

**PLANNING BOARD**  
**Town of Peterborough, New Hampshire**

**Minutes of October 14, 2019**

**Members Present:** Dario Carrara, Ivy Vann, Rich Clark, Sarah Steinberg Heller, Judy Wilson Ferstenberg, and Lindsay Dreyer

**Also Present:** Pete Throop, Laura Norton and Kristin Bixby, Office of Community Development

Mr. Carrara called the meeting to order at 6:30 p.m. He welcomed the audience and introduced the Members and Staff. He noted Mr. Zeller, Mr. Juengst and Mr. Ward were unable to attend, and a motion was made/seconded (Carrara/Ferstenberg) to appoint Alternate Dreyer to sit.

**Minutes:** A motion was made/seconded (Vann/Dreyer) to approve the minutes of October 7, 2019 with correction of typos with all in favor.

Before the first Public Hearing began Mr. Throop announced the second (continued) Public Hearing would be audio-recorded so that the absent Members may hear the testimony (an important factor in the consideration of a decision at a later date). He noted the intent of the tape was solely for this purpose and the tape would be destroyed after being heard by the members who were absent. He indicated that the written minutes would serve as the official record.

**Public Hearing:** Request for a three-lot Subdivision of a 45.93-acre parcel owned by Middle Hancock, LLC located in the Rural Zoning District, Parcel Number R008-032-000, located across from 162 Middle Hancock Road. The project proposes to create a 3.1-acre lot with 303 feet of frontage, a 29.8-acre lot with 417.8 feet of frontage, and a 12.1-acre lot with 625.8 feet of frontage, all on Middle Hancock Road. The purpose of the subdivision is to create three residential building lots. The applicant is requesting a waiver of Section 237-14.B.20 Wetland Delineation, as it relates to the requirement for submitting a wetlands delineation for portions of the land that are not proposed for development.

Chair Carrara made note that the applicant would be seeking a waiver from the Subdivision Regulations (Section 237-14.B.20 *Soil and Wetland delineation*) as it

relates to the requirements for submitting delineation for portions of the parcel that are *not* proposed for development.

Dennis McKinney stood and introduced himself as a land surveyor and representative for John Lord, a Member of Middle Hancock Road, LLC, who was in the audience.

Mr. McKinney summarized the hearing notice as “pretty much covering it” and that the plan was very basic in nature. He told the Board NH DES had granted subdivision approval for the 3.1-acre lot, (required when a lot is less than the 5) as suitable for onsite septic development. With regards to the waiver request Mr. McKinney identified the building envelope for each lot and pointed out the remaining 29.8 acres that that would not be developed. Mr. Clark inquired about the delineation and steep slope of the north lot and a brief discussion about the location of the dwelling unit and septic system for that lot followed.

With no other questions from the Board Chair Carrara noted he would entertain a motion to accept the application as substantially complete. A motion was made/seconded (Vann/Ferstenberg) to accept the application as substantially complete with all in favor.

Chair Carrara then opened the hearing to the public. With no questions or concerns from the public Chair Carrara closed the public hearing and read the deliberative statement.

***Deliberation:***

As a motion was being made (Ms. Vann) Mr. Throop interjected that if the Board is inclined to grant this subdivision, the approval should be subject to the conditions as outlined in their Staff Report. The Members reviewed the conditions of approval and Ms. Vann amended her motion to include them as follows:

An amended motion was made/seconded (Vann/Ferstenberg) to approve the request for a three-lot Subdivision of a 45.93-acre parcel owned by Middle Hancock, LLC located in the Rural Zoning District, Parcel No. R008-032-000, located across from 162 Middle Hancock Road. The plat is titled “Subdivision Plan, Property of Middle Hancock, LLC, Middle Hancock Road, Peterborough, NH at a scale of 1” = 200’, dated August 27, 2019 and prepared by Dennis D. McKinney, subject to the following conditions:

*Prior to signature of the plan:*

A note be added to the plan stating there will be substantial compliance to the plans submitted on August 27, 2019 and approved October 1, 2019 and that any grading or development proposed in areas different for those shown on the plan shall require a wetland delineation

Street addresses will be obtained for the Fire Department and added to the plan.

Parcels numbers shall be confirmed with the Assessing Department and the plan will be modified as needed to show correct parcel numbers.

Prior to the issuance of a building permit the applicant shall demonstrate receipt of driveway permits from the Peterborough Department of Public Works.

With all in favor.

**Continued Public Hearing:** EAM Peterborough Holdings, LLC is seeking subdivision approval and a conditional use permit for a 20-unit residential condominium project served by a private road, utilizing the Traditional Neighborhood Overlay Zone 1 (TNOZ1) Section of the Zoning Ordinance (Section 245-15.3). The two abutting properties on which the project will be sited are located at 69 & 75 Concord Street, Parcel Numbers U016-041-000 (located in the General Residence zoning district) and U016-042-000 (located partially within the General Residence zoning district and partially in the Family zoning district). The project proposes to demolish all existing buildings on the two parcels and to construct 14 single-family homes and 6 multi-family units in two, three-unit buildings. Access to all dwellings will be from a private 500-foot long loop access road serving the single-family dwellings and a 180-foot long dead-end access road serving the two multi-family buildings.

The applicant is requesting a waiver of TNOZ1 minimum requirements as follows: Section 15.3.E.3.b.i to permit lot sizes of less than 5000 square feet for a single-family dwelling; Section 15.3.E.3.b.ii to permit a portion of the end unit in each multi-family building to be located in the Family District; and Section 15.3.E.4 to permit front setbacks less than the minimum of 15 feet. The applicant is also requesting waivers of standards set forth in Chapter 237as follows: Appendix A “Street Standards” Paragraph D “Private Roads” and several Roadway Geometric Design Standards set forth in Table #1.

Before getting started, Chair Carrara gave the Board and audience a sense of how the hearing was to proceed. He noted the applicant would be invited to complete their presentation (including lighting and landscaping plans). When finished the Board would hear from Matt Lundstead of Comprehensive Environmental Incorporated

(CEI), the Town's third-party consultants on reviewing stormwater and erosion issues. "This will be followed by public input, comments and questions," he said.

For the record Chad Branon stood and introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative for EAM Peterborough Holdings, LLC.

Mr. Branon began by reviewing a tabulated Lot Size Chart and Lot Coverage by Limited Common Area (LCA) he had prepared for the Board as a result of a request by Member Ivy Vann. He reviewed the dimensional requirements of the General Residence and Family Districts as stated in the ordinance and reviewed the lot coverage calculations for the proposed impervious areas that included buildings, walkways, miscellaneous pavement and LCA with a result of 18% in the Family District and 28% in the General Residence District. "As you know we are requesting waivers for some of the common area lot sizes and we hope this chart will clarify why the waivers are being requested," he said.

Mr. Branon went on to describe how the applicant had been before the Board on many occasions with their plan, how the plan has continued to change from its initial conception in the preliminary stages almost two years ago to what they see before them. He noted the request by the DPW to increase the width of what they described as an access right-of-way (the limited common areas (LCAs) surrounding the road) to 20-feet and the Police Department's request to make the street (originally intended to be one-way) be re-designed to accommodate two-way traffic. He went on to note the changes had resulted in some adjustments to the LCAs of the adjacent lots (some with already existing uncommon geometries) making them fall below the required 5,000 square foot threshold. "With that said we can make modifications to the plan to make the majority of them meet 5,000 the square feet requirement if that is what you want," he said.

As Mr. Branon distributed and then reviewed the chart, he pointed out the LCAs that were over and under the 5,000 square foot threshold as well as a summary of the averages. He noted "in the end the equation shows the total LCA is in excess of 354 square feet and the average size of the lots is 5,025 square feet for the single-family units." He concluded by telling the Members, "this is a representation of how we meet the intent of the ordinance and how the plan was initially designed to meet the requirements." He told the Board, "we make adjustments to the LCA between the units as we make adjustments to the plan."

After reviewing how each lot may be adjusted to meet the 5,000 requirement Mr. Branon told the Board, "the point being when we get revisions to the plan we don't do a global redesign of the project" adding "in the end, this left units short on area

isolated after revisions (primarily because they are isolated by the road). He told the Members, “we can make each of those lots compliant by lengthening the road to make up space but we prefer not to redesign the project just to prove we can meet the stated requirement (especially) when we average *over* 5,000 square feet per lot in the end.”

Mr. Branon then asked for feedback from the Board on the revision to make the lots 5,000 or larger *or* keeping the roadway as it is and seek the waiver. Chair Carrara reminded the Members, “that is a good question, but I would like to remind everyone that we’ve only had this application or eight days. We’ve seen lots of preliminaries and changes (all non-binding). I suggest we see how things progress through tonight and not make any decisions right now.”

Mr. Branon continued with a review of the DPW’s request for specific road designs, the Fire Department’s review (yielding no additional concerns) and lastly the Site Plan design. The Board reviewed the construction process with Mr. Throop noting the Board’s Stormwater Third-party Consultants had reviewed the plan and submitted comments and concerns related to excavation, stormwater management and erosion control. It was noted that while a significant amount excavation from the site would be used to raise the elevation along Concord Street above the 100-year flood plain, the applicant reiterated there would also be significant amount of material (approximately 8,000 cubic yards) of material that would be removed for the site entirely. Mr. Throop reminded the Board that applicant has asked the Board to consider granting conditional approval of the project noting the applicant and consultants would work together to resolve all concerns that have been brought to their attention.

Mr. Branon told the Board the project would not be phased and went on to detail the sequencing for them. He noted the sandy material on the site and told the Board additional test pits would be completed “as requested by CEI but also as a necessity for the Alteration of Terrain Permit from the State.”

Mr. Branon then briefly reviewed the *Lighting Plan* (pole-mounted lights at the project intersections and garage-mounted lights on the units with the calculation of the average foot candles to be added to the plan); *Landscaping Plan* (plant species and street trees as well as landscaping in the bio-retention areas and rain gardens); *Snow Removal* (to be stored along the access roads adjacent to proposed driveways and green spaces and to be maintain by the HOA with no burden on the municipal services); *Stump Removal* (all stumps will be removed from the site); *Security* (noting he had seen this for the first time) Mr. Branon asked, “I assume this means the bond?” with Mr. Throop replying, “it usually refers to a letter of credit, it is just a part of the process.” Mr. Branon concluded by briefly reviewing the requested

waivers, reiterating they had received CEI's report last Friday. "We had the opportunity to go through it and we have no issues with it, it is all within standard practices with the permits we will be seeking from with the State," he said.

Chair Carrara thanked Mr. Branon and asked if there were any questions. "I actually do have a question," replied Ms. Vann. She went on to say, "I have been looking at the 6 units up on the hill and I wonder if you may be better served by *not* doing them." Ms. Vann went on to say, "there will be a half million dollars invested in infrastructure for 6 units. Would you not be better off without them?" Ms. Vann concluded, "this is only *my* observation." Ms. Ferstenberg interjected, "I tend to agree with Ivy. I think it will cost a lot to build," and asked if the space could be used as open space for the residents. She also noted the lack of parking for guests throughout the project.

It was noted public parking did exist along Concord Street and a brief discussion about that guest parking followed. Mr. Branon noted each unit provides two parking spaces with guest parking incorporated along the road. "It is not a lot different than other projects, it is just a different style," he said adding residents will be aware and buy into the project with its limitations. "The restrictions have been designed to enhance greater pedestrian connectivity and traffic," he said.

Mr. Branon noted, "just to touch on the units in the back we actually spent a lot of time over the past week evaluating the development of those units and the associated issues (specifically the requirements for the retaining wall and roadway) and after running the numbers we have come up with an alternative plan that eliminates the multi-family units in the back." He told the Board, "it was my intension to present this a bit later but since it has been brought up, I think now is the most appropriate time to address it."

As Mr. Brannon distributed copies of the new plan he recalled the numerous preliminary meetings and site visit. While he thought they had addressed many of the steep slope and topographical concerns regarding the multi-family units, "there is a lot of energy, interest and concerns for those units that still exists. As a result, we have an alternate design for the Board to consider at this time."

Mr. Branon reviewed the modified layout with (now) 16 units. The multi-family units had been eliminated along with the private road in the back and replaced with two single-family dwellings. "This enables us to eliminate the retaining wall along the back." Mr. Branon went on to review slope ratios to the north (still 3:1 but not as close to the boundary line in that location) and to the south (currently graded a 1:1 that will become a 2:1). He noted the site was unique and he reiterated they had not encountered groundwater (which is a good indicator for successful grading). "I

am very confident about their stabilization efforts,” he said which included vegetation, terraces and benches (no rip-rap rock which was noted to be a concern). “This plan will minimize the construction of the road and the retaining wall and is a good balance for the concerns we have heard allowing us to move the project forward with your feedback,” he said.

Chair Carrara asked, “so does this eliminate the waiver request (Section the on 15.3.E.3.b.ii ) to permit a portion of the end units in each multi-family building to be located in the Family District?” “Yes,” replied Mr. Branon.

Ms. Vann noted her approval adding, “and this is likely to be a big improvement, but my concern is that the two units in the back may not meet the architectural standards, that is something you should keep in mind.” She went on to say, “I do think it is much better fit, I’d like to see you go in this direction.” Ms. Dreyer added, “and less maintenance and less huge infrastructure is a better way to go.” Mr. Branon told the Members the plan would reduce and lessen the burden on the infill design and system they had incorporated. Regarding the garage setback waiver requests, Chair Carrara noted these particular units would not be seen from the road, with Ms. Vann interjecting they will need to request the waiver for the garages. “We *will* still be seeking those waivers,” confirmed Mr. Branon.

Chair Carrara thanked Mr. Branon and moving on to the Consultant’s report, noted the excessive detail incorporated into CEI’s review “was based on the first plan.” Mr. Throop told the Members an update for the drainage report would be necessary as a large percent of the report was related to the erosion control and excavation activities on the site. He also reiterated that several questions about the infiltration system still need to be addressed and the need for additional stormwater information (including the test pits located where the underground infiltration system is located and where the infiltration basins are located). He told the Members “I would not be comfortable with that being a condition of approval.” He went on to say, “you need to make sure the stormwater system has the ability to function.”

Noting they may have pitched the consultant a curve ball, Chair Carrara went on to introduce CEI’s Matt Lundstead to the Board.

Mr. Lundstead gave the Members a brief summary of the technical review they had completed for the original Woodman’s Place Project. He noted erosion control and stabilization measures were paramount and they had recommended the phasing of a construction sequence plan that would show disturbance during each phase (particularly with the need to excavate, stockpile and handle the large amount of material to be removed).

“With the new plan, he noted the benches that were suggested for both slopes and how they should infiltrate.” He told the Members he was confident they could work off-line with the applicant on the “back and forth” communication, engagement and process. When asked about the test pits perking, Mr. Lundstead explained a bit about groundwater elevation (seasonal and not) and with the questions they had they were requesting the applicant to do two new test pits within the footprint of the underground infiltration system. He went on to say, “it may not be as critical with the new plan, but it is still a concern.” Mr. Branon noted the Alteration of Terrain Permit will require a certain number of test pits in each surface infiltration basin, “so that is going to happen anyway.”

A brief review of the Groundwater Protection Overlay Zone and all new development, impervious surfaces cannot not be greater the 20% unless stormwater runoff is effectively infiltrated on site. Mr. Lundstead reiterated he felt they could work well with Mr. Branon to resolve any concerns. Mr. Branon once again assured the Board that the Alteration of Terrain Permit from the State would ensure all necessary work be addressed. Ms. Vann asked Mr. Lundstead if he would like to see the new test pit data before it goes to the State with Mr. Lundstead replying “it is not unusual for it to go to the State directly. Some Boards want to see the data first, it is really up to you, but it is less critical given the soils on site.” “So no,” confirmed Ms. Vann, with Mr. Lundstead replying, “correct.”

Mr. Throop interjected, “So my only question is do you want to see a final erosion/grading plan prior to approval?” Ms. Vann replied, “yes, we have seen enough of the grading issues that we should see the final plan, but I think we are alright with letting the State take the infiltration from here.” Mr. Lundstead agreed and reminded the Members “and another critical element in the new plan is that the retaining wall goes away and where that drainage *would have gone* during construction is no longer an issue.” Ms. Vann interjected, “OK, let’s let DES deal with infiltration.”

With no other questions from the Board, Chair Carrara opened the hearing to the public. “Everyone will have a chance to speak at least once tonight,” he said.

John Kaufhold introduced himself and moved to the front of the room with a prepared letter for the Board. He told the Members, “I am here speaking only for my wife and myself” and read his letter for the record.

This letter touched on what he described as an unlikely neighborhood for such a development (located off a major State Highway) as well as traffic issues and noise pollution. Mr. Kaufhold questioned the waivers request process and the lack of

criteria for granting waivers, the lack of a traffic study, potential maximization of the municipal utilities systems, the intent of the TNOZ 1 (encouraging the enforcement of the ordinance as it is written) and the lack of the developer's ability to create and maintain the gateway, streetscape, and character of the neighborhood.

Patricia Row introduced herself and conveyed her concern as a mother and grandmother that there was not a play area for children or grandchildren of the residents. "I can just see skateboards and balls being chased into the road," she said, "it is a real danger."

James Fearnside introduced himself noting the lack of a decent plan for guest parking. He told the Board the One Sand Hill Community "has a guest parking space for every two residential spaces." He went on to note parking on Concord Street would be dangerous ("very bad at night and snow removal time") and that snow removal for their development ends up being a "musical cars" scenario where residents move in and out of the guest parking spaces to accommodate their snow removal. "The guest parking spaces are critical for that," he said.

Jason Pelletieri introduced himself as a member of the Heritage Commission and told the Board and audience that he also had a statement to read, adding with a smile, "but I am a fast reader."

Mr. Pelletieri noted the Heritage Commission was established to protect and preserve town resources that are valued for their historic and cultural significance, including working with the Planning Board to preserve historic buildings and landscapes. He went on to note their concern regarding 75 Concord Street, which currently provides two affordable housing units.

He reiterated the minimum requirements of the TNOZ1 ordinance as cited and the Vision Statement and Goals and Objectives of the Town's Master Plan which encourages the "look and feel" of new development to maintain its community character. He concluded by urging the Planning Board to seek a balance between the advantages of infill development and the community's longstanding commitment to historic preservation. He then asked the members of the Heritage Commission to stand in recognition. This included Peggy Vanvalkenburg, Tina Rapp, Karen Kambol, Doug Ward, and Peggy Shaughnessy.

Dennis Cilley introduced himself and reiterated his concerns about the steep slope areas to the north and east and suggested, "there should be at least a heavy vegetative buffer there." Mr. Cilley also noted while it appeared some town officials did not feel a traffic study was necessary, "the Police Chief has asked about one and I still feel one is needed."

Ann Twitchell introduced herself noting one of her concerns was the entrance and exit (in to/out of) the development on to Concord Street. “Will the State come to see if that is acceptable?” she asked.” Chair Carrara noted the reduction of four curb cuts to two curb cuts for this project (something the State likes to see). Mrs. Twitchell then asked if the units would be considered affordable housing. Chair Carrara replied, “My understanding is they will not. I don’t believe they will classify as affordable housing” he said. A brief discussion about the average mean cost of construction in the area (approximated to be \$200.00 a square foot) followed.

Lavinia Clay introduced herself and began by thanking all of the individuals who had spoken before her. “They have not spoken for personal gain but for the good of the community as a whole,” she said. Mrs. Clay noted she had reviewed the Plan Set and had two specific questions, “where (as an abutter) I touch the property?” She noted the first was on Page 2 of the Plan Set (regarding the east slope of the mountain) noting an existing shed which she believed covered a well. “So, I am surprised to hear they have not found water.” Mrs. Clay also pointed out a number of old wells on the east slope of the mountain (7 of them) that used to serve Pine Street residents, now abandoned. Mrs. Clay moved on to Page 3 of the plan set and asked how the frontage is measured, “because I cannot seem to come up with the minimum lot sizes you talk about.”

Ms. Vann briefly explained how the frontages were calculated using the limited common areas to meet the requirements of the ordinance. Mr. Throop also noted the section on condominium development in the Subdivision Regulations. Mr. Brannon asked for the reviewed the existing conditions as well as the frontage and zoning boundary lines, 511 feet along Concord Street, and 201 feet along the north parcel and 310 feet along the Woodman’s parcel (pointing them out). Chair Carrara concluded, “condominiums are treated a bit differently.”

Lastly, Mrs. Clay mentioned the aesthetics of the project and the traffic concerns many in the room shared. “How long will it take for the infrastructure and the units to be built?” she asked. Chair Carrara replied, “that is a good question. It typically depends on how quickly everyone moves.” A brief discussion about concerns about other major construction projects (Peterborough Town Library, Main Street Bridge) looming in the foreseeable future followed. Chair Carrara redirected the conversation by noting, “this application is what is being considered right now, we have no control over the other projects.” Mrs. Clay disagreed, noting, “if we *know* they are going to take place, how is that *not* an issue?”

Libby Reinhardt introduced herself stating she had a question about the process. She noted the “quick presto-chango” of the plan and asked how that might change

its status. Acknowledging the change Chair Carrara replied the change was not significant enough to warrant a whole new application and its associated public notifications. He also noted that when an application has been accepted by the Board as substantially complete, “it starts the clock, giving the Board 60 days to give it due consideration” adding “we are 8 days into this application.” Ms. Vann agreed, noting, “accepting the plan as substantially complete means we have enough to get started, we have enough to look at.” She went on to say, “and with this new plan we have *less* not *more* to consider over the next 52 days.”

Ms. Reinhardt then asked about the existence of a cost analysis for saving the old house. For those who did not know, Chair Carrara told the audience he actually lives in one of the two apartments at 75 Concord St. “It is very affordable,” he said adding he has known he will have to move out as the house (in his building official capacity has realized) the house was in significant disrepair it will not be rehabilitated. “I can attest to that fact,” he said, “if they offered it to me for free, I don’t think I would take it. I am 53 years old, perhaps if I were 10 years younger but not now.”

Ms. Ferstenberg interjected that while the house may not be rehabilitated “what about replicating it to its architectural likeness and making it affordable housing? I understand renovation is cost prohibitive.” Mr. Branon reiterated that they have strongly indicated that from the very beginning that rehabilitation of the apartment building was not an option (“it is too cost prohibitive”) and that they would be demolishing the structure for future development.

Ms. Reinhardt then asked about the average size of the units (1800-2000 square feet) and confirmation of which way the porches will face on both Concord Street and Woodman’s Lane.

Francie Von Mertens introduced herself and told the Members and audience she’d lived at 68 Concord street 30 years ago and while the house she lived in had a porch, “perhaps the only house in the neighborhood with a porch at that time,” she was *never* on that porch. She went on to say, “you can image gathering on the porch on a hot summer day as a wonderful image, but in reality, it is not. Not on that street with its noise and *that* was 30 years ago.” Ms. Von Mertens suggested a better orientation for the porches would be inward toward the community. “Facing the neighborhood, not the street,” she said, adding that would be more conducive to interconnecting the neighbors. She went on to note there was no common area for children to play. Chair Carrara confirmed there was no dedicated common area for play, “and there is nothing in the regulations to require it.” She concluded by noting her concern about parking on Concord Street. Chair Carrara noted it has

been established that the parking requirements for the development have been met, and, “we can only go by what the ordinance says.”

Stephine Hurley introduced herself, noting, “if you go by the ordinance it says no more than 10 lots on a subdivision on a private road unless it is an open space residential development. “So, you are not going by what the ordinance says and I feel a traffic study is definitely needed,” she said. Ms. Hurley pointed out the requested waivers for the right of way, travel way width, and road widths. She told the Board, “there are so many waivers for things that are not in our zoning,” and noted 11 of the 14 single-family units were left with less than the required square footage for lot size.

Ms. Hurley noted she was a member of the protest group involved with legal action against the town in determining the validity of the Protest Petition introduced at the May Town Meeting “and I still question how you can approve this (application) when that is still in question.” Mr. Throop addressed Mr. Hurley’s concern by noting “we are not aware of anything in the statute that gives the Board the authorization *not* to hear the application.” He went on to say the Board must take up applications they receive unless there is a stay by a judge not to do so. “Right now the Board has no authority not to take it up” he said. “Does the Board have the authority to approve the application?” asked Ms. Hurley. Mr. Throop replied, “they do.”

Hope Taylor introduced herself and asked about the replication of the apartment building on the site. “It is not happening,” interjected Ms. Ferstenberg, “it was just an idea.” Ms. Taylor asked, “can we require them to save a building?” Chair Carrara replied, “no, we cannot require a building be saved,” noting the language of the ordinance states only that demolition of a habitable building is highly discouraged.

Carl Brezovec introduced himself and noted a realization he’d just had in that Chair Carrara’s age in years (53) matches the amount of days the Planning Board still has to deal with “this” and encouraged them to seek a traffic study. “Not all curb cuts are equal,” he said, as he pointed out removal of two curb cuts from the site. He told the Board he was not against development but his concern was that “without a proper traffic study the impacts of the increased traffic may not be fully appreciated especially during the peak hours of the day when the traffic is at a standstill (and) I am not sure 53 days is enough time to provide that information properly. That is my concern.”

Lockard Row introduced himself and reviewed the estimated cost of \$200/square foot for construct. He noted aspects of the regulation including setbacks and the

definition of “determined” (“not estimated”) and how that number is actually derived out. He noted the lack of protection for children playing (no playground), the wells and water in the area not being detected by the test pits and the issue with the 100-year flood plan (which he believes is actually closer to the 80-year flood plain).

Lorretta Laurenitis introduced herself and noted her concern over repeated questions and requests for a traffic study. “I would like to ask the Planning Board to take a vote tonight regarding a traffic study,” she said. Ms. Laurenitis concluded by noting the clock was ticking and with 53 days left a vote on the consensus on whether or not to request a study was necessary.

Ms. Reinhardt asked if the new plan that had been presented was firm and if the waiver request for a portion of the multi-family buildings located in the Family District was null and void. Mr. Branon stood and told the Board and audience that this was the plan they intended to move forward “as expeditiously as possible.” He noted the work they had done over the past week to address the concerns raised and believe they had a more stable site than what is currently out there. Mr. Branon went on say, “it is still important to get the feedback on the waivers to be able to finalize the design.” He noted the exhibit plan and lot size exercise he’d gone through earlier to make each lot equal to 5,000 square feet and asked, “but is that really necessary?” noting, “if it does not change the density or the layout, it is *just* an exercise.”

Another brief discussion about the cost of building (\$360,000 to \$400,000) followed. Ms. Vann noted her contact at the New Hampshire Housing Finance Authority noted a construction cost of somewhere around \$200/square foot. “That is where that number came from” she said. From the audience Andrew Austin interjected “\$147.00 is the national average.” Ms. Vann spoke briefly on *Big A* affordability and *Small A* affordable housing, supply and demand and the stabilization of the housing market in general. “It is an incremental process,” she said. Chair Carrara concluded the discussion by noting the cost of the housing (he did not believe) was under the purview of the Planning Board.

Mr. Kaufhold asked about a follow up on the water issue (and lack of) groundwater found on the parcel. He gave a brief history of how the water ran years ago (off the hill, under the road and into the basements of the houses on the west side of Concord Street) up to about 1973 when the sewer system was installed. He concluded, “I would like to know *how deep did they dig*, because I think if you went down 10 to 15 feet you would find water.”

Ms. Taylor briefly spoke about affordable housing, asking how long it will take and how much will it cost. She concluded by noting, “it seems what we have been doing in here in Peterborough is creating a lot of expensive small houses.”

Ken Simonetta introduced himself and reiterated the problems that can be anticipated with snow removal. “It is insanity to think you can remove it and accommodate the residents. I feel sorry for people who move in there, it is just insanity. We live with it at One Sandhill and we *have* the additional parking,” he said.

Ms. Laurenitis asked if the Board would take the traffic study vote she had requested for earlier in the evening. “I would like an answer,” she said. Chair Carrara noted the Board would address her request when the public input session was concluded.

Mrs. Twitchell asked about adequate vegetation between the development and the One Sand Hill community. Mr. Branon addressed both the screening of a good stand of vegetation between the parcels as well as a significant elevation difference (of up to about 30 feet) between the properties. He also noted the minimization of the alteration of the slope and tree cutting.

With no additional comments Chair Carrara closed the public input portion of the hearing. He identified the one thing he had heard consistently throughout the testimony was the concern for a traffic study. He told the Board, “we need to make a decision on that subject tonight.”

Mr. Branon spoke briefly about a traffic study noting the topic had been discussed before. “This is a state highway. DOT could have requested a study. They could have but they did not.” He noted the thousands of vehicles on the road daily telling the Board, “the development does not create a burden over what already exists. We are not here to solve the problems the highway has. We are here to propose a development. DOT has jurisdiction and they decide what, if anything, needs to be done from a traffic standpoint.” Mr. Branon reminded the Members they’d had this discussion as a full Board at their last meeting (without a traffic study being warranted) and asked them to maintain the sentiments of that full Board tonight.

Chair Carrara asked about the process and if the new plan had been submitted to the DOT for consideration. Mr. Branon explained the process noting, “we have created a new permit and talked to DOT about the changes but we have not submitted the new plan as yet.” He went on to say, “with a development like this the traffic is controlled in a better fashion than what exists today (and) we have lowered the density by 4 units.”

As Chair Carrara asked the Board their thoughts on a traffic study Ms. Vann said, "I would actually have to say no because we *already* asked ourselves that question." Ms. Ferstenberg interjected, "yes but we had not heard the public testimony and what the people want. They are really concerned." Ms. Vann replied, "I understand that, but the road belongs to the DOT, so let's let the DOT handle it." A brief discussion about traffic calculations and anticipated trips per day followed. As a result Chair Carrara agreed and confirmed he did not personally feel a traffic study was necessary. He then addressed the rest of the Board and told them, "I feel it is important for the Board to discuss this issue so I will leave it up to you to you to make a motion for a traffic study if you feel it is necessary." Ms. Ferstenberg replied, "I am not sure how to make a motion because I am new, but I will make a motion for at traffic study because it is much more than trips per day. It is an extremely busy road and I think it is needed." She told the Members she had pulled over at the site on Concord Street (way over) to take a picture of the pathway where the sidewalk would be (and) people were beeping at me as I sat in my car with my flashers on. They did *not* like me pulling over," she said.

Chair Carrara reminded the Members that a traffic study is not an approval of the proposal. "A traffic study is more in the vein of how much traffic is generated by the development, identifying the peak times of the day and how the traffic is affected." Ms. Ferstenberg asked, "so it is not so much the potential dangers of entering and existing?" "No," replied Chair Carrara adding "my understanding is that it is more about the number of vehicles and how they affect the street." Noting the multiple curb cuts on the street it is much more chaotic with people turning in to turn around, ask directions, or talk on their phones. "Even with the Police sitting there in one of the curb cuts, people are doing crazy things," he said.

Getting back to the traffic study itself, Chair Carrara noted the public interest and concern for a traffic study "so I will conduct a poll as to whether or not the Members want or feel a traffic study is warranted." Ms. Ferstenberg stated she was in favor of it, "mostly because that is what the people want." "OK," replied Chair Carrara who then asked, "is there anyone else in favor?" with no response. Chair Carrara then noted "with a poll of the Board we will not require a traffic study and it will be up to DOT to determine the curb cuts on the road. Ms. Vann interjected "even if we determined we wanted to do something with the road, we would not be able to because we don't own the road; we cannot demand things be done to it to make it safer."

In closing Ms. Vann then brought up the applicant's request that the Board make a decision as to whether or not they would want the applicant to do the reconfiguration of the lot sizes (the "rejiggering" of the lot geographies to make

each lot comply with the ordinance's minimum size requirement). "My position is that we do not need to do that, especially when they even out in the end." She noted the reduction in density with the removal of 4 units up and saw "no reason to do a shifting exercise of x-amount of square feet *here* to x-amount of square feet *there* to make the requirement when it all evens out in the end." Ms. Vann also noted a bit of a problematic situation with the way they figure minimum lots in the first place when there *is* enough land.

Polling the remainder of the Board, Ms. Heller noted she wasn't sure how she would feel about it and how she would reconcile the issue, but "after looking at the chart, the breakdown makes sense; I am much more comfortable with it." Mr. Clark agreed, adding, "I am good to go with it." Ms. Ferstenberg noted that as an engineer, she has little tolerance for deviation. "If the specification says 5,000, that is the spec," she said adding, "if there is a tolerance you go with it (but) seeing they have made such a great effort to reduce the number of units I am willing to accept it, but a spec is a spec." Chair Carrara agreed noting he could see both sides of it. "I am pretty neutral, but one side of me says 'OK the minimum size if 5,000 feet' where the other side of me says 'we have this large piece of land and it averages out.'" Ms. Dreyer noted she was also pretty neutral. "I averaged it out, did the calculations and really the difference is minimal."

Mr. Branon noted the Board had taken a poll on the waivers and asked if they were willing to take an actual vote on that so the applicant may start to address the consultant's letter. "This will allow us to do more design work, work we cannot do with the waivers lingering," he said. Mr. Branon reviewed the waivers with Chair Carrara and the Board. Noting the waiver for the multi-family units in the Family District had gone away he named the remaining waiver requests which included the minimum lot sizes, the front setbacks for the porches and the road standards which included the right of way width and pavement width.

"I would like to make a motion," said Ms. Vann. She went on to say, "we are happy with the road as it is currently designed. It has the approval of adequate access from the Department of Public Works, Fire and Police and it meets our ongoing goal of reducing the width of the road."

With a motion that had not yet been seconded Mr. Throop interjected, "is this a vote or a sense of the Board?" and noted the criteria that must be met when considering a waiver (that the opinion of the Board is that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations).

“It is a sense of the Board,” replied Ms. Vann, adding, “and I would argue this meets the criteria.” She went on to explain, “I believe it is the sense of the Board in that it has been vetted by the DPW, Police and Fire and that it is consistent with our long- standing goal that narrower streets provide a safer environment for all.” Chair Carrara agreed and asked if the Board needed to be polled. Mr. Throop replied that a poll was not necessary and that he just wanted a clarification for the record. Mr. Branon asked, “are you going to take a vote?” with Chair Carrara replying, “no, as I said, we are only 8 days into this. We need to process what we heard and take things in order. I suspect next week we will be evaluating any unnecessary hardship and the spirit of the ordinance.”

A motion was made/seconded (Vann/Clark) to continue Public Hearing to a date and time certain of Monday, October 21, 2019 at 6:30 p.m. in the Board of Selectmen’s Meeting Room with all in favor.

The meeting adjourned at 9:05 p.m.

Respectfully submitted:

Laura Norton

Administrative Assistant