of consideration.

Mr. Throop also reviewed revocation, denial and conditions of approval as well as waivers and modifications. Mr. Galus asked if the Board had authority to grant waivers or make modifications with Mr. Throop replying “you do in this ordinance, as long as you are clear about it.” The members went on to discuss the criteria for Site Plan Review with Mr. Throop reiterating that much of it was existing language that he did not change.

Mr. Throop concluded with what he thought to be the next steps. He noted an Agriculture subcommittee meeting was schedule for the next morning and encouraged the members to submit any changes, comments or concern for their agenda. They are almost ready to go to public workshop for the community feedback” he said.

### **Reports from Other Committees:**

Mr. Throop noted the Economic Development Authority (EDA) had asked him to encourage the members to attend a Chamber of Commerce breakfast meeting on Wednesday, February 4<sup>th</sup> at 7:30 a.m.

“Michael Bergeron from DRED is going to be a guest speaker” he said adding “and that Committee considers Peterborough off the map when it comes to DRED considering ideas of economic development here.” Mr. Throop noted the EDA members planned to be there “to find out what we need to do to get on the map.”

The meeting adjourned at 8:40 a.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant