

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of April 17, 2017

Site Visit

Proposed Four Lot Subdivision on Cunningham Pond Road, Parcel # R001-007-000. Park in Town owned lot at Cunningham Pond at 5:10pm. Site visit began promptly at 5:15 pm.

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Joe Hanlon, Rich Clark and Andrea Cadwell

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

Approximately 25 interested individuals and neighbors were in attendance. The site visit began with a walk to the first lot (R1-7-3). This lot has a southwest view of the pond. As Ms. Peterson led the tour she pointed out the flagged wetlands and the current plan for the driveway. A bit further into the woods the group came upon a large borrow pit which sparked conversation about an alternate driveway route which would in essence hug the top of the borrow pit and take the location of the driveway right out of the wetland buffer. The members mainly discussed the wetland buffer, the borrow pit and the potential need for stormwater and drainage plans due to steep slopes. "It depends on where the design falls" said Mr. Throop.

The second and third lots (R1-7-2 and R1-7-1) also had their driveways flagged. These were remarkable in that a large berm (up to eight feet high and significantly higher than the stone wall on the other side of it) was determined to detrimental to the site distance for the driveways. Steep slope standards were also mentioned.

Public Hearing

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Joe Hanlon, Rich Clark and Andrea Cadwell

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

Chair Vann called the meeting to order at 6:33 p.m. and introduced the Board and Staff. "We have a couple of items tonight, let's start with the approval of the Minutes."

Minutes: A motion was made/seconded (Zeller/Hanlon) to approve the minutes of March 13, 2017 with all in favor.

Public Hearing: Boundary Line Adjustment and Four-Lot Subdivision - A Boundary Line

Adjustment between Parcel R001-002-100 and R001-007-000 to transfer approximately 5.1 acres to the latter parcel and a four-lot (major) subdivision of Parcel R001-007-000, with all parcels having frontage on Cunningham Pond Road. The applicant had requested a waiver of Planning Board Subdivision Regulations Section 237-3. A. that requires “major subdivisions” to be reviewed by the Board as a “Preliminary Conceptual Consultation” prior to holding a Public Hearing. That waiver was denied and the Preliminary Consultation was held on March 13, 2017.

Chair Vann asked the members if they felt the application was substantially complete. A lengthy discussion followed with Mr. Throop noting if the Board felt it needed more information to determine if acceptable access could be gained to the parcels, they could hold off on accepting the application as substantially complete and request the additional information. Further he noted that if the Board felt it could proceed without that information at this time provided that the information is provided before a decision is made, then they could call the application substantially complete and proceed with the public hearing. “The difference between the two is that by accepting the application as complete, you start the clock ticking and you will have 65 days to make a decision” he said adding “the main issue is your ability to determine if there is good access to the building sites. If not, you need good documentation to demonstrate that.” A brief discussion about the R1-7-3 driveway (away from the wetland buffer and above the Borrow pit). Mr. Throop noted he felt this was a much better approach. “Bring the driveway up around the top of the Borrow pit and move the boundary pin to maintain the setback distance to the lot line. I suggest the Board consider asking for this change and if the applicant agrees, you might feel more confident in moving forward with this as a substantially complete application” he said. Other concerns such as the berm removal and stormwater management and erosion plans were discussed.

Mr. Hanlon noted “so we give them a list of things to do and we would have 60 days to review them and make a decision.” Mr. Throop interjected “yes, but regarding the boundary line changes, it would be ill-advised to conditionally approve them without seeing where the property lines would be.” He also noted the wetland buffer should be fully staked “to address any additional design concerns you may have.” Citing some topographical and wetland challenges Mr. Throop concluded it would be helpful to have definitive locations of the driveways and houses.

After a brief discussion and a list of concerns were presented to Ms. Peterson, the members agreed to accept the application as substantially complete. Chair Vann concluded “with development this close to the pond we want to be clear on where things are going. I understand they own the land and have the right to develop it, we want to be sure we are getting the best outcome available.”

Mr. Clark noted “they have come before us once already, and they are working on it.” Chair Vann agreed adding “they will have 60 days, is that adequate time to make an informed decision?” Mr. Hanlon suggested they ask Ms. Peterson and her Engineer. Mr. Throop interjected that the Board and the applicant may mutually agree to an extension adding “and the Staff will work closely with the applicants between meetings.”

A motion was made/seconded (Hanlon/Holt) to accept the application as substantially complete with all in favor.

Chair Vann then asked the applicant to present. Heather Peterson introduced herself as the representative for the Peterson Trusts and gave a brief history of the property and how the Peterson family had been good stewards of the land for over 70 years. She noted they'd attempted to sell the property in its entirety but were unsuccessful. She noted a buyer interested in purchasing 20 acres with a subsequent subdivision of three lots for herself and two daughters. She pointed out a lot line adjustment that would give frontage to the back lot and that they met all criteria for the subdivision. She reiterated from her preliminary presentation that with their aging parents "this is getting on to the next generation."

Chair Vann asked if the Board had any questions. With none she opened the hearing to the public. Again, with no questions Chair Vann looked around and said "OK, I think there are some things that need to be clarified or altered before I am comfortable approving this. She began by asking Mr. Throop "does this subdivision in any way affect the Town's access to the pond?" "It does not" replied Mr. Throop. The members then defined a list of items to be clarified including The goal of moving the driveway for lot R001-007-003 above the borrow pit and well out of the wetland buffer as well as the movement of the house location to the south as pointed out at the site visit (or as Ms. Peterson eloquently described "by the dead birch") and berm reconfiguration (or removal) for lots R001-007-002 and R001-007-001 for the sight line with a plan for drainage/stormwater management and erosion control, which is already problematic. Chair Vann asked about the proximity of the test pits on Lot 1 to the wetlands down below. Mr. Throop noted the steep slopes to the west of R001-007-003 and recommended no disturbance to the edge of that slope. "I am not sure where the house would go but they should stay away from the western slope" he said. Chair Vann replied "that is not on the plan, I wonder if that would be a good thing to add. And not just the house location, but also the area disturbed during construction of the house." Mr. Hanlon suggested adding placement of septic locations and all the wetlands. He also noted it would be helpful to show the location of the driveway going in and flagging the 50-foot wetland buffer by the test pit area. Mr. Throop noted depending on where the driveway is sighted, R001-007-003 may need some storm water management as it leaves the existing cart path. "We will need to see how things are designed" he said.

Ms. Peterson asked if a subsequent site visit would be in order with the members agreeing either that or a subset of members would go out to verify all adjustments.

From the audience Dick Estes asked if the Board could recommend non-paved driveways. "Wouldn't gravel be better?" he asked adding "why introduce another paved road?" A brief discussion about pavement, gravel, permeability and prevue of the Board followed.

Judy Blake introduced herself and asked why they simply did not move the house on R001-007-003 to the north and not deal with the wetlands at all. "I am just curious" she said. Ms. Peterson replied the current location of the house has a view of the pond.

Mr. Holt concluded R001-007-003 would need a turnout. "It is 300 feet long, it is too long not to have one" he said. Mr. Hanlon added "it needs to be no more than 50 feet from the house."

With no other questions or comments from the public, Chair Vann continued the public hearing it to the date and time certain of May 8, 2016 at 6:30 p.m. She then read the next application:

Preliminary Consultation: Proposed Professional Home Based Business A landowner is interested in developing a dog training business on their 4.58 acre lot near the end of Ashlee

Drive, Parcel # R012-015-052, in the Rural zoning district. The business will offer classes in a new structure build to accommodate the business and some classes may be located outside of the structure as well. Classes are anticipated to be offered up to 3 times per day for 3 times per week, with a maximum of 6 dogs in each class.

Erica Marshall introduced herself and gave a brief biography of her expertise as a certified dog trainer. She told the members she teaches at the Community Center and offers private training and lessons (behavior agility, reactivity issues, recall and tricks) throughout the Monadnock region. She noted she is constrained both with her schedule and the physical building at the Community Center. "I have to work around every other sports groups in town" she said "and leash work can be dangerous with a dog moving too fast on the Community Center's floor." She went on to say "I would like to offer a greater variety of classes and a better schedule for people and their dogs."

Ms. Marshall briefly reviewed her 4.5-acre parcel on Ashley Drive. She noted construction of a 1200 to 1900-square foot barn for classes (open floor plan with storage in the back for equipment). "We don't have a site plan yet but that is the plan" she said as she pointed out an outdoor area that would be potentially used for agility training for the dogs.

Ms. Marshall reviewed operation hours (weekdays and Saturdays, no Sundays) locations (inside and outside) and class sizes (4-6 dogs per class). She noted evening hours would not go beyond 8:30 p.m. When Mr. Clark asked if she planned to board animals Ms. Marshall replied "no." Chair Vann noted that in terms of structure all setbacks are met. "There is no issue there" she said adding "it is just a question of addressing the professional use."

Mr. Throop pointed out the three categories of home-based businesses (*Home Occupations*, *Professional Uses* and *Home Industries*). He went on to note the six criteria for Home Occupations (resident employment only; maximum of four clients a day; activity conducted entirely within the residence or accessory building with no exterior display; prohibition of commercial vehicles; occupation not to occupy more than 25% of the floor area of the building (maximum floor space is 500 square feet) and approval from the Code Enforcement Officer that the home occupation is in compliance with the regulation.

Mr. Throop continued by noting the potential impact of the proposed use may be more consistent with that of a Home Industry which is permitted in the Rural District by Conditional Use Permit. He noted the provisions of that regulation included no more than six people (including the residents) be employed; the home industry may be conducted in part outdoors but must be screened from the view of abutters (vegetation/topography/fences); no more than 25% of the lot area shall be used for the home industry (including outdoor storage and parking); that anticipated vehicles that access the premises will do so safely and without adverse effect on the safety of the area and the allowance of commercial vehicles if they do not adversely affect the character of the neighborhood.

Chair Vann interjected "it is my inclination that you apply for the Home Industries Conditional Use Permit" adding "in the spirit of the Rural District it is a better fit for what you are proposing given the scope of your outdoor area." Regarding the hours of operation Mr. Clark suggested it be clear that lessons and activities at end of hours (8:30 p.m.) "not be held outside."

Larry Forest introduced himself as an abutter and asked if there would be parking in the driveway. Ms. Marshall replied “yes in the driveway and in the space to the left.” Mr. Forest explained his house was not that far away and while there was some natural vegetation for screening “it is not thick, you can see through it.” He also noted his concern about the current (resident) dog. “We hear it quite often” he said adding “and outside training would have a negative effect on us, we are certainly within earshot.” Chair Vann thanked Mr. Forest and reminded him one of the criteria of the Conditional Use Permit was provision of adequate screening.

Silas Little introduced himself and noted a traffic concern for this type of use. “30 trips a day (in and out) will create a substantial increase in traffic on Ashley Drive, a cul-de-sac off another cul-de-sac with the only outlet being Route 137” he said adding “this changes the character of the neighborhood. It is a complete antithetical for that area.” When asked how he reached the number of trips per day, Mr. Little explained his calculation of planned training sessions with maximum number of animals. “It is a substantial change in the traffic pattern in that area” he concluded.

Martha Lynn introduced herself as an abutter noting “I am the lot across the street and I cannot imagine the traffic.” She noted she had an issue with the resident dog barking as well as she gave specific times of the day she recorded the barking. “I have to close my windows” she said adding “and in addition to what goes on now there will be more dogs, I just can’t imagine.” Mr. Forest concluded “it is a quiet residential neighborhood. That is why we moved there.”

Mr. Throop noted an email received at the Office of Community Development earlier that day from Dana Chenier. For the record, Chair Vann read the letter which expressed concern over increases in traffic and noise on the street.

Chair Vann reviewed the process of a Preliminary Conceptual Consultation was to have the applicant present their plan and get the Board’s and abutter’s questions and concerns. “Then it is up to them to decide to go forward or not, and please be aware that anything said here tonight is not binding” she said.

Mr. Throop noted that while he’d read the provisions for specific home businesses he had not read the general provisions for *all* Home-Based Businesses. These included operation of the business by the resident of the property; the activity must be incidental and secondary to the primary use as a residence; the activity will not change the character of the neighborhood; parking must be off-street (to the side and rear preferred) and screened; activity must be within all federal, state and local environmental controls and zoning regulations; if construction is necessary, Site Plan regulations must be followed (Chapter 233) and approval obtained from the Planning Board; one sign not to exceed six square feet is allowed but may *not* be placed in windows and retail sales are limited to the sale of goods produced on-site and by appointment only.

A brief discussion about other environmental factors and wetlands followed with Chair Vann assuring a Site Plan review would cover all those concerns.

Other Business:

Chair Vann announced a public informational session would be held on the zoning changes April 26th at 6:30 p.m. “Everyone is welcome” she said.

Mr. Clark concluded with his frustration over incremental growth on large plots of land. “We just keep chopping them up” adding “we are the Planning Board, we should be planning.” Chair Vann replied “I agree, and if you have any idea of how to accomplish that...” Shaking his head Mr. Clark replied “I do not” but went on to note the state’s use of curb cuts for regulation. Chair Vann concluded “we know the answer is not innovative subdivision design, we tried that and it was a non-starter but I am fascinated by the idea of curb cuts.”

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant