

PLANNING BOARD
Town of Peterborough, New Hampshire

Minutes of November 12, 2019

Members Present: Dario Carrara, Ivy Vann, Alan Zeller, Tyler Ward, 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. A motion was made/seconded (Vann/Ward) to seat Alternate Dreyer with all in favor.

Minutes: A motion was made/seconded (Zeller/Vann) to approve the minutes of October 21, 2019 with all in favor.

Chair Carrara read the first case:

Public Hearing: Eversource Energy has submitted a request for the removal of trees on Scenic Roads in support of its reliability-based tree trimming and removal program. Trees selected for removal are based on a hazard assessment of trees that are rotted, diseased or otherwise defective. Scenic roads affected include the following: Old Dublin Road; Carly Road; Old Jaffrey Road; Cornish Road; Four Winds Farm Road; Old Town Farm Road; Windy Row; Old Greenfield Road; Slab Road and Gulf Road.

Dane D’Arcangelo, an Arborist for Eversource’s Vegetation Management Department stood and introduced himself. He noted a previous application from Eversource Energy to trim trees on scenic roads “but this is a hazardous tree removal program (Enhanced Tree Trimming (ETT) Program) that focuses on protection of the main power sources of our electric circuits.” Noting the leading cause of power outages are tree related Mr. D’Arcangelo told the Members they had hired a tree contractor and met with property owners to discuss the trimming and removal of hazardous trees. He also took a moment to review the permission process that must be adhered to and reiterated all property owners are individually permissioned through the process.

Mr. D’Arcangelo noted the original list identified 81 trees “but that list has been amended” he said. It was noted the assistant planner and the town arborist had physically viewed the trees and submitted their report. “That list now comprised of 66 trees” he said.

After a brief discussion about three trees in particular (3 Windy Row, 36 Maple Street and 78 Old Dublin Road) the Members weighed their removal for safety considerations, the dangers and inconveniences of power outages caused by downed trees and trees on wires and the importance of input from the individual property owners.

Chair Carrara told the Members he was neutral but asked “do we need to take a vote on these trees?” Ms. Vann suggested a sense of the Board was in order. Each Member weighed in with the verdict being only the tree at 78 Old Dublin Road should be removed from the list. (Carrara neutral, Vann for, Heller neutral, Dreyer for, Zeller for, Ferstenberg for and Ward “for keeping every tree” and suggesting power lines be buried).

With no other questions or comments from the Board Chair Carrara opened the hearing to the public.

Rich XX introduced himself and told the Board a fellow from Eversource had been out to look at the trees in his neighborhood. “It is reasonable as far as I can see” he said.

With no other questions or comments from the audience Chair Carrara closed the public session of the hearing and suggested they go into discussion for a motion.

Discussion:

Mr. Ward asked how often Eversource comes through to trim trees with Mr. D’Arcangelo replying they trim every four to five years, removing 60-100 “of potentially *thousands* of trees.” Mr. D’Arcangelo reiterated the importance of maintaining a balance of preservation while removing diseased or hazardous trees. When a Member asked it was noted that Swift Corwin is the Town Arborist and the gentleman who reviewed the cut list for the town.

A motion was made/seconded (Vann/Ferstenberg) to remove all trees on the amended list with the exception of the tree located at 78 Old Dublin Road and the trees questionably *out* of the Town Right-of-Way with all in favor.

With all discussion completed:

A motion was made/seconded (Vann/Zeller) to approve the scenic road tree removal application as submitted by Eversource Energy in support of its reliability-based tree trimming and removal program with the following conditions:

The tree on the cut list identified as healthy by the Tree Warden at #78 Old Dublin Road be removed from the list.

Eversource Energy will verify the status of seven other trees (#1, 2, 16, 17, 30, 70 and 80) identified by the Tree Warden as potentially outside the Town Right-of-Way. All the other trees on the list will be removed by Eversource, with all in favor.

Continued Public Hearing:

Request for a Conditional Use Permit, Subdivision, and Site Plan approval with requested waivers (waivers approved 10-21-2019), for EAM Peterborough Holdings, LLC. This proposal is for a 16-unit residential condominium subdivision served by a private road, utilizing Traditional Neighborhood Overlay Zone 1, located on two abutting properties at 75 Concord Street (Parcel No. U016-041-000) and 69 Concord Street (Parcel No. U016-042-000).

A motion was made/seconded (Vann/Zeller) to continue the aforementioned case to a date and time certain of Monday, November 25, 2019 at 6:30 p.m. in the Board of Selectmen's Meeting room at the Town House with all in favor.

Other Business: Workflow and Staff Reports

Mr. Throop began by telling the Board "we've had a lot of work lately with a number of special meetings and complex projects." He went on to say, "the combination of the number of cases and the frequency of meetings has made it challenging to get the Staff Reports out on a timely basis and I apologize for that."

Mr. Throop then told the Members "we are currently working on several strategies to resolve this issue that will include a shift of how the work flows in and proposed revisions to rules regarding the receipt and processing of applications." He noted "when the workload is lighter and there is more time that is one thing, but that has not been the case lately."

Mr. Throop went on to note a refinement of the application and checklist as well as a clarification of submittal dates would be tackled "to be in a better position to schedule things in a more streamlined process." Mr. Throop concluded by noting Member input was not only welcome but essential. "Take some time to think about it" he said.

Mr. Zeller inquired about any receipt of disappointment by applicants with Mr. Throop replying, "actually no, just the opposite, we are very accommodating to applicants." Mr. Throop went on to say, "it would be great to revisit the process, something needs to be done unless you feel there is more detail than necessary in your staff reports." Ms. Heller interjected "so really it is not more information you need; it is more time." Ms. Vann agreed noting "I don't think there is too much detail in the reports, especially when we need to make a finding."

Chair Carrara noted the case they were currently working on has been heard over three meetings (so far) in 15 days “and we have gone through *a lot* of material” he said. Ms. Vann asked about the state statute and the timing of applications with Mr. Throop replying, “they are not specific, especially (with the current case as an example) when you see a number of re-designs at the hearings.” Ms. Heller suggested more stringent and formal guidelines and reminded the Members they were ultimately responsible for each case. “Sometimes we don’t have enough time to digest it” she said.

Mr. Zeller suggested that while he was able to address the staff reports and backup material when they arrived, others may not be able to. Mr. Throop agreed adding “you are right Alan, not everyone can.”

Mr. Ward asked about any rules regarding non-binding consultations and meetings and the public’s ability to speak at them. Mr. Throop noted the ability to speak at these public hearings was at the discretion of the Board Chair. “When does the public notification and input come?” asked Mr. Ward. Mr. Throop briefly explained the notification process of Certified Mail versus USPS First Class letters mailed (depending on the type of application) to abutters as well as the hearing being posted in the *local newspaper*, at the *Office of Community Development*, in the Lobby of the *Town House* and the *Peterborough Town Library*. It was also noted that the Conservation Commission and Heritage Committee get a copy of every notice in their box in the administrative office.

One of the Members asked if this query was in response to the October 7th meeting where, due to the time constraints of the oft-scheduled Planning Board hearing (scheduled for 5:45 and just prior to the 7:00 p.m. ZBA meeting), the Chairman announced public testimony would not be taken that night. A brief discussion about the process, the stages of the process and what stage they were in for the case that particular night followed. It was affirmed that the process is transparent but often the general public does not understand it and have their own expectations.

Mr. Ward reiterated that there may be some confusion (even) on the committee membership level. A moment was taken to reiterate the legal notification process of *who* is notified, *how* they are notified and the *timeframe* they must be notified in.

Ms. Vann amongst others offered suggestions such as the NIXLE System (the Town’s free alert and notification system); use of the Board of Selectmen’s email list and taping the meetings using USTREAM (where Board and Committee meetings may be watched in real time or a taped version). “That would be a big plug for the Planning Board” said Ms. Vann.

Ms. Heller concluded that she felt Mr. Throop was taking a step in the right direction. She also noted that he may need to take time to himself to concentrate on the staff reports to complete them in a timely fashion. “You may have to close your door sometimes” she said. Mr. Throop replied that he is doing that more than ever. He noted the goal of any proposed changes to the procedures will be to make sure “you get what you need on a timely basis.”

The meeting adjourned at 7:15 p.m.

Respectfully submitted:

Laura Norton

Administrative Assistant