

**PLANNING BOARD**  
**TOWN OF PETERBOPROUGH, NH**

Minutes of October 15, 2018

**Site Visit: Village at Stone Barn LLC**

**Members Present:** Bob Holt, Ivy Vann, Tyler Ward, Sarah Steinberg Heller, Joe Hanlon, Alan Zeller, and Ed Juengst

**Staff Present:** Peter Throop and Laura Norton, Office of Community Development

**Others Present:** Francie Von Mertens, Jo Anne Carr, Matt Lundsted, and Dr. John Patterson representing the Conservation Commission; Amelia Tracy of Conducive; Chad Branon of Fieldstone Land Consultants, PLLC; and Katie Sutherland of KCS Architects.

*The Village at Stone Barn currently consists of a historic stone barn on an otherwise undeveloped 32-acre parcel of land on Old Street Road. Ms. Tracy has introduced a new kind of real estate development by building farm-to-table lifestyle communities that restore ecosystems and build community resilience. These regenerative farms and mixed-use villages incorporate living units and restaurants into the farms with a net zero environmental impact. This project offers 33 residential units ranging in size from 600 to 1400 square feet with costs estimated between \$200,000 and \$400,000. The project will also offer a Café with many ingredients sourced right off the property.*

Mr. Branon began by thanking everyone for coming. He told the group, “the main goal is to maintain the architecture and aesthetics of the barn as you see it from the street.” He also noted they would review the improvements to the site (front and back) as well as new structures and residential units.

While gathered inside the barn and before venturing out on the site, Mr. Branon asked Ms. Tracy to point to the specifics of the project on a 3D model of the Agrihood Condominium Neighborhood [as shown in Figure 1 on Page 2].



**Figure 1: 3D Model of Stone Barn Agrihood Condominium Neighborhood**

Ms. Tracy pointed out the features of the neighborhood that included the residential units (both in the Stone Barn and to be constructed), common areas, the Farmer’s living unit, the Café, on-site farm and food forest, storage areas, and guest/visitor parking.

Mr. Branon noted he would be pointing out several things including access to the location (and its symmetry around the barn), the existing conditions and topographical challenges, new building placements, and an 1800-square foot wetland encroachment on the south side of the parcel.

Outside, Mr. Branon pointed out the symmetrical access and began the site walk along the south side of the parcel. He told the group that this consolidated development supersedes any of the other (approved) designs for the property by concentrating development around the barn (a 5-acre radius) resulting in less impacts than other previous designs. He noted that this consolidation and the existing topography “would require wetland and wetland buffer impacts consisting of 1800 square feet of *permanent wetland impact*, 2600 square feet of *permanent wetland buffer impact*, and 33,200 square feet of *temporary wetland buffer impact*.”

Mr. Throop suggested they view the wetland impacts staked out in the wooded areas as with an already cloudy afternoon, it would be getting dark soon.

The group viewed the area where the stormwater management system would result in the 1800-square foot wetland filling. Mr. Branon indicated that this part of the system was at the lowest part of the property. Ms. Von Mertens and Ms. Carr had several questions related to wetland mitigation and the Functions and Values Assessment. Specifically, Ms. Carr asked about long-term effects of using a retaining wall. “Walls are barriers to habitat” Carr said, adding that “Mother Nature’s unmaintained vegetation is better than a wall.” Mr. Branon told the group a that he did not like to use retaining walls in this kind of setting to reduce buffer impacts because maintenance and eventual replacement over the long-term would cause additional future impacts.

He noted the wetland was forested and had no standing water, and that it would be filled along the fringe. He said, “the mitigation will be quantitative and qualitative.” He also noted the requirements to meet all of the State’s site-specific criteria for the appropriate-sized basins, pretreatment before release, and ongoing maintenance. Mr. Branon cited the Functions and Values Assessment of the wetland and pointed out its scores. “Sediment Trapping and Nutrients had the highest functions and values and those will be maintained and improved with this project” he said.

Once out of the woods but still on the south side of the property, Mr. Branon pointed out the approximate locations of the two-story carports. These would be constructed “to work their way into the slope.” He also showed the locations of the two three-unit residential buildings and the last residential structure on the south side (a four-unit building).

The group travelled toward the back, or eastern end, of the parcel. Mr. Branon said, “wherever you look you have invasive species.” When asked about his plan to eliminate the invasive plants and shrubs, Mr. Branon replied, “pull them.” He went on to say that once cleared, agricultural uses of the land would take over. Mr. Branon pointed out the stakes, which represented the location of the greenhouse, and the existing man-made pond. One of the old wellheads was also pointed out. When asked if there were any plans for that water source, Mr. Branon replied, “for the time being it may be used for geo-thermal use and to water the crops. Ms. Tracy added, “irrigation for sure. The well can produce 400 gallons a minute.”

Turning to face the rear of the Stone Barn, Mr. Branon pointed out the rear façade of the building and discussed how the façade would be treated. He indicated the location of the café and the two three-unit buildings that would be sited behind the

stone barn, noting that they would be in the approximate locations of former buildings that had been demolished years ago. Moving to the north side of the stone barn, Branon showed the location of the one-story carport as well as the Farmer's unit and storage areas.

Mr. Branon concluded by telling the group that because of the public input they had received, they have moved the barn building and parking lot back from the northern boundary line from a what would have been a 5-foot setback to the Shea property "to approximately a 20-foot setback." He told them that two fire hydrants would be installed and they were in negotiation with Eversource to complete an underground utilities plan. When Mr. Zeller asked about the existing fire hydrant at the front of the property. Mr. Branon replied, "it stays there." Mr. Throop added that the hydrant is "in the Town's Right-of-Way."

At this point the Site visit concluded.

### **Planning Board Meeting**

**Members Present:** Dario Carrara, Bob Holt, Ivy Vann, Tyler Ward, Sarah Steinberg Heller, Joe Hanlon, Alan Zeller, and Ed Juengst

**Staff Present:** Peter Throop, Laura Norton, and Kristin Bixby, Office of Community Development

Chair Holt called the meeting to order at 6:30 p.m. and introduced the Members and Staff. He appointed Mr. Juengst to sit for Mr. Galus.

**Minutes:** Deferred

**Continuation of Public Hearing** – "Village at Stone Barn LLC", is seeking Subdivision and Site Plan Review approval and issuance of a Conditional Use Permit for a proposed 33-unit multi-family residential condominium development in seven (7) buildings and a non-residential accessory retail use of a farm-to-table café, on property currently owned by "Peterborough Highland Farm LLC", located at 63 Old Street Road, Parcel No. U002-039-000. This property is located partially in the Family Zoning District and the Rural Zoning District. The proposal seeks approval under Section 245-15.4 - Traditional Neighborhood Overlay Zone II. This requires the granting of a Conditional Use Permit for the development of three or more dwelling units on one lot, for a non-residential accessory retail use, for encroachment into the Wetland Protection Overlay Zone, and for a waiver of Section 245-15.4.D.1 to allow for more than 10 residential units in a building.

Having read the request, Chair Holt acknowledged the just completed site visit to the Stone Barn and asked the applicant to continue their presentation.

Amelia Tracy of Conducive stood and introduced herself and spoke briefly about her pilot project. She briefly reviewed the regenerative Agrihood Neighborhood consisting of 33 clustered residential units with residents participating in a farm-to-table community on a regenerative farm while having a net zero environmental impact. “Sequestering CO<sub>2</sub> basically” she said. She added, “it is a different systems approach and we are pushing the envelope for real estate development in the future. We look forward to your thoughts.” She introduced Chad Branon of Fieldstone Land Consultants, PLLC and Katie Sutherland of KCS Architects.

Mr. Branon re-introduced himself as a Civil Engineer and representative for the applicant for the record and thanked those who attended the site walk. “Hopefully it helped you understand the challenges and design” he said. Mr. Branon reiterated the basic components of the project with its approximate 32 acres of land (with an intricate trail system, woodlands and a pond on site), 33 residential units (net-zero condos ranging from 600 to 1400-square feet in size with efficiency specs and solar power with covered parking), a working farm, a greenhouse, community common areas, and a farm-to-table Café.

Mr. Branon pointed out the access to the property and noted the existing barn (16 units) as well as the proposed four townhouse structures (three units each), one barn-like structure (four units) and Farmer’s quarters, and a storage area. As he pointed out the carports and open parking area he also noted the pedestrian interconnectivity and the external walkways to all units.

Mr. Branon noted that while the stormwater management report is still pending, “it will be forwarded to the Town’s consultant upon receipt.” He assured the Members that the plan would meet all local and state standards, which included securing a New Hampshire DES Alteration of Terrain Permit. He reiterated the project would connect to municipal utilities and they were working closely with the Department of Public Works on that design. He also noted they had made great strides with Eversource in the design of an underground electric service plan.

Regarding an ongoing concern, Mr. Branon noted they had received traffic data and had sent it along to their traffic consultant (Steve Pernaw of SGP & Co.). “He is on it and we are awaiting a traffic memo from him” he said. Mr. Branon concluded by noting, “this is the general overview for the site development of the project. I would like to hand this over to architect Katie Sutherland to review the architectural and design element review.”

Ms. Sutherland presented a series of graphics depicting before and after elevations for the audience. She pointed out the structures, which had a New England agrarian architectural style, were all subservient to the barn (with units smaller in footprint and net zero environment impact). “We are proud and excited about that” she said, as she noted the carports resembling old carriage houses. “Simple and open structures” she said.

Ms. Sutherland reviewed the walk out basement and location of the farm-to-table Café. She noted the barn-like structure would consist of two 1200 and two 1400 square foot units, “with open concept living, dining, and a kitchen on the first floor, and bedrooms upstairs.” She noted the townhouse-style structures would complement the Stone Barn.

Mr. Hanlon interjected that he was curious about the sewer pump station. “Will you maintain it?” he asked. Mr. Branon replied “no, the Town will own it and they will maintain it.” It was noted that the municipal services will be available to other residents on Old Street Road as well. Mr. Hanlon then asked if the carports were going to be wide open with Ms. Sutherland replying, “they will be closed on three sides with no front door.” Ms. Vann recalled that the conceptual consultation talked about surface parking on the north side of the parcel. Mr. Branon explained that the parking area was designed to be constructed in phases to accommodate parking as needed. Mr. Ward noted the boundary line setback to the closest abutter to the north had been increased. Mr. Branon told the Members that the parking re-work and the increased setback was a result of both the Board’s and the abutters’ input. “We have incorporated many of the things from the Board and abutters into the plan” he said.

Mr. Branon also reiterated the necessity of an 1800 square-foot wetland fill that would be necessary to construct an access road on the south side. “It is forested wetlands with no standing water” he said. He went on to address the Functions and Values Assessment and review the mitigation that would be necessary. He also noted that after the vast removal of invasive species from the back of the parcel, they would revegetate the area with agricultural uses and native species.

When asked if the construction would be phased, Mrs. Sutherland noted, “much of it will be prefabricated, which is a wonderful way to build, so we will pretty much complete the project all at once.” Mr. Branon also noted that with all the activity going on with the municipal and public utilities “it makes sense to have it all happening at once rather than being phased.”

With no other questions from the Board, Chair Holt opened the Hearing to the public.

Francie Von Mertens introduced herself as a representative of the Conservation Commission. She specifically noted that the Commission had some questions regarding the impact to the Wetland Protection Overlay Zone. “We don’t distinguish between wetlands and buffers. We call it all the Wetlands Protection Overlay Zone” she said. Addressing Mr. Branon, she said, “you told us that the real plus was the development was limited to about 5 acres on the 32-acre parcel. So the logical question is if the project is successful, will you be tempted to develop further back into the parcel? How will we know you won’t go further? Are there any guarantees that you will not?” As Mr. Branon began to explain the potential expansion of the agricultural uses sustaining the farm, Ms. Von Mertens qualified that she was referring to additional *residential* uses. Mr. Branon replied, “that is not a part of this [particular] plan, but it is logical that growth may be anticipated in the future.” A brief discussion about potential conditions to the Conditional Use Permit and the specifics of the condominium documents (common, limited common, and convertible land) followed.

Jo Anne Carr introduced herself and stated that she had some technical questions. She cited page 2 of the Staff Review, specifically to Traditional Neighborhood Overlay Zone II (TNOZII) and the applicant’s request to waive the Ordinance’s maximum of 10 units per building. The applicant is requesting 16 units in the Barn. “Wouldn’t that require a variance and not a waiver?” she asked. Mr. Throop replied, “under the terms of the Ordinance, the Planning Board has the authority to waive standards.” Mr. Branon added, “the waiver is for the density inside the barn itself, not the overall project.” He said, “the barn is massive and to efficiently use it and make the project feasible we need more than ten units inside.”

Ms. Carr then asked how large the farm-to-table Café was going to be and if it was intended for just the residents or if other people from Peterborough and other towns would be welcome. She also asked if the Café as planned fit the TNOZII definition of a “coffee shop.” Mr. Branon replied, “the answer to the first question is that the Café will service the residents but will also be open to the public.” He added, “it is a key component of the neighborhood as active farming within the community. It is an amenity to those who live there as well as an amenity to the public.” Chair Holt interjected, “and the Café will not exceed the maximum [25%] of the total living space [for non-residential permitted uses]”.

Mr. Throop read from the Ordinance: “non-residential uses such as personal or professional services and retail that are primarily intended to serve the neighborhood [such as a coffee shop, clothing alterations, small repair services, etc.]

may be approved as accessory uses to a residential use by Conditional Use Permit and applicable Site Plan Review requirements, provided they remain secondary and incidental to the principal permitted use.” He went on to read, “the Planning Board shall not permit a non-residential use that presents the likelihood of undesirable noise, traffic (vehicular and pedestrian), light, fumes or other anticipated impacts that may be inconsistent with the right of the resident nearby or onsite to enjoy their residential use.”

Janet Shea introduced herself as the direct abutter to the north. She noted that most of the homes on Old Street Road have septic systems and said that “a lot of them are fairly new.” She asked if the residents would have to connect to the municipal sewer line once installed. Mr. Throop replied that the Town Code states, “once a municipal line is established all users are required to connect to it within 90 days.” He added, “but you can request a waiver of connection from the Board of Selectmen. It is spelled right out in the code.” Ms. Tracy added, “you don’t have to connect if you are not within 100 feet of the line.”

Mrs. Shea then pointed out that the location of the Café in the back of the barn was “in a bowl. It is like an amphitheater and the noise carries.” She went on to request the Café be open for breakfast and lunch only and for no music be played.

Karen Campbell introduced herself as a resident of Cheney Avenue and asked about parking for the Cafe and resident guests. She also noted the traffic problems besieging their neighborhood. Mr. Branon reviewed the parking plan (all onsite, no street parking) that included residential, farmer, and guest spaces, totaling 79 spaces. “Our project provides 80 spaces with the capacity to construct 93 as spaces become necessary” he said.

Mr. Carrara noted the pump station with Mr. Throop reiterating that a municipal sewer line will need to be extended and a pump station will need to be proposed within the Town’s right-of-way or on the parcel with an easement. It was noted that there is an existing pump station located on Cheney Avenue, but that pump is old and deficient. Mr. Throop noted that, once constructed to Town specifications, the pump would be taken over by the Town Utilities Division to maintain it. When asked why the Town would take it over, Mr. Carrara replied, “the sewer and forced main will be under a Town road and the Town does not give private rights to people inside their right-of-way.” Mrs. Shea asked about snow removal and Mr. Branon reviewed the snow removal and storage plan. “There is ample space for snow storage with this layout” he said.

Ms. Von Mertens noted her concern with “the order of things.” She explained that the process usually involves the Conservation Commission meeting (usually as a site visit) and submitting a written report to the Planning Board prior to the first public hearing. “This is the second public hearing for this proposal and we have not formally met yet” she said. “I don’t think there has ever been a public hearing without written recommendations from the ConCom. This is unusual.” She went on to note (consequently), “we will meet and get written comments to the Board for the November meeting, but it is very odd to be submitting them after two public hearings.”

Chair Holt noted a diligent effort to schedule a site walk prior to the first public hearing, but Town Council advised against it (advising the application be accepted by the Board as substantially complete *before* any site visit). He also noted that from the preliminary conceptual consultation, wetland impacts and suggestions to make every effort to avoid them have been a paramount consideration. “We are not making a decision tonight” he said. “We will wait for your report.” He also recalled at least one time during his service on the Board, a public hearing was conducted while awaiting input from the Conservation Commission.

Mr. Throop reiterated the formal review processes awaiting the plan. “There is a lot of work to do on this” he said. He also noted that it was his understanding that the applicant would like to continue to a date and time certain of November 19, 2018 at 6:30 p.m. Mr. Branon replied, “correct.”

Ms. Von Mertens remained adamant that the process is out of order. “Our charge is to have a site visit and forward comments *before* a public hearing” she said. “We are talking about two different things, *our* [ConCom’s] site visit and a site visit by the Planning Board. And here we are at the second public hearing and still no report from us.”

A brief review of meeting the criteria for the TNOZ II Conditional Use Permit followed. A question was raised about the price points of the units. Ms. Tracy noted that while the proposed density is already higher in the Family District, “this will create opportunities for alternative housing in a historic property with solar and a high-performance building envelope. It is not the cheapest, but it is at market rate for what we are providing.” Mr. Branon added, “It is a unique type of housing that is being proposed. It is a model community any town would encourage.” He spoke briefly about a particular interest in singles, retirees, and downsizing families. He supplemented that although the units were not the most affordable in terms of price point, “in terms of ongoing living in net-zero condos with energy efficient

specifications, solar power, and the potential for geo-thermal energy use, it is a refreshing lifestyle.”

Mr. Throop suggested the criteria for approval of a Conditional Use Permit *not* be discussed at this time. “We don’t want to go too far until we review the revised plans and have received the reports back from the Conservation Commission and stormwater consultant” he said.

Ms. Campbell told the Board, “you take your life in your hands” when doing something as simple as walking your dog on Cheney Avenue, reiterating the significant traffic problems her neighborhood experiences daily. Chair Holt noted the traffic data that had been collected and the traffic memo yet to be received from SGP & Co. Ms. Vann suggested they contact Seth MacLean, Town DPW Director, for information on traffic calming.

Ms. Von Mertens also mentioned the failed intersection at Old Street Road and US Route 101 and asked about the impact of 33 new condominium units and a new Café and how they will factor in with the current street traffic. “How does it fit into the equation?” she asked. Mr. Throop noted that he expects the traffic consultant “will make estimates based on ITE Standards, the uses, and the number of units.” Ms. Campbell asked if the traffic study could be extended to Cheney Avenue. Chair Holt replied, “the consultant is paid by the applicant and Cheney Avenue is not within the scope of this project.” Mr. Branon went on to say that Mr. Pernaw (SGP & Co.) was much better suited to answer any traffic questions and he will share that information at a public hearing. “Let’s review that information and then make decisions” he said.

A motion was made/seconded (Zeller/Hanlon) to continue the public hearing to a date and time certain of November 19, 2018 at 6:30 p.m. at the Board of Selectman’s Meeting Room at the Town House with all in favor.

### **Discussion: Reactions to Zoning Listening Sessions**

Chair Holt began by noting that he would like to get a feel from the Board regarding the Listening Sessions as well as think about and discuss their next steps. “It is a public meeting, but this is really just for us” he said.

Ms. Vann told the Members, “I intentionally did not attend these sessions in an effort to make it clear this is not my private project.” She added, “but I have read the synopsis of what was said, and I would like to move that we stop working on the Ordinance amendment and wait until Town Meeting 2020 to propose changes [over to Form-Based Code Zoning].” She noted her motion was timely in that there was

design work for illustrations for the zoning amendment that were pending financial approval.

Mr. Zeller interjected, “there is no downside to this.” Mr. Carrara told the Board that he did not want to put off their work. “We have worked hard on this, we are still working hard on this, and we have made progress” he said. “It is not a big change from what we have now. I don’t think we should give up and wait. In another year we will be facing the same questions and the same issues.”

Chair Holt suggested the respite would give the Members time to engage in another RFQ “to find someone to represent us to the community.” He went on to say, “I think that is what we should do. We have worked in good faith, but we continue to go further down the wrong road. In the last five months I have heard more lies and misconceptions and I believe our time is better suited having a consultant [not the Board] build the zoning amendment.”

Mr. Juengst told the Members that he had attended three of the four Listening Sessions. “I think the process was good. I saw some new people at them” he said. Referring to the redundancy of the issues in the eight or so page synopsis of what was captured at the sessions, he told the Members, “everything in here can be summarized to a single page of the same fears: the community thinks we are going too fast, they don’t think we put in enough time to do it right, and they think we have not addressed the issues that have come up.” Mr. Juengst concluded by saying, “the process was good, but I think it is wise to engage some help with this document. I am in favor of Ivy’s recommendation.” Mr. Hanlon replied, “I agree.”

Ms. Heller told the Members that the two sessions she attended “were disheartening experiences.” She told the Members that there was an overwhelming feeling that the Planning Board was up to no good and somehow not working super hard to make Peterborough a better community. “It is sad and distressing” she said, “and I want to echo Dario’s sentiments, but I think ultimately it is time to take a break and bring in a consultant.”

The members agreed that while some of the public only believed what they heard or read in the newspaper, the public perception was that the Board is not equipped and in need of professional assistance. Mr. Juengst noted, “we have worked very hard, but we did not get the message across. We need the respect of the voters if we want this. We need to focus, take some time, and then take another look at what the people want and what the Town should have.”

Chair Holt noted the importance of getting into the neighborhoods and explaining that the differences between the existing zoning and what is proposed are not out of control. Ms. Vann added, “and why the amendment is so important and is better for the Town in at least ten different areas. But we failed. No one believes us.”

Mr. Ward interjected, “I appreciate hearing what I just heard.” He did not want all the hard work they had done to be thrown out with another failed attempt at the ballot. Referring to public concerns, he said, “we have heard a lot of the same things and we need to respect where people are coming from.” Noting the energy and history of the Town, he said, “this seems rushed.” He also said he felt that the new version of the amendment was the old version with iterations and additions and was “written for scholars really. It is not simple.” Mr. Ward concluded by advocating a postponement to next year and “really getting it right.”

Ms. Heller suggested balancing out the concerns of new and long-term residents. Ms. Vann interjected “and remember, there is nothing in the amendment that we have not already been using for at least four years, and it has been fourteen years for West Peterborough.” She went on to conclude, “I think we are done. I may be totally done.” Mr. Carrara cautioned against thinking or expressing opinions in terms of new and old residents. “It is not healthy to say those who have been here forever are for or against it. It comes down to education and showing what the proposal consists of.” He went on to say, “there is not a lot of difference between the existing code and the proposed code. We just have to do a better job in showing people that.” He concluded by telling the Members, “I am still against putting this off until next year, but I respect the opinion of those who do and want to wait.”

Mr. Juengst noted, “I think there is a lot of good in this. There is good in increased density, but I also think we need some guidance now. So, we don’t end on a defeated note here. We are not defeated, we just have to come up with something acceptable.” Ms. Vann replied, “it doesn’t matter what we do. They don’t believe us. I think it is too bad to have to hire someone to do the work we have done but we have all observed the disdain and derogatory comments of those who do not agree. It is disconcerting for the Planning Board to hear the attitude we have heard.”

Mr. Throop noted a full schedule of tasks facing the Board for the new year that included his efforts to prepare a budget for additional expenditures, raising additional amendments to ordinances (housekeeping or otherwise), the Housing Chapter of the Master Plan (and the consensus on its goals), and engaging in a process of getting into the neighborhoods to engage the public going forward. “The work has not stopped” he said. “We have business to finish and need to hire a

consultant to help us get out into the neighborhoods with additional dialogue and interaction to refine what we have put together. That is what matters.”

Chair Holt noted that having addressed and discussed the Form-Based Code Zoning Amendment and having heard from each member of the Board, “the sense of the Planning Board is to delay the submission of a Form-Based Code Zoning Ordinance Amendment to 2020 with all members in agreement.”

The meeting adjourned at 8:35 p.m.

From the audience Ms. Carr interjected, “I have something to say.” She then raised her hand and asked, “may I say something?” Chair Holt advised Ms. Carr that the Board cannot take testimony after the meeting was adjourned.

**Next Meeting:**

November 13, 2018 at 6:30 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant