

**PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire**

Minutes of May 11, 2015

Members Present: Ivy Vann, Rich Clark, Tom Weeks, Joe Hanlon, Alan Zeller, Barbara Miller, and Matt Waitkins.

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. “This is the regularly scheduled May meeting of the Planning Board” she said. She introduced the members and staff and welcomed the audience. Chair Vann noted for the record that member Audrey Cass had resigned due to commitments of her work.

Minutes:

A motion was made/seconded (Weeks/Zeller) to approve the Minutes of April 13, 2015 as written with all in favor.

Chair Vann took a moment and said “before we get started I would like to go over the purpose of design review” adding “it gives the Board a chance to meet the applicant. It is a non-binding discussion between the applicant and the Board that goes beyond the conceptual stage for more involved discussion on the details of the application – ideally *before* a lot of money had been spent on design and engineering.”

Chair Vann noted representatives from Global Montello Group were present for such a review. She asked anyone interested in speaking to please state their name for the record and asked the applicant to proceed.

Jim Bianco of Bianco Professional Association (Concord, NH) introduced himself as an Attorney and the applicant’s agent. He stood and addressed the Board. “We want to listen and learn” he said adding “we want to be a good neighbor, we are interested in your comments.”

Mr. Bianco then introduced Project Engineer Huseyin Sevincgil of MHF Design Consultants, Inc. (Salem, NH) and Wetland/Soil Scientist Jim Gove of Gove Environmental Service (Exeter, NH).

Mr. Sevincgil began with a brief review of the current site of the project which is better known as Mr. Mike's Convenience Store and Gas Station. He pointed out the location of the retail store, fuel canopies and dispensers, underground storage tanks (USTs) and a storage shed on a large graphic. He described the proposal to redevelop and expand the business by combining abutting lots (one to the south, one to the north and one to the west) and reconfiguring the lot. He presented a color rendition and reviewed the proposed locations of the new curb cuts, parking areas and the expansion of the size of the store and number of fuel dispensers (including a diesel fuel depot/dispenser to the north) and USTs. He pointed out and spoke about the wetlands (located mostly behind the current parcel to the west).

Mr. Sevincgil told the members approximately 2100 square feet of wetlands would be effected with the proposed redevelopment adding "we will go to the ZBA for all approvals and will meet with the Conservation Commission to go over the wetland impacts." He concluded with "this proposal is better and more aesthetically pleasing than what is there today."

Mr. Gove stood and reintroduced himself. He told the members he had gone out and flagged the wetlands on the property last November. Mr. Gove gave the members a report of the wetland impacts on the lots noting an inflow pipe and a man-made swale where a sandy delta had formed. He described the topography (steep) and a fill area before reaching natural slope at the back of the lot. Mr. Gove also reported the strange discovery of the remnants of a concrete dam and space for a spillway. "There may be some history" he said adding "but I am not sure what it is doing there. I cannot figure it out."

Mr. Gove pointed out a man-made drainage ditch (north to south) running into the wetlands. He pointed out the pines and hardwoods along the sides of the current lot noting "a lot of the natural buffer will be retained." "That is a quick overview of what I saw out there" he said.

Mr. Zeller asked for clarification of the natural drainage and if that would be maintained after the construction. Mr. Gove replied that he had not found an outlet. He told the members there is water going in but he could not find where the water was going out. "I never found an outlet" he said.

Mr. Weeks suggested that the way the site was currently configured, "a street drain will have to be relocated." Chair Vann interjected "do we know the state highway setback? Do they have a right-of way?" Mr. Sevincgil calculated the setback to 51 feet to the south and 41 to 42 feet to the north.

Ms. Vann continued with “I have been thinking about it and I have a couple of observations.” She looked up and said “I have to tell you it looks pretty busy, there is *alot* going on (on) this parcel” adding “I am not sure you have the room to do all the things you would like to do.” Chair Vann went on to mention several zoning issues regarding the river and the location of the fuel tanks. She noted the town does not allow parking in front of commercial buildings “and it seems like there is quite a lot of parking, more than we would like to see.”

“Having said that” she said “I have a piece of trace and would suggest an exercise I think is worth doing which would include thinking about the elements you desire and where they would be best placed.” Chair Vann noted the town preferred to maintain the street edge in the District and that the extent of possible curb cuts and parking areas be consolidated and shared between properties. She asked about a potential one-way through the lot asking “perhaps *in* at the north end and *out* at the south end?”

Chair Vann moved on to signage. Mr. Weeks noted two signs of 40 square feet each were allowed in the Village Commercial District. Chair Vann interjected “and we want them to be tasteful.” Mr. Weeks also noted the provision for a 30-foot buffer consisting of either vegetative screening and/or fencing be provided when a commercial use either abuts an existing residential use or is at the District’s boundary edge. Chair Vann asked if there was actually room for a diesel fueling station for tractor trailers. She told the applicant “we want what is better for you and better for us and to try to come to some sort of agreement to make the redevelopment work reasonable for everyone.”

Mr. Weeks noted several issues beginning with the Wetlands Protection District. “Currently the only intrusion is a bit of pavement” he said. He noted the property to the south was legally non-conforming and that Mr. Mike’s had received a Special Exception for their shed years ago. He went on to say “The current proposal is to locate a portion of a convenience store, dumpster and pad, two underground fuel storage tanks with associated piping, a portion of a canopy island and 4 parking spaces within the Wetlands Protection District.” He noted “the proposed additional pavement and use of the current Mr. Mikes site may have some rights as a natural but limited expansion of a nonconforming use, but I question the addition of a convenience store, parking spaces, dumpster and pad, two underground fuel storage tanks and a portion of the canopy pump island without obtaining a Variance from the ZBA.”

Mr. Weeks added that the District required parking to be located to the side or rear of the building *where practical*. He reiterated that going to the south was retail but

also residential and in the Village Commercial District a 30-foot buffer must be maintained. “I personally think the site is very busy” he said adding “and I know your application is not complete but you *will* need a bike rack.”

In closing Mr. Weeks noted the District’s requirement for a plan (a plan *only*) for interconnecting driveways or easements for future construction (promoting vehicle and pedestrian access between lots), lighting of the site (including the canopies to comply with the Town’s light and glare standards of not exceeding a light trespass of 0.1 foot-candles onto the adjacent properties and public ways as well as sign restrictions. “The proposal includes the installation of three wall signs consisting of a 52.85 square foot sign and two 16.05 square foot sign totaling 84.95 square feet. The District permits two wall signs totaling 40 square feet” adding “You would require a Variance from the ZBA for what is proposed.”

Before going to her exercise Chair Vann opened the meeting up to the public. As she did so Mr. Weeks turned to her and asked “are we going to be the designer for them?” Chair Vann replied “no but it is not fair to say there is a problem without considering a better solution.”

Francie Von Mertens introduced herself and asked the Wetlands Protection Zone be identified on the graphic. Mr. Sevincgil pointed and followed a dotted line representing the wetlands edge.

Mose Olenik introduced herself and asked about the two homes (one on the south lot, one on the north lot). “The Heritage Commission has not had time to do any research, we would be concerned about that” she said.

With no other questions or comments from the audience Chair Vann invited the applicants up to the head table to participate in a short exercise that consisted of rearranging the elements of the plan into different configurations. Mr. Hanlon asked about the two driveways and agreed the proposed plan was very busy.

Chair Vann reiterated “again we should not say we don’t like this much without offering other choices.” She noted the Board cared about aesthetics and that plain things are best. “Simpler things are better” she said.

Mr. Waitkins echoed Mr. Weeks earlier concerns “especially the fuel tanks” he said. Ms. Von Mertens made a distinction between wetlands and their buffers “and knowing the total of the square footage of wetlands impacted is something we would have to know.”

Dick Estes introduced himself as a member of the Heritage Commission. He referred to the two houses that were razed two years ago (just across the street from the Mr. Mike's location). "They are gone" he said adding "and now there are two more you are talking about taking down." Mr. Estes concluded with "we would like to keep some of that residential in that area."

Jeanne Dietsch introduced herself as a former ZBA member. She noted another case "where a good amount of time was spent" discussing underground tanks close to the river. She asked "how is this different than the issue we ran into there? Particularly putting in tanks?" She told the members "it is obvious to everyone that if we allow it here it will be difficult not to allow it in other places."

Liz Thomas introduced herself and reiterated the idea of the encroachment. "How do we keep not doing that? She said adding "it is very important. Very important."

Mr. Sevincgil asked for clarification on the 0.1 foot-candle regulation and asked about flexibility at the entrance of the lot. Mr. Weeks read a portion of the regulation for him and noted "you would have to request a Special Exception from the ZBA if you cannot meet it."

With reference to the notion of moving the retail store to the side of the lot (one example discussed during the exercise) Mr. Throop pointed out 245-9 *Village Commercial District* noting the Performance Standards, specifically D-13 that refers to building facades. He read the short paragraph for the record. (Essentially states *all* sides of a structure shall receive design consideration with broad expanses of blank walls being inappropriate) with Chair Vann interjecting "in other words we do not want not see a window-less wall facade."

From the audience Mr. Estes asked "is this going to be an all-night operation?" Mr. Sevincgil replied they were not sure of the hours of operation.

Mr. Bianco thanked the Board for their input.

Large Lot Development Potential:

Mr. Throop projected a parcel map of large parcels in town under single ownership. He pointed out two lots in the southwest corner of the town and said "these two lots are larger than the downtown of Peterborough."

Chair Vann interjected "it is a philosophical question but one we have to think about" adding "what do we think about these larger parcels in light of the Vison Forum and its follow-up survey? Chair Vann encouraged the members to think

about what is best for these types of large lots. “What does the town want for these lots and how do we move in that direction?” she asked. She went on to say “we need to be sure that what we have in place for zoning matches what our vision is for the town. Now is a good time to think about *what do the people want* and *what do we do to make sure it happens.*”

Mr. Throop explained the color coding of the graphic noting the yellow parcels were more than 100 acres in size. “There are 16 or 17 of them” he said. As he pointed out MacDowell Colony, Boston University (Sargent Camp) and Upland Farm he noted “some are likely to never be developed.” He went on to say the purple and green parcels were town-owned or conservation land, the white parcels were 15 acres or greater and the light blue represented the town’s wetland and buffer inventory.

A brief discussion about development restraints and the balance between conservation land and what the town may offer a developer followed. Chair Vann noted she had recently attended a conference on new urbanism and better development adding “there are plenty of reasons to consider this, it is beautiful, it is better for the environment and better financially for the town.” Mr. Clark noted driving down the road “and seeing house, after house, after house.” As a builder, he acknowledged the fact development had to be financially viable “but stuff them back a bit” he said. Chair Vann agreed adding “even if it were village and open space, village and open space, village and open space.” The members briefly discussed incentives for developers to make projects financially reasonable. “We need to start to think about it. We need a better carrot” said Chair Vann.

Plan of Work:

Chair Vann reviewed the list of possible priorities including:

Open Space Residential Development (clearly this cannot be made mandatory, the need for better incentives, rewarding good behavior rather than punishing bad behavior). She suggested the board consider a potential exercise on one of the projected parcel and dedicate the Workshop in June to this subject;

Shoreland Protection Overlay District (the goal is to have the rivers and lakes overlay ordinance march in tandem with wetlands and the shift of Special Exception from the ZBA to Conditional Use Permits from the Planning Board);

Off-Site Parking & Tandem Parking (is it reasonable? Will it cause more parking on lawns?) Chair Vann interjected she would like to see tandem parking for

residential neighborhoods. “It is an alternative that won’t kill anyone and makes for a lot less paving” she said.

Planning Board Regulations with a particular look at subdivision regulations pertaining to condominiums. Chair Vann also suggested a zoning change to allow Bed & Breakfasts (subject to all standard approvals) in the Rural Zone.

Reports from Other Committees:

Ms. Miller introduced Ed Juengst who was sitting in the audience. She told the Board was running unopposed for the position of Selectman. “Ed was a Selectman from 2000 to 2004, he will be a great addition and we are glad to have you back” she said.

Master Plan Steering Committee

Mr. Throop reported work on the Vision Chapter of the Master Plan and a meeting scheduled for May 20th.

EDA

Mr. Throop reported the EDA activity and a meeting scheduled for May 19th.

Mr. Zeller asked about the law suit regarding the Agricultural Ordinance. Mr. Throop explained the legal action was a Summary Judgment and that the town and Dancing Ground Farm have been cleared. “The approval stands” he said.

In closing, Chair Vann noted the Board’s needed to discuss and appoint a new permanent member. Mr. Waitkins noted he felt Mr. Hanlon had more experience. “He seems more qualified” he said adding “that is my observation.” Mr. Hanlon noted Mr. Waitkins knowledge of the local community was an asset to the Board.

A motion was made/seconded (Zeller-Weeks) to appoint Alternate Joe Hanlon a regular member of the Planning Board with all in favor.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant