

**JOINT MEETING
MASTER PLAB STEERING COMMITTEE &
PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire**

Minutes of February 11, 2015

Members Present: Ivy Vann, Alan Zeller, Tom Weeks, Joe Hanlon, Audrey Cass, Jerry Galus and Matt Waitkins

MPSC Present: Sue Chollet, Alan Zeller, Ivy Vann, Mose Olenik, Teresa Cardorette, Beth Alpaugh-Cote, and James Kelly

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

Master Plan Steering Committee Co-Chair Chollet (Ms. Chollet) called the meeting to order at 6:30 p.m. noting “the purpose of this is to have the Master Plan Steering Committee look at the proposed Land Use Plan Addendum for the Agricultural Business Enterprise Uses for the Master Plan, consider comments and concerns and decide if the addendum is ready to be presented to the Planning Board which is also in attendance.”

Ms. Chollet asked the Committee if they had all had a chance to read the addendum with the members replying they had. She noted Mr. Throop was ready to entertain addendum content and form recommendations as well as any suggestions for modifications or deletions. She asked the members “so what do you think? Is this in the spirit of the Master Plan? Do you like what you see? Is it too long? Not long enough? Is there anything missing?”

Ms. Olenik replied “it could be shortened but basically I am very happy to have the Planning Board look at it at this point.” Ms. Cadorette noted that while the word *Agritourism* was not mentioned in the ordinance amendment “it is mentioned in the addendum.” Mr. Throop explained “we purposely kept it out of the amendment but it *is* in the statute and we wanted people to be aware of what the statute says.” He cited RSA 21:34-a *Farm, Agriculture, Farming* as including definitions for farm, agriculture and farming, farm stands, farmers markets and Agritourism (the latter broadly including many of the uses cited in the Agricultural Business Enterprise petition ordinance passed last May). He went on to note “unfortunately when referring to the entire section many believe the definition of agriculture includes

Agritourism. One concern with the definition is that it is so general that it can be broadly interpreted to include just about anything.”

Mr. Throop told the members “this amendment takes the adopted ordinance and does the things necessary to correct the inadequacies identified in the original language.” He went on to say RSA 674:21 *Innovative Land Use Controls* requires any use requiring a Conditional Use Permit be supported by the Master Plan. Looking to the members he said “yes, there is more detail than may be needed (it is just over six pages long) but it does not hurt to explain it in a way it is understandable” adding “with the guidance of the Master Plan Steering Committee we can certainly cut some stuff out.” Ms. Olenik asked about the timing of the adoption with Mr. Throop replying the process was not as elaborate as the zoning process. This requires a public hearing and a vote of the Master Plan Steering Committee, to move it to the Planning Board. If there are any significant changes by them a second public hearing would be scheduled. He gave a brief history of the Planning Board’s involvement over the past year including eight or more public hearings and workshops with significant public participation and input. Planning Board Chair Vann interjected “we have about six weeks to make a final move to adopt the addendum so we do have a little time.” Mr. Weeks asked for clarification on the process and the order of how things should be done. He asked “shouldn’t we move this forward before the amendment? We don’t want to put the cart before the horse.”

Chair Vann agreed noting “my sense is that we have to adopt Land Use Plan Addendum for the Master Plan before the town meeting and the vote on the Amendment.” Ms. Chollet agreed adding “any ordinance should reflect the wishes of the Master Plan so let’s get that done first.” Mr. Throop noted “you raise a good point and hence moving them forward concurrently.” Mr. Throop went on to say the Master Plan Steering Committee was not actually required to vote on the addendum “but that has been the Peterborough tradition and we will keep with that.” Ms. Chollet interjected “we actually used to have a Master Plan Steering Committee Public Hearing but we don’t do that anymore.” She then asked about the public hearing for the amendment. Mr. Throop replied “on the 18th we will be doing both.” Ms. Chollet noted “so the goal is to move it forward tonight.” Mr. Throop replied “that would be great but you do have time if you feel you are not at the place.”

Back to the content of the addendum Ms. Cadorette interjected “I move we eliminate the exhibits and just have references.” Mr. Hanlon replied “I don’t know I kind of enjoyed them, they kind of closed the door on any questions. I liked them.” Chair Vann agreed noting “I liked them too, I think they are helpful.” Ms.

Cadorette made the point that statutes change “it is difficult because some of this is not under our control and may change” she said. Mr. Throop agreed noting “as the statute changes, it may have an impact, but it is helpful to have the original language of the statute from the time the ordinance was revised.” Mr. Weeks commented on the length of the document but noted “I have been involved with code enforcement for many years and I have been put in the position of having to interpret language in the past. I have to say this is great. It is not open to interpretation and where some sections of the Master Plan are unclear, this is very clear.” He noted his only other concern was that the bulk of the document was written by the subcommittee created by the Planning Board. Mr. Throop noted many of the chapters of the Master Plan are written by different groups and agreed “the lions’ share of the work was done by the subcommittee and the Planning Board as a whole.” Mr. Weeks conclude by noting “with regards to the exhibits I just want to make sure we understand that is all they are. I don’t want to see an exhibit being cited as part of an actual chapter reference. I have seen people twist thing like that before.” Mr. Throop replied “we can change the word *exhibit* to *reference*.” Chair Van went back to Ms. Cadorette’s point about changing statutes with Mr. Throop suggesting “then how about we keep the word exhibits and date stamp the information effect as of such and such a date.” The members agreed that may be the best solution. Ms. Cholet asked “any other thoughts about the addendum as it stands?” Ms. Cadorette asked if the exhibits would be highlighted as they were in the draft with Mr. Throop replying “that is up to you.” Ms. Cadorette noted “I think they are distracting.” Mr. Throop suggested removing the highlighting and adding a cover page to clearly indicate what the exhibits are.

A motion was made/seconded (Kelly/Olenik) to refer the proposed Addendum to the Land Use Chapter of the Master Plan relating to Agricultural Business Enterprise Uses to the Planning Board with modifications as discussed, with all in favor.

“OK” replied Chair Vann. The Planning Board has received the document. Our first order of business is to decide whether or not to move it public hearing.

A motion was made/seconded (Cass/Hanlon) to move the proposed Addendum to the Land Use Chapter of the Master Plan relating to Agricultural Business Enterprise Uses with modifications as discussed to public hearing, with all in favor.

Mr. Throop confirmed the public hearing would be February 18, 2015 at 6:30 p.m. He noted the proposed addendum provided background information and recommended policies related to allowing additional commercial uses on

Commercial Farms to support their economic viability. He noted that upon conclusion of the hearing the Planning Board may adopt this addendum as part of the Master Plan adding “a town meeting vote is not required to adopt this addendum.”

Mr. Throop went on to explain there would be two other public hearings on the 18th, the second being the proposed amendment modifying the existing zoning ordinance and regulations related to Agricultural Business Enterprise Uses permitted in the Rural District. He noted that upon conclusion of the hearing the Planning Board may recommend changes to the ordinance (which would require a second public hearing on March 9, 2015 at 6:30 p.m.) or vote to place it *as is* on the official Ballot.) “The last public hearing will be a proposed amendment to the Site Plan Regulations” he said. He told the members this amendment established Site Plan Review requirements for agricultural related uses. He noted that upon the conclusion of the public hearing the Planning Board may vote to adopt the amendment as part of the Site Plan Regulations adding “and a town meeting vote is not required for this amendment either.”

Getting back to the changes to the proposed zoning amendment for the ordinance relating to Agricultural Business Enterprise Uses Mr. Throop asked the members to reserve their comments and concerns for the public hearing. “If you have a question that is fine but I don’t think it is a good idea to discuss the content changes until you have heard from the public” he said adding “I would just like to highlight the major changes made since the workshop.”

Mr. Throop briefly reviewed the workshop on January 28th as well as the subcommittee meeting the next day. He told the member he had tweaked the document after reviewing it with them the subcommittee members, the town attorney, the Code Enforcement Officer and the Fire Chief. “So it reflects a lot of input” he said.

Mr. Galus noted he struggled with the structure of the document. “I am trying to understand how the pieces all fit together. I get lost in the modifications to amendments and amendments to amendments” he said and asked “can you walk us through it?” Mr. Throop replied “of course. The intention is that you understand it completely so that you can discuss it thoroughly.” He noted the first change was to move the changes to Section 233:3 of the Planning Board Regulations to the back of the document. “This will be the subject of a separate hearing” he said.

Mr. Throop began with the reiteration of the addendum addressing the Master Plan support required under RSA 674:21 II for the adoption of uses subject to an Innovative Land Use Control must be adopted by the Planning Board.

Mr. Throop noted the purpose statement had been added to the gray box area of the document. Mr. Weeks asked who was responsible for making sure copies are placed in the voting booths as they were not in the booths last year. Mr. Throop replying “I am” adding “we’ll be sure to plug that gap this year.”

As Mr. Throop moved on to *definitions* he noted changes to the definition of *agriculture* to remove unnecessary verbiage and clarify that *forestry* as a primary activity is not part of agriculture. He noted RSA 21:34-a *Farm, Agriculture, Farming* and noted “the production, cultivation, growing, harvesting and sale of any agricultural, floricultural, viticultural, forestry or horticultural crops including but not limited to berries, herbs, honey, maple syrup.....” and made the distinction between forestry *crops* and forestry, dimensional lumber and firewood. “Wood products differ from wood crops” he said adding “as I understand it, we do have the authority to exclude forestry from our municipal definition of agriculture.”

Mr. Throop reviewed changes to other definitions including *accessory use, agricultural business enterprise, commercial agriculture, commercial farm* (pointing out the threshold for the revenue had been removed and noting “we don’t want it driven by the revenue”), *commercial recreation* (removed as Mr. Throop had found an existing definition of recreational facility) and *event venue*. Mr. Zeller asked for clarification on large scale events “with upper limits to be determined by the Planning Board.”

Mr. Throop went on to review *farm stand* (up to 2000 sq. ft.) and *farm store* (an area greater than 2000 sq. ft.) with a discussion of what or how far away constituted “local.

Mr. Throop briefly reviewed a change to Section 245-5C *Agricultural Uses* noting the general statement that non-commercial agriculture is permitted in all Districts subject to compliance with Best Management Practices (BMP) for Agriculture in New Hampshire.

Mr. Throop reviewed changes in Section 245-8 *Permitted Uses* to help clarify the purpose statement of providing protection to the neighborhood as well as *General Criteria* and *Factors to Consider* in considering the principle use of the property as a commercial farm. “Revenue alone may not be the right measure he said. Also under the *Factors to Consider* he noted consolidation of site related factors under

one heading. He noted a good point about Public Safety that had been brought up by resident Loretta Laurenitis adding “it is a key theme in statutes.”

Mr. Throop reviewed a general cleanup of *Conditions of Approval* and *Waivers and Modifications*. Mr. Throop briefly reviewed RSA 674:21 and the authority it presents to the Planning Board. “If this passes at Town Meeting it gives us latitude without forcing an applicant to go to another land use board for an approval in the middle of the Planning Board process.” He also noted “every site and every use is different.” Mr. Waitkins noted his concern about push-back with Chair Vann noting “this is a reasonable way of protecting the abutters.”

Mr. Throop concluded with a review of Planning Board Regulations Article IX and Section 233-51. “I mostly moved things around” he said. He briefly reviewed the general application procedures, consideration of the application once all pertinent information we collected and the approval process and granting Conditional Use Permits. When finished he looked up and said “that is about it.” Given Mr. Galus’ earlier concern he asked him how he felt about the document. Mr. Galus replied “I see now how the pieces are coming together.”

Chair Vann interjected “did we want to talk about Site Plan Review regs tonight?” Mr. Throop replied he had revised the structure of the regulation for clarity and pointed out the activities that do not require Site Plan Review (projects less than 1000 square feet of buildings, structures or parking areas). Chair Vann noted that historically this had been at the discretion of the Director of the Office of Community Development adding “and we are comfortable with that he will continue to judge what should come to us.” With a smile Mr. Throop noted “my job is to fulfill your wishes” adding “it just seems silly to go to the Planning Board to see if you have to go to the Planning Board.”

Mr. Throop also reviewed the activities that may be reviewed and approved by Staff (total area of more than 1000 square feet but less than 2000 square feet community supported agriculture or “u-pick” operations). “In that case a plan would be prepared and submitted to the Office of Community Development and would be reviewed and approved by staff without a public hearing.”

He also reviewed the content of a Webinar he had attended that reviewed RSA 674:32 C and the requirement that the Board grant waivers of generally applicable building and site requirements that would not be reasonable to apply to agriculture.

In closing Chair Vann thanked Mr. Throop for his hard work. “Very nice work, thank you so much.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant