

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

Minutes of July 13, 2015

Members Present: Ivy Vann, Rich Clark, Tom Weeks, Alan Zeller 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 6:32 p.m. welcoming the audience and introducing the members and Staff. “We have two applications tonight” she said adding “but we will start with the Minutes.”

Minutes:

A motion was made/seconded (Weeks/Zeller) to approve the Minutes of June 15, 2015 as written with all in favor.

A motion was made/seconded (Weeks/Zeller) to approve the Minutes of June 19, 2015 as written with all in favor.

Application for Boundary Line Adjustment between two abutting properties, Parcel Nos. U017-141-000 and U017-142-000, located at 14 and 18 Concord Street in the General Residential and Rural Zoning Districts. The result of the Boundary Line Adjustment will transfer approximately 14,728 sq. ft. from U017-142-000 (owned by Fair Point Communications) to U017-141-000 (owned by the Town of Peterborough). The purpose of this application is to accommodate future redevelopment of the Peterborough Library and associated parking lot.

It was noted that in accordance with Section 237-8 of the Planning Board Subdivision Regulations, this proposal is eligible for an expedited review, wherein the application may be “submitted, accepted as complete, and voted on at the same meeting.”

Chair Vann noted the first thing to do was to accept the application as substantially complete. A motion was made/seconded (Weeks/Clark) to accept the application as substantially complete with all in favor.

Mr. Throop gave a brief history of the Zoning Board of Adjustment’s granting relief to the applicant in the form of three Variances on June 1st. He went on to say “and we have identified a fourth Variance that will be required so we recommend your decision is subject to the condition of obtaining the fourth Variance.” He explained the last request would be relief for the FairPoint lot (U017-142-000) as it will be 14,394 square feet and the minimum lot size in the District is 20,000 square feet. “They will have to get a Variance for that but I don’t anticipate an issue” he said.

Rodney Bartlett reviewed the specifics of the boundary line adjustment of the members. He noted the additional space would be used for parking at the Library as well as some additional

green space. “The project is moving forward and this acquisition is a key element to the new Library of the Future” he said.

A motion was made/seconded (Weeks/Zeller) to Approve the Boundary Line Adjustment request for the Town of Peterborough and Northern New England Telephone Operations, LLC at 14 and 18 Concord Street, Parcels U017-141-000 and U017-142-000 on plan entitled “Lot Line Adjustment Lands of, Town of Peterborough and Northern New England Telephone Operations, LLC, Tax Map U17 Lots 141 & 142 Peterborough, New Hampshire, Dated April 27, 2015 by Meridian Land Services, Inc. subject to the following conditions prior to providing signature on the plan:

1. The Select Board for the Town of Peterborough shall have voted to accept the conveyance of this land to the town in accordance with the process set forth in RSA 41:14-a.
2. Obtaining a variance to § 245-7C.1. Of the Peterborough Zoning Ordinance to reduce the parcel size of U017-142-000 to 14,394 square feet in area as shown on the aforementioned plan.
3. Lots on plan shall be numbered in accordance with the Parcel Identification numbering system as required by § 237-19(E) of the Peterborough Subdivision Regulations.

With all in favor.

Application for Site Plan Review for a property located at 111, 113, and 115 Grove Street (US Route 202), Parcel Nos. U021-021-000, U021-022-000, U021-023-000 and U022-001-000, in the Village Commercial District, owned by Global Montello Group. The purpose of the application is to redevelop and expand an existing gas station and convenience store site currently known as “Mr. Mikes Mobil”. The project will require the removal of all existing structures and equipment on the Grove Street parcels. The abutting properties will be combined and a new 4,462 square foot convenience store with eight gasoline fueling locations and two diesel fueling locations will be constructed.

Mr. Waitkins arrived at 5:45 p.m. and Chair Vann appointed him to sit for the Site Plan Review. She also reintroduced the members and Staff.

Chair Vann asked for a motion to accept the application as substantially complete. A motion was made/seconded (Weeks/Zeller) to accept the application as substantially complete with all in favor.

James Bianco of Bianco Professional Association introduced himself as an Attorney and the applicant’s agent. He also introduced Karen Soucy from his office, Heather Monitcup of Greenman-Pedersen, Inc. (Traffic Engineer), Frank Monteiro of MHF Design Consultants (Project Engineer), Dan Berry of Global Montello Group and Jim Gove of Gove Environmental Service.

Mr. Bianco then gave a brief presentation that reiterated several facts about Global Montello Group (with 50 stores, a part of many New Hampshire communities, working cooperatively and being good neighbors). He then reviewed the redevelopment project at 113 Grove Street. He noted a new, modern and attractive convenience store and gas station. He cited the input of the Town Administrator, the Code Enforcement Officer, the Community Development Director, the Conservation Commission and the Zoning Board of Adjustment prior to presenting their Site Plan. He gave a brief timeline of their Preliminary Case Review on May 11, 2015 followed by a

Site Visit by the Conservation Commission reviewing the relocation of Underground Storage Tanks (USTs) and stormwater management on May 21st. He then noted their Zoning Board of Adjustment appearance on June 1, 2015 and subsequent approval for three Variances and a Special Exception. “The Heritage Commission was also involved but they determined there was no need for a review” he said.

Mr. Bianco concluded by summarizing his key points of constructing a modern and attractive convenience store and gas station (providing gasoline and diesel fuel) that will be more environmentally friendly with improved safety and access (sidewalk, traffic flow and lighting) as well as enhanced landscape and green space in keeping with the Village Commercial District. “And that is why we are here tonight” he said.

Frank Monteiro introduced himself and told the members he was present to point out the changes Global Montello Group had completed from the Planning Board Preliminary meeting in May.

Mr. Monteiro had several graphics to show the members as he reviewed the revised plan (new layout, squared-off canopies, diesel units moved forward, larger store with new location and wetland buffers restrictions and the retainment of two driveways (in and out) for access. He introduced Heather Monticup as the Traffic Engineer. Before receiving a report from Ms. Monticup Mr. Monteiro distributed and explained a graphic that suggested an alternative to the Planning Board’s original suggestion to have a single flow of traffic on the site. Mr. Monteiro also touched on the drainage design noting currently it was sheet flow with no treatment. He pointed out catch basins and curbing to capture the run off as well as two wet ponds in the back. He told the members the wet ponds needed to be a certain geometric shape “so they are three times as long as they are wide” he said. He noted the removal of the Japanese Knot wood, an invasive plant and reviewed the landscape design suggested by Mr. Gove.

Ms. Monticup followed with an update from NH DOT (specifically a scoping meeting on June 5, 2015). She told the members there was no change in the use but the project would involve the demolition of a residential home to the north and another to the south. “They wanted us to do a traffic count at the site” she said adding “we have the data and we are in the process of preparing the traffic assessment for the State.” It was noted that ultimately the decision of the traffic flow and what would be required at the site (left-turn lane to the north to bypass lanes) would be determined by the State. When Mr. Monteiro asked Ms. Monticup what her gut feeling was she replied “they are going to want something – I am just not sure what” adding “they will need the traffic data.” A brief discussion about the “one-way in/one-way out followed.

Chair Vann noted her concerns about the traffic flow on the site itself. “It is a narrow site and we have concerns about two-way traffic, it is better served with a one-way circulation on the lot” she said.

Mr. Monteiro told the Board they had devised an alternative flow pattern. He told the Board they were open to suggestions but asked them to bear with him as he presented a concept sketch “and maybe we can meet in the middle.” He went to explain their idea of eliminating uncontrolled flow by separating the truck and vehicle flow. “People (in cars) go anywhere they want” he said. Chair Vann asked about delivery of (supplier) trucks with Mr. Berry noting “it depends, right now they are there every other day for about half an hour.”

Mr. Monteiro pointed out several alterations to the original plan that included shifting the gasoline canopy (+/-) 10 feet to the southeast, deleting one parking space on the north (by the store), reducing the diesel canopy from one to two fueling stations and shifting it (+/-) 12 feet to the northwest creating a one-way diesel flow and finally adding a landscaped island aiding the visualization the flow. He looked up and said “we would like your input on this” adding “of course the State must agree as well.”

A brief discussion about visibility issues for both the traffic flow as well as the sight vision of an attendant in the store to see the canopies in the event of an emergency followed. Chair Vann asked “do you use remote cameras?” Mr. Berry replied “we do.” Mr. Montero told the members “turning the building was not preferred but we did it” adding “having the canopies perpendicular to the store is not a great idea.”

Regarding the newly created green space Chair Vann asked “what are you going to put in there?” Mr. Monteiro replied “anything you want.” Chair Vann replied “a couple of street trees would be nice.” Chair Vann then said “going back to drainage, I hope we are not going to see a hole in the ground with a chain link fence around it” adding “not a chain link fence or any fence around those ponds for that matter.”

Mr. Monteiro pointed out the ponds would have standing water in them and from a liability point of view there would have to be some kind of a barrier. “Vegetate it” replied Chair Vann. Mr. Monteiro asked “what about a little piece of fence?” He acknowledged chain link fences were ugly and with a smile asked “how about a white picket fence?”

Chair Vann replied “we don’t fence natural ponds in that way – it is not attractive.” Mr. Clark interjected “*they* are building it and if a kid drowns in it you will have to eat these words.” Chair Vann was insistent that a well landscaped natural pond is not like a swimming pool. Mr. Throop asked about the depth of the elongated wet pond and pointed out the wider one being located behind the building would have less of an adverse impact. Chair Vann reiterated the visual impact of fences and said “you should really think about *how much fence* do you need?”

The members briefly discussed the concept sketch adding ideas about internal landscaping to assist in the flow of the traffic as well as the telephone pole inconveniently located in the middle of the lot. Mr. Throop advised the members of the lengthy process of relocating the pole. They briefly discussed a change to diagonal parking versus straight pull-in parking on the lot with Mr. Throop advising “not if you are going to have two-way traffic. That would be very problematic.”

Mr. Weeks noted the ZBA granted a Special Exception in the Wetlands Protection Overlay District subject to compliance with the recommendations of the Conservation Commission at their May 21/22, 2015 meetings. He asked “have all the conditions been met including presenting the stormwater system plan to the Conservation Commission for review?” Mr. Monteiro replied “no, not yet.” Mr. Weeks noted “that needs to be fulfilled.” Mr. Weeks went on to review the Variance that was granted for Underground Storage Tanks (USTs) within 1,000 feet of Contoocook River and asked if that approval was in substantial compliance with the preliminary plans presented to the Zoning Board of Adjustment on May 20th. “We need to verify if the current location is in substantial compliance with the plan approved by the ZBA” he said. It was determined the updated plan (showing the relocation of the store and fuel stations) was presented to the ZBA.

Mr. Weeks continued down his list of concerns that included items that were noncompliant with current zoning regulations and that would require Variances from the ZBA if not addressed prior to site plan approval.

This list included:

As required by § 245-9 D6, every proposal shall include a plan for interconnecting driveways or easements for future construction of driveways that will provide and promote vehicular and pedestrian access between adjacent lots, without accessing the highways; and shall be designed to provide safe and controlled access to adjacent developments where they exist. Future vehicle access is shown to the Plaza to the south but not to the Scott Perry property to the north. Mr. Montero noted a sidewalk connection and Mr. Throop pointed out that the relocation of the building “pretty much closed the option on that and Dario has indicated that given the circumstances, he thinks the proposal meets the intent of the ordinance.”

As required by § 245-9 D14 whether attached to the building or free-standing from the building the above-ground 1,000 gallon propane tank and trash enclosure are required to be completely screened and clad with similar materials as the building. “I am not sure this Board can waive that” he said. Mr. weeks went on to note “a decision will also have to be made by the Board as to whether the purpose and intent of this section should define the gas and diesel fuel pumps as being surface mounted mechanical equipment.” he said. A brief discussion about the definition of *mechanical equipment* concluded that the ordinance referred to HVAC Equipment (either ground or roof mounted) but not gas pumps. Chair Vann interjected “the LP tank will be buried.” Mr. Monteiro replied “yes, and the trash is above ground surrounded by a chain link fence with privacy slats.” Chair Vann immediately replied “let’s think about the enclosure.” Mr. Monteiro noted the *similar material* noted in the regulation would not work as it cracks very easily. Chair Vann noted “we will have to talk about it but the chain link fence and privacy thing is not acceptable.”

As required by § 245-18D10.b. the building is permitted a maximum of two wall and/or building signs totaling 40 square feet in area. The current plan proposes two wall signs that are in excess of 66 square feet in area. Mr. Weeks noted “it appears that the method the applicant used to measure the AllTown Market sign is not consistent with the method of determining the size of a sign in § 245-18E.2.” He went on to say “the applicant proposes a conforming freestanding sign that is 40 square feet in area.” He advised the applicant may want to consider reviewing ZBA Case No. 697 that permitted a 52.6 square foot freestanding sign. “I just want you to be aware of it” he said. “We will follow up on that” replied Mr. Monteiro.

As permitted by § 245-33D8.i the access-ways (only) are permitted light trespass not to exceed 0.1 foot-candles up to 20 feet into the public right-of-way. As proposed a *Special Exception to Article VII § 245-33D8.i.* will be required for the entrance light trespass that exceeds the 20 foot limitation (permitted by § 245-33I).

As required by § 245-33D7 light trespass other than access ways are not to exceed .1 foot-candles onto public way. “It goes beyond that right now” he said. A brief discussion about light trespass and its calculation followed with Mr. Monteiro stating he would follow up on the matter. A *Special Exception to Article VII § 245-33D.7.* Will be required if lighting fixtures other than

the pole lights at the entrances exceed 0.1 foot-candles beyond the front property line (permitted by § 245-33I).

As required by § 245-33D.2. Illuminated areas of the site are not to exceed an average of 1.5 foot-candles. Plan indicates the average illumination of the paved area at 4.87 foot-candles. As proposed a *Special Exception to Article VII § 245-33D.2*. Will be required for exceeding the permitted 1.5 average foot-candle limitation in Table #3 (permitted by § 245-33I). Mr. Weeks noted “the lighting exceeds the average allowed for the site.” Mr. Monteiro replied he would follow up on it and a brief discussion about regulation calculation (undefined areas of illumination and the intent of the ordinance) followed. Mr. Throop noted several similar examples including Rivermead Retirement Community and Monadnock Community Hospital that they could research for the next meeting.

As required by § 245-32B1. D.2. The front parking setback is less than the 20 front setback required by § 245-32B1.

Mr. Weeks asked if any of the vegetated buffer between their and the property to the north is actually on their property (under their control) and if any of it will be removed to install a basin for roof drainage. He also asked if the roof drains could be put into a sedimentation basin to the side of building and improve screening. Mr. Monteiro noted that when they thought about the storm water management system “We considered underground tanks” adding “but it is not just about collection, it is about treatment as well.” A brief discussion followed with Mr. Monteiro noting they would reassess the plan. Mr. Weeks replied “I would just ask you to look at all the options to maintain as much as the vegetation in the buffer as possible.” He then pointed out “the plan does *not* appear to have the required screening for the property to the north so additional screening may be required.” He then asked about adding a natural buffer or a 6-foot stockade fence to screen the neighbors. Mr. Waitkins interjected “if you have to add screening I would prefer vegetative over a fence.” Chair Vann agreed adding and looking at Mr. Monteiro said “what you should take away is that we prefer not to have a fence.”

As required by § 233-28 in the Appendix B Parking regulations, parking lots containing 10 or more parking spaces have certain perimeter and interior parking lot landscaping requirements. “Currently there is none (screening) in the front of the building so additional screening of the parking area in front should be required” he said adding “the applicant may want to consider applying for a waiver for the interior landscaping requirements.” Another discussion about ordinance calculations for interior requirements (10%) followed. “10% of what?” asked Mr. Monteiro referring to 10% of the entire lot or 10% of individual areas on the lot. All agreed a conventional parking lot was easier to calculate but “this is different.” Mr. Weeks noted a waiver of this Planning Board Standard may be requested.

Mr. Zeller asked “is it still going to be a Mobil Station?” Mr. Bianco replied “yes.”

Chair Vann noted she also had a list of concerns. She began with Design Standards. “We like our buildings to speak to the other buildings in town” she said adding “the windows on the front do not match and we prefer them to be vertical.” She noted the “lick and stick stone was not of local vernacular (clapboard would be better) and the rear elevation of the building is not detailed enough.” She went on to say “the regulations state *all* side of the building will be articulated.” She noted leeway for the wetland side “but the back needs to be more clearly articulated.” She suggested several ideas

including better trim out on the doorway (so it is less flat looking) as well as improving the street side of the building. Windows? She asked/suggested. "You need more articulation on this side as well" she said adding "we care about this quite deeply, that the side facing the street not be a blank wall. I would prefer a window there." Mr. Waitkins interjected "it is to your advantage, more people than you realize walk by there." Chair Vann concluded by noting "and this is part of the Village Commercial District, we really need to do this." Mr. Bianco replied "we have heard you." Mr. Monteiro asked for clarification on the windows (which should match geometrically, something they do not do now). Chair Vann said "our preference is that they are shaped like a person tall as opposed to wide." She added "they should match on ends and the gables (and) in my opinion they should be taller and narrower, losing the fake stone. It is not a part of the local vernacular." Mr. Monteiro was curious why Chair Vann did not like the stone. Chair Vann replied "it is lick and stick, it is not real. It is not native and it has no function." When he asked about suggestions for more articulation Chair Vann suggested one idea was raised panels on the door with better trim to get a shadow line.

Chair Vann then opened the hearing to the public. Jack Bowes stood and introduced himself as an abutter to the first case "I am late" he said. He then asked about the status of the percentage of completion for project. Unsure of his request Mr. Monteiro asked for clarification with Mr. Bowes explaining he was new in town but his former town had a minimum of three public hearings and the process for public reviews could be classified as 25, 50, 75 or 100% complete. With a smile Mr. Monteiro replied "well when we submitted the plan we were 100% but after tonight we are probably at 50%" Mr. Throop explained the Town's regulations do not have a specific requirement for a set number of public hearings for site plan review. Simple projects may have just one public hearing and more complex projects often have several..

In closing Mr. Monteiro asked if the members had any questions for Mr. Gove. Chair Vann thank him for coming noting "I believe we have established our concerns."

In discussing the date and time for the next meeting Mr. Throop asked if they would like to continue to the Board's Workshop night (one week later than its regularly scheduled monthly meeting) to allow for more time. Mr. Monteiro opted for the regular meeting on August 10, 2015. Mr. Throop indicated that with respect to the drainage review, if a revised site plan and drainage report could be submitted by July 24, 2015, the review would be completed by August 7, 2015.

A motion was made/seconded (Zeller/Clark) to continue the hearing to August 10, 2015 for further discussion and review with all in favor.

Workshop Discussion:

Chair Vann noted she and Mr. Throop would work on the agenda for the Workshop scheduled for July 20, 2015 at 6:30 p.m.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant