

PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire
Minutes of June 16, 2014 (Not yet approved by the Planning Board)

Members Present: Ivy Vann, Tom Weeks, Audrey Cass, Alan Zeller, Jerry Galus and Barbara Miller

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. She welcomed the members noting “this is going to be a debriefing of the workshop we had last week. I want to talk about what we did Monday night, what worked and what we could do differently to be effective in future workshops.” She went on to note “I think we let them know that we want to make progress and not deny them the ability to go forward.” Chair Vann went on to say that the purpose of the matrix exercise was not to write the standards “but to write the parameters of writing the standards.” She then began to ask the Planning Board member at each of the tables to report on the focus of their discussion during the exercise. She specifically asked “*what did you struggle with? What points did people agree on? What were the points of disagreement? Were there any surprises?*” and finally “*where there any insights or realizations you heard from the participants?*”

Mr. Zeller replied “well it gave an opportunity to show the entire envelope of what our guest farmers had in mind. There were a lot of suggestions.” Mr. Galus noted the matrix that was distributed as a worksheet was a good idea “it gave people something to do” adding “before we started using it, it was like herding cats.” Mr. Weeks agreed adding “it gave people something to do and gave people who may not normally speak the opportunity to participate.” Ms. Miller reported “the people saw it was a complex issue with potential unintended consequences, that is what I saw at my table” adding “and it was very educational as well.”

Chair Vann pointed out that not one table had discussed more than one item (potential use in the ordinance) and that the discussions on scale and frequency for the one use they did talk about was very time consuming. She went to ask “Ok, what did not work?” Mr. Galus replied “I am not sure why but there seemed to be some confusion about the objectives, it took a long time to get started” adding “I thought the objectives were clear but the participants seemed confused.” Chair Vann replied “that was the point of the matrix, to let the people grapple with what the issues would be.” Ms. Miller noted she liked the use of the matrix but did not feel they had enough time for the exercise. “There is never enough time” replied Chair Vann adding “but the workshops will be easier now as they will be all about the amendment of this ordinance.” Ms. Miller interjected “it was good, we want to make this work, the exercise was good.” Chair Vann agreed noting “it is crucial for people to know we are not lying in the road on this.” Mr. Galus suggested using written objectives in the future “that would be helpful” he said. Mr. Weeks suggested the assignment of an objective to each group versus letting them choose. “Give them an objective” he said.

Chair Vann then moved to the questions of what points were agreed on and if there was disagreement. Chair Vann added “and any insight, realizations or surprises.” General discussion followed with Mr. Zeller noting “we had no disagreements, no one had an axe to grind, we agreed on everything.” Mr. Weeks noted his table generally disagreed with the fact that the mentioned uses permitted by Conditional Use Permits did not necessarily have to be related to agriculture. “We disagree because the uses allowed by that permit process fall under the heading of “Diversified Agricultural Business Enterprise” as an extension of the current or new agricultural use of 50-acre or more properties.”

Chair Vann replied “I think we would have a hard time defending it” with Mr. Weeks noting “there is no Conditional Use Permit proposed for something not agriculturally related.” Mr. Throop agreed that the ordinance was ambiguous and “that a good land use attorney may disagree with you Tom.” Mr. Weeks replied “I think we should fight the fight” to which Mr. Throop noted “we’ll leave that in Dario’s hands and have an appeal process.”

Mr. Weeks also noted his table did not feel the intent of “retail area” was for a stand-alone store adding “and we did not discuss it but in my opinion “restaurant use” does not permit just any type of standalone restaurant but more so the farm-to-table cafes and farm dinners.” He also noted a brief discussion about the internal inconsistencies with the ordinance itself and whether or not a certain percentage of product for the use should come from the farm itself.

Mr. Galus noted his group struggled with the lack of definition of things and what the boundaries were. “With the exception of Ruth Holmes all of the people at my table said they voted against the ordinance” he said adding we see great merit to the theory of this but it is wide open and we are not sure of what might come out of it.” Ms. Miller interjected “agri-tourism is a new word for many of us but I think it should be the title of this ordinance.” Mr. Weeks agreed adding “with a definition.” Mr. Throop noted “the definition in the (state) statute is vague and less defined than what is in this ordinance.” He went on to report on some of the research he had done specifically noting Allyson’s Orchards in Walpole. “They regulate the activity as part of Site Plan Review which is what we would do” he said. He also noted the New Hampshire Planners Association “is wrestling with this as well.”

Mr. Zeller asked “does Site Plan Review kick in every time a farm wants to do a wedding? Or just once and then allowed on an infrequent basis?” This sparked a brief discussion about low frequency activities and how they would be handled subject to the review of the Code Enforcement Officer. “Like a fire permit” interjected Chair Vann adding “but if it is a more frequent activity or something on a regular basis Site Plan Review is quite appropriate to take a look at the impacts of parking, lighting, traffic, life safety, noise and all of those various things.” Mr. Throop agreed noting “we can use Site Plan Review in the short term to make this work.” The members then briefly discussed developing standards according to tiers based on frequency, scale and impacts to the rural character of the neighborhood.

A brief discussion about when the appropriate time to bring the public into the conversation followed. Mr. Throop suggested beginning by identifying key properties and holding focus group for the farmers and abutters. Ms. Cass offered two examples of different models to get diversity at the focus groups. Mr. Zeller asked if the Board was far enough along to include the abutters with Chair Vann suggesting “as we get closer to having a rough set of standards we will have them in the room.”

Mr. Throop briefly updated the Board on an abutter notification requirement passed by the legislature this year which requires towns sending out first class mail notices for zoning amendments “if the change impacts 100 or less parcels.” He also noted that changes in district boundaries or uses were also subject to this notification. Ms. Miller interjected “that is problematic” with Mr. Throop replying “it places a more significant burden, particularly on small towns.” Chair Vann noted “we are the moral agents and it is our responsibility to pay attention to what is going on but there is a limit to the hand-holding and spoon-feeding we can do.” Mr. Throop briefly described methods of notification including an opt-in for electronic notification but also noted the increased burden this creates for the staff.

Mr. Throop suggested the goal was to work on generalized statements to help guide the Board and then turn to the Conditional Use Permit in the regulation to spell out the specificities.” “It is very similar to Site plan Review but more related to use rather than the site design” he said. Mr. Zeller interjected “so the bar is lowered?” with Chair Vann replying “it is a different bar.” Mr. Throop explained “it is to measure if the design adequately mitigates the impacts mentioned in the ordinance” adding “things like traffic, life safety, rural character of the area and agricultural productivity of the soils.” He concluded by noting “for example, parking on prime agricultural soils is probably not consistent with the ordinance.”

Mr. Weeks asked “should we consider an amendment to our Site Plan Review?” adding “none of the uses listed are part of the definition of agriculture.” Chair Vann replied “we do want to talk about that and address it from a point of view of agri-tourism. “We don’t want to set up a use that is only there to support the buying of the hay for the cows, it has to do with agriculture.” All members agreed when Chair Vann went on to say “we want to be careful not to make this too complicated. We want it simple yet protective of the prosperity and convenience of the farmers as well as the rights of the remainder of the town and abutters” adding “simple to read and administer.” With a smile Mr. Zeller interjected “my head hurts” with Chair Vann replying “simple can be difficult, zoning is hard.” Mr. Throop added “and we don’t have to do this alone, we will be working with other resources and committees. We are breaking relatively new ground and this could be a model that could work for other towns.”

Chair Vann then briefly reviewed the difference between a guiding standards (*what we would like to have happen*) and a performance standards (*stating this is how we are going to do it*). “Performance Standards are a different animal” she said. She went on to note “I think we are pretty clear on our guiding standards so the performance standards are next.”

Other Business:

Mr. Throop noted he had two things the first of which was electing a Planning Board representative to the Minor Site Plan Review Committee. He noted the members had continued that item in the past as the member elect (Rich Clark) was not present. With Mr. Clark not in attendance this evening Mr. Throop suggested they once again continue the agenda item with all members in agreement.

“The second thing” said Mr. Throop “is a report back on the Master Plan Steering Committee’s Vision Forum.” He noted the committee had met for the first time since the forum and had an interesting discussion.

He noted the report from the UNH Cooperative Extension was a reiteration of all the data captured on the flip charts during the sessions. He went on to say “and now it makes sense to do a survey to validate the data and try to get more people engaged in the process and go a bit deeper.” He explained the plan to contract with UNH’s Charlie French and Molly Donovan for assistance in managing the data “we had a conference call today” he said adding “and our goal is to establish the parameters to develop and design the material for the survey and have it out by August.”

A brief discussion about the survey followed including its length and format. Mr. Throop noted it would be primarily on line “But we will also mail it out” he said. He noted the importance of broadening the participation. “We had about 200 of the 6200 residents participate” adding “we would like to increase the number of those contributing and go a bit deeper on some things.” He also told the members “we will probably want to do some focus groups after the survey in an effort to get public input and make sure the request for participation is well publicized.”

A brief discussion about how the town could better communicate to the townspeople followed. “Clearly that is a theme” said Mr. Throop. Ms. Miller interjected “but we try so hard to get the information out, it is like being kicked in the stomach when you hear people complain that they did not know about something.” Chair Vann added “yes but people also have to be interested in knowing.” Referring to the newspaper, website, posted notices in the town buildings and special mailings Mr. Throop noted “the town goes over and above what is required to inform the public.” Mr. Weeks suggested posting the notice in the Keene Shopper while Ms. Cass suggested an announcement in church. Mr. Weeks concluded the discussion by noting “not everyone is interested” adding “they have voted for members on various boards and committees and trust those members to maintain the gates for them so they do not have to come to the meetings.” Chair Vann reiterated how important it was to ask the question of *how do you want us to get the information to you?* (bearing in mind) that some people do not want to know.” Mr. Throop noted the Nexel notification system the town uses for sending important messages and warnings “it is free and informative and it does not have a significant percentage of the population signed up” he said. Mr. Throop once again noted the research he was doing to set the stage for the standards. Ms. Miller interjected “that is a good idea, start with what is legal, what we *can* do before we write something and find out we cannot do it.” Mr. Throop noted his own research as well as using the resources of the town attorney and the expertise of the staff for input.

Ms. Miller then complimented Chair Vann and Mr. Throop on their efforts with the research and developing the workshop. Mr. Throop noted Mr. Weeks had also been extremely helpful in the preparation process.

Mr. Zeller asked for clarification about the Conditional Use Permit cited in Article IX of the zoning ordinance. Chair Vann explained how this citation was inappropriately used in the language of the Agri-tourism Citizen's Petition. "The Conditional Use Permit in Article IX pertains only to the wetlands" she said. Chair Vann concluded with "let's think about how we are going to do the frequency and scale as well as a tiered approach or some other way of getting one-off or two-off permits."

Ms. Miller noted the Select Board would be at the Recycling Center on June 21st and June 28th to try to get people to think about joining a board or committee with a campaign called *Love Peterborough, Give back, join a Town Committee*. With a smile Mr. Throop interjected "it is called dump and donuts."

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of June 9, 2014, May 19, 2014 with a minor addition of a comment by Francie Von Mertens with all in favor.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant

Approved as written 7-15-2014