

PLANNING BOARD
TOWN OF PETERBOPROUGH, NH

Minutes of May 8, 2017

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Ed Juengst, Rich Clark, Jerry Galus, Joe Hanlon 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 6:30 p.m.

Minutes:

A motion was made/seconded (Zeller/Hanlon) to approve the Minutes of April 17, 2017 and April 26, 2017 as written with all in favor.

Chair Vann noted the first case of the evening was the (continued) proposed subdivision on Cunningham Pond Road. She went on to say she and Mr. Throop had gone out to the site earlier in the day to view the driveway staking and found the applicant was proposing a new plan. "So the plan tonight is to open the hearing, hear the new plan and close and continue the hearing to Monday May 15th at 6:30 p.m."

When Mr. Jeungst asked if he should recuse himself Chair Vann replied "no, we are not voting on anything tonight."

Heather Peterson introduced herself and gave a brief review of the new plan. She pointed out the three lots with the middle and largest lot being the one where the buyer planned to build her home. "The other lots are potential building lots but they are for estate planning for now" she said.

As Ms. Peterson pointed out the view to the east and the barrow pit as well as new test pit results from May 8th she told the members "it is the same lot design you saw originally with a driveway on Lot 3 much closer to the road."

Chair Vann mentioned noticing the excavator work that had been done. "All around the pond" Ms. Peterson replied "it was done on Saturday by my cousin Sandy Eneguess."

When asked about the road Ms. Peterson replied “it is considered a structure by the town, it is not allowed to be in current use and certainly has been a fixture of the property for years.” Chair Vann interjected “I understand its existence but that does not make it a driveway.” “It is a road way” replied Ms. Peterson.

Chair Vann concluded “I am much happier with the revised plan. It is a much better position for the house and driveway.” When Mr. Zeller asked “what are we waiting for?” Chair Vann replied “really for staff to review the plan and make sure there are no further concerns.” “Fair enough” replied Mr. Zeller.

A motion was made/seconded (Hanlon/Zeller) to continue the case to a date and time certain of May 15, 2017 at 6:30 p.m. with all in favor.

Chair Vann read the next application:

Public Hearing for a Conditional Use Permit related to Zoning Ordinance Section 245-15 “Wetland Protection Overlay Zone” – The application proposes a temporary crossing of the Wetlands Protection Buffer to install an underground sewer connection to the municipal sewer system. The anticipated temporary impact is proposed to be 1,835 SF. The proposed project is located at 129 Wilton Road, Parcel # U019-005-000.

Chad Branon introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire. He noted he was the representative for OTEC, LLC, owner of the building located at 129 Wilton Road. Mr. Branon noted the existing subsurface sewage disposal system for the professional office building is in failure and the proposal this evening was to connect the existing building to the municipal sewer system, requiring wetland buffer impacts.

“After my client purchased the building they found the leach field was not operating properly and decided the best long-term solution was to connect their multi-tenant commercial building to the municipal system” he said as he pointed out the municipal connection site within the easement of the northeast corner of the property. “That is what we propose to do.”

Mr. Branon went on to note the project would require trenching within the wetland buffer “but this disturbance is primarily a maintained lawn area with a primary function of stormwater mitigation.” He noted stormwater control would be maintained as the disturbance was temporary, was within the existing lawn and would be restored and revegetated. He concluded by noting the proposal is an upgrade for the property that will result in an overall improvement over the

existing conditions of the site. “A commercial site connected to the municipal system is certainly advised” he said.

Mr. Hanlon asked about the manhole on the upper right of the plan. Mr. Branon briefly explained the installation of a sewer sleeve under the intermittent stream to avoid wetland impacts for the crossing of the sewer line to the existing sewer manhole. “There is already a sleeve in place in the existing manhole to accept the new forced main.” Said Mr. Brannon. “Good answer” replied Mr. Hanlon with a smile. Mr. Zeller noted a reference in the staff report about a suggestion from the DPW with Mr. Throop interjecting “As it turns out, it is not practical and we let that one go.”

A motion was made/seconded (Galus/Zeller) to accept the application as complete with all in favor.

A motion was made/seconded (Hanlon/Galus) that the proposed crossing of the Wetland Protection Overlay Zone is essential to the productive use of the land outside the WPOZ and that no better alternative exists (and) that they approve a Conditional Use Permit for a temporary crossing of the Wetlands Protection Overlay Zone to install an underground sewer connection to the municipal sewer system, project located at 129 Wilton Road, as shown on plan entitled “Sewer Connection Plan, Tax Map U019 Lot 005, 129 Wilton Road Peterborough, NH Land of OTEC, LLC at a scale of 1”-20’, Dated April 7, 2017” as it may be revised with all in favor.

Chair Vann read a second request by Mr. Branon regarding the same property:

Public Hearing for Site Plan Review and Conditional Use Permit related to Zoning Ordinance Section 245-15 “Wetland Protection Overlay Zone” – The application proposes to make site improvements to an existing professional office building including improvements to access, parking, lighting, and storm water management. The project seeks to expand the parking facility and storm water system, which will include permanent and temporary impacts to the Wetland Protection Buffer totaling 4,062 SF. The proposed project is located at 129 Wilton Road, Parcel No. U019-005-000.

“OK, let’s talk about the parking lot, it is my favorite thing” said Chair Vann. Mr. Branon reintroduced himself for the record and began by pointing out the paved parking spaces in the front of the Dentist and Optometrist’s office. “They have a shortage of parking” he said as he pointed out the customer parking in the front (11 spaces, paved) and staff parking in the rear (12 spaces, gravel).

Mr. Branon told the members the expansion of the parking area and associated drainage improvements, like the connection to the municipal sewer system will require construction and grading within the buffer area. He reiterated the area to be disturbed is primarily a maintained lawn area with a primary function of stormwater mitigation “and there is no impact to any jurisdictional wetland areas.” He also reiterated the proposal is an upgrade for the property that will result in an overall improvement over the existing conditions of the site.

Mr. Branon told the Board the building housed Our Town Eye Care and an Oral Surgeon. “They need additional parking” he said as he explained “there are up to 12 employees and 4-6 patients at a time on site during operational hours with the potential for walk-ins for repairs, adjustments or scheduling (plus) deliveries.” He went on to note the patient parking would remain in the front (where the main floor entrance is on the north side of the building) and employees would continue to park in the rear. “There is a proven need for the businesses” adding “so they can continue to focus and work closely on providing a service to the community in this location.” He concluded by noting a total of 18 spaces (including 2 ADA spaces) would be in the front of the building and with 16 spaces in the back. “The plan shows an 18-foot wide connecting driveway but I think that will end up being 15 feet to provide the 10-foot setback to the property line in the driveway regulations” he said. Mr. Branon went on to review the construction of a swale on the east side of the site (also in the existing lawn with no impact to the jurisdictional wetlands) and the infiltration system behind the building for run-off.

Mr. Branon told the members “four of the front parking spaces are located in the wetlands protection area and we understand we have to request relief from the ZBA for that but we would like to present our request for Planning Board approval subject to obtaining relief from the ZBA.” He reported they’d met with the Conservation Commission, “who walked the site and have offered a letter of support.” Mr. Branon went on to say “this will result in an improvement to resources in the area and pointing out a rain garden on the southern corner of the lot adding “and so will this.” He concluded by noting debris found in the wetland buffer would be removed and the area restored. “We will do that as part of the project” he said.

With no other questions a motion was made/seconded (Galus/Holt) to accept the application as substantially complete with all in favor.

Chair Vann then noted two site plan compliance issues, the first of which was no bicycle rack. Mr. Branon presented a letter requesting a waiver from the Site Plan Regulations (Chapter 233 Appendix B: A.6.b.) pertaining to the Parking Design and requirement that a minimum of one bike space shall be provided for every 20

parking space. “Considering the nature of the businesses are medical (eye doctor and oral surgeon), riding a bike to these appointments is not encouraged and not feasible” he said.

Chair Vann surprisingly asked “you are going to request a waiver for a bike rack?” She went on to say “I disagree, if we do not provide the infrastructure we do not get the bicycles.” Ms. Cadwell agreed noting she biked to many different appointments, including medical ones. “Can it be in the back?” asked Mr. Branon with Chair Vann replying “sure.” Mr. Branon then quoted Appendix B: Parking, specifically Bicycle and Pedestrian Accommodations noting “*all parking lots shall be designed to provide safe and convenient pedestrian and bicycle access.*” He looked up and said “this says parking access it does not specify a rack.” After a brief discussion Chair Vann reiterated the infrastructure was needed to encourage the action and many would not participate if they could not lock up their bike “so a rack it is” she said. From the audience property owner Jennifer Tyszko once again explained that clients to the Doctor’s offices are often driven there and unable to drive when their appointment is finished. Chair Vann responded by reiterating the provision of the infrastructure to promote the action or activity. “There is a bike rack at the Buddhist Temple” she said. Mr. Hanlon interjected “why is all the parking in the back?” Ms. Tyszko replied “for employees” Mr. Hanlon remarked “exactly, healthy employees who may want to bike to work.” Chair Vann concluded “it is a gradual sea change thing, if you don’t provide the infrastructure you will not get the cyclists. I am unwilling to provide a waiver for the bike rack.” When Chair Vann asked for a sense of the Board they agreed.

A brief discussion about the landscaping followed with Mr. Branon pointing out shrubs and hedges along the low-range berms. “It is a bit sparse” said Chair Vann as she reviewed the requirements for island landscaping. Mr. Branon noted much of the time this type of landscaping is to aid in traffic control and guide traffic with Chair Vann interjected “also they provide shade.”

Chair Vann reviewed the perimeter and interior requirements for parking lot landscaping. Mr. Branon requested two additional waivers pertaining to the Parking Lot Landscaping and Perimeter and Interior Requirements. (Chapter 233 Appendix B: B.1. and B.2.) “We are requesting waivers from this section as these requirements are mentioned in the Staff Report” he said adding the project adds only seven parking spaces to the front lot. “We believe the existing landscape meets the intent of this ordinance.” Regarding the interior area he reiterated the proposal adds only seven parking spaces to the front lot and the existing conditions of the site (wetland buffer and setback requirements) create constraints that do not allow for providing greenspace within the parking configuration. “We believe the site is significantly landscaped and the plan will maintain the majority of the

landscaping on-site” he said. He concluded by noting the creation of a rain garden on the southeast corner of the front parking lot which was requested by the Conservation Commission and noting the positive improvements to the site over the years. “They have done a very good job manicuring the site” he said adding “the site is aesthetically pleasing and doesn’t necessarily trigger the requirements of the ordinance.”

Chair Vann read the request for the waivers. After a brief discussion Chair Vann noted the requirement for island trees could be waived “but you need to replace the trees that are lost in the sewer expansion.” She went on to say “we (town regulations) require trees, so we need trees.” Mr. Holt interjected “I like trees” with Chair Vann agreeing and adding “we’ll require five trees to be placed to provide buffering, I suggest three in the front and two at the client’s discretion.” She concluded by noting “that is given you are granted the Variance from the ZBA.”

When Mr. Throop noted the project had the potential to be completed in two phases. Mr. Branon replied “yes, depending on what the costs come in as. If we were to do phasing the first phase would be the front parking area including the drainage and rain garden work.” Mr. Branon went on to emphasize “we have no intention of not taking care of the property by asking for the waiver. The property has some unique circumstances associated with it. It is not new, it is an expansion of what exists so we hoped for some consideration with the regulations.” After a brief discussion the members agreed to waive the mandated caliper sizes of the trees in question to save money on the project. “Does that help?” asked Chair Vann with Mr. Branon replying “my suspicion is the more you can do the happier my client will be.”

Chair Vann reviewed several options including four 4-inch and two 3-inch or perhaps six 3-inch, not in the islands. When Mr. Branon asked “how about 2-inch caliper?” Chair Vann replied “no, those are twigs!” Mr. Branon also brought up the potential of saving at least one of the marked trees. Chair Vann acknowledged credit may be given if existing trees were saved. “Either way, you’ll have three trees in the front and three trees in the back” she said adding “and they will be perimeter trees having granted the waiver for interior trees.”

Mr. Hanlon asked for clarification on the overflow design located in the southeast corner of the infiltration basin, expressing his concern about the steep slope behind. Mr. Branon replied “the Basin is designed for two, ten and 50-year storm and he does not anticipate a significant or regular flow through the overflow.” Mr. Throop reminded the members the stormwater drainage plan had been sent the Town’s third party consultant for review and their recommendations were due back

in about a week. Mr. Branon assured the members “we are not anticipating any issues with flow on this particular site.”

“OK, anything else?” asked Chair Vann. With no other questions she reviewed the conditions of approval (see motion) with Mr. Throop interjecting “the last condition is the receipt of the drainage consultant’s report.”

Before the motion was made Mr. Jeungst asked for clarification on whether or not a motion on the waiver requests was necessary. Mr. Throop replied “no, it is written into the conditions so it is clear.”

Motion was made/seconded (Holt/Juengst) that the proposed crossing of the Wetland Protection Overlay Zone is essential to the productive use of the land outside the WPOZ and that no better alternative exists (and) that they approve a Conditional Use Permit for a temporary crossing of the Wetlands Protection Overlay Zone to install a storm water management system at 129 Wilton Road, as shown on plan entitled, “Parking and Drainage Improvements”, Tax Map U019 Lot 005 – 129 Wilton Road Peterborough, NH Land OF OTEC, LLC at a scale of 1”=20’, Dated April 10, 2017” as it may be revised, with the following conditions met Prior to Signature of the Plan:

1. The following revisions shall be made to the plan:
 - a. The 4 spaces shown in the Wetland Protection Overlay Zone shall be removed unless relief is granted by the Zoning Board of Adjustment.
 - b. Perimeter screening of the Parking lots along Wilton Road in accordance with the Planning Board regulations
 - c. Two 2 trees at 3-inch caliper and 1 tree at 2-inch caliper shall be added to the front parking lot
 - d. Two 2 trees at 3-inch caliper and 1 tree at 2-inch caliper shall be added to the rear parking lot
 - e. The driveway to the rear parking lot shall be 16’ or less in width and will be no closer than 10 feet to the boundary line
 - f. Addition of a bicycle rack
2. The applicant shall address all comments received from the Board’s storm water consultant related to the drainage report review and the stormwater and erosion control design; with all in favor.

Chair Vann mentioned two upcoming events at the end of the meeting:

Build Maine, Lewiston, Maine. A cross-disciplinary event to explore ways to build economically stronger and more successful towns and cities with adaptive reuse of buildings and value-per-acre analysis June 9, 2017 with a tactical street design workshop the day before (June 8, 2017).

The Downtown and Historic Preservation Conference, White River Junction, Vermont. Highlighting White River Junction's successful revival by bringing new housing, businesses, and jobs downtown. This year's conference features nationally recognized keynote speaker Joe Minicozzi, who has done the math that proves investing in downtowns not only improves our quality of life and economy, but saves taxpayer dollars.

Next Meeting: Monday, May 15, 2017 at 6:30 p.m.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant