



TOWN OF
PETERBOROUGH
NEW HAMPSHIRE

Peterborough Planning Board

1 Grove Street
Peterborough, NH 03458
Office: (603) 924-8000 x 104
Email: ocd@peterboroughnh.gov
Web: www.peterboroughnh.gov

AGENDA
PUBLIC HEARING

Monday, December 13, 2021 at 6:30 PM

In the Select Board Meeting Room at the Town House

This meeting will be streamed to Channel 22 and U-Stream

1. Call meeting to order and introductions
2. Minutes of November 8
3. **6:30 PM - Continued Hearing - Application for Subdivision for Walden Eco Village Open Space Residential Development at the Well School Staff Housing Site** submitted by Akhil Garland to convert existing accessory structures that were associated with the Well School into an Open Space Residential Development. The proposal consists of converting 7 accessory structures and creating 13 new open space residential development lots with associated site improvements and open space area located at 360 Middle Hancock Road (Parcel No. R010-005-001) located in the Rural District.
4. **6:35 PM – Continued Hearing – Conditional Use Permit Application for Proposed Impacts in the Wetland Buffers** submitted by Akhil Garland for his property located at 360 Middle Hancock Road (Parcel No. R010-005-001) in the Rural District.
5. **6:40 PM – Public Hearing – Preliminary Review Application for Mixed Use Development at 14 Grove Street** proposing to redevelop the property to include an office use on the lower level, 11-unit multi-family residential condominiums on the upper levels, and with associated site amenities and improvements, located at Parcel No. U017-076-000, in the Downtown Commercial District & Traditional Neighborhood Overlay Zone 1.
6. **6:45 PM – Public Hearing – Proposed Adoption of Amended Master Plan Chapter 2: Vision & Chapter 8: Land Use with their Corresponding Appendices** – Copies of these updated chapters are available for download through the Town Website or by contacting Danica Melone at dmelone@peterboroughnh.gov, or can be viewed or at the Office of Planning & Building located at 1 Grove Street, Peterborough, NH 03458.
 - a. Next Master Plan Chapter(s) to be updated
7. **6:50 PM – Continued Hearing – Site Plan Review Application for a Shooting Range at Monadnock Rod & Gun Club** to be located at their property at 595 Jaffrey Road, Parcel No. R003-032-000 in the Rural District and Route 202 Rural Gateway Overlay District.
8. Other Business
 - a. Update on Zoning Amendment Proposals
9. Next regularly scheduled meeting: Monday, January 10, 2021 at 6:30 PM
10. Adjourn

POSTED
11-30-21



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STAFF REPORT

TO: Planning Board
FROM: Danica Melone
DATE OF WRITE-UP: Tuesday, December 7, 2021
PROVIDED FOR MEETING DATE: Monday, December 13, 2021
RE: CONTINUED (12) – WALDEN ECO VILLAGE PROPOSAL

Town Planner Considerations:

- 1) **Wetlands Issues from Nov. 8** – For the record, please find attached my report on the wetlands as it relates to this application. There was discussion at the last meeting questioning why I stated I felt Fieldstone had falsified their wetlands. Neither the applicant nor the Board asked me to explain at that meeting so in effort to set the record straight, attached is my report clarifying my position and the history behind it.
- 2) **Third-Party Hydro** – GeoInsight notes in their report (under #1) that “It should be noted that this reported yield is higher than any yield reported for existing private supply wells in the area included in Hydrosource’s report” and that “extended well usage, possibly through irrigation, pool filling or other uses, by one or more homeowners could jeopardized water quality or water quantity for other well owners on the well.” The Board may wish to consider requiring further testing of the shared well corroborate the reported yield and ensure that the demand will not negatively affect water quality/quantity for those on the shared-well, those on the property with a private well, and those living nearby.
- 3) **Conditional Use Permit #2** – A narrative was submitted with this CUP application on 11/8 and is attached in this packet. No additional materials have been submitted with the CUP as of 12/7 but, based on an email from Chad Brannon, they are anticipating submitting additional/revised documents.
 - a. As of 12/6:
 - i. It is my opinion that the narrative lacks specific detail about the wetlands impacts. The Board is highly encouraged to discuss: 1) the location of each proposed impact, 2) the size of each proposed impact, 3) why each impact needs to happen, 4) if there are alternatives to the impacts and whether they’ve been considered.
 - ii. “Adaptive reuse” of structures needs to be clarified. Does this apply to all the illegal nonconforming structures or just some? The use needs to be defined so that the Planning Board can identify if the use is permitted in the district.

- iii. The Board may wish to deny this application on the basis that it does not identify nor explain any of the proposed wetland impacts.

4) Outstanding Items -

- a. **75-foot Vegetated Buffer** – Still missing. At the 11/8 meeting where Chad Brannon states that previous plans showed the 75-ft buffer, I went back to check and can confirm that no past plans show the 75-foot buffer. All iterations of the plans show a 30-ft building setback around the perimeter of the property. I highly encourage Planning Board members to review the submitted plans and to imagine what that buffer line would look like doubled – there is clearly a lot of structures/uses that are existing and proposed to be located within the buffer that won't be permitted. (i.e.- no structure, accessway, parking lot can be located within this vegetated buffer.)
- b. **50-foot Buffer Lines for Wetlands** – At the July site walk, Chad Brannon indicated that all wetlands on the property are “jurisdictional.” With that in mind, ALL the wetlands need to show their 50-foot buffer and should be sensitive to the 5-foot building setback to all wetland buffers.
- c. **Variance for Illegal Nonconforming Structures** – The applicant needs to seek a Variance to expand upon use of the illegal nonconforming structures located within the wetlands buffer. If the Board is unsure of this determination, we may formally ask Code Enforcement Officer and Zoning Administrator Tim Herlihy to supply his formal determination.
- d. **Density Bonuses** - There has been a lot of flip-flopping about what the applicant would like to seek density bonuses for. The applicant should submit a document stating exactly what density bonus(es) they are seeking with an explanation of how the OSRD proposal will continue to meet those criteria long-term. I recommend the Board seek this documentation so that if the Board comes to point of approving this project, it is abundantly clear exactly what the applicant is seeking/being approved for in terms of density bonuses.
 - i. For example, if seeking an agricultural land density bonus, the write up should explicitly include total acreage preserved as agricultural land, how it meets the criteria, and how the HOA will maintain this feature.
 - ii. The most current plans point to a path noted as “Construct Hiking Trail” and “Trail Directional Sign.” If using the trails density bonus, the write-up should explicitly include: a map of the trail, the parking area, trail wayfinding signage, access information (hours), types of access (pedestrian, horses, bikes), and how the trail will be maintained.
- e. **Existing Structures (Not Overnight Cabins)** – The applicant needs to clarify what is proposed to be done with existing structures on the property, such as the barn and chicken coops. Will they stay? Who owns them? How will they be maintained and managed by the HOA?
- f. **Utility System for Heat** – The Planning Board may wish to consider discussing how dwelling units will be equipped with a heating source. The existing structures have shared a wood heater which will not be allowed to remain (among other building and fire code deficiencies, the wood furnace is not thermostatically controlled and relies on tenants to add wood to keep it lit.) Will heat be electric or propane? If propane, where will tanks be sited in relation to the wetlands and their buffer? The Board may wish to encourage the use of renewable energy sources.
- g. **Utility Easements** – The Board may wish to consider requiring the applicant show the utility easements for proposed utility installation. No proposed utility easements are shown on the plan. For example, an easement should be shown where the transformer will be connected to each proposed house.

- h. **Maintenance, Storage, & Community Use Area** – The Planning Board may wish to consider requesting the applicant submit more detailed information about what is proposed to be done with this area. Many of the structures are unclear on their intended uses and their proposed uses need to be confirmed compliant with regulations. For example, one structure in this area is noted as “makers space”:
- i. If open to the public, this would require a variance to allow a commercial use in the rural district in a condominium development in the shared open space, then Planning Board review for parking, lighting, etc.
 - ii. If only available to residents, what is the use of the space intended for? General arts and crafts or all types of work? How will the HOA manage?
- i. **Shared Facilities** – The Planning Board may wish to consider requesting the applicant submit more detailed information about how shared facilities in and around the common area will be used and maintained through the HOA. This includes the pizza oven, campfire, and hot tub. Will these be available to access by homeowners only? Who pays for use of the facilities, such as electric for the hot tub? What about guests or the public? Will there be a permitting process for events of a certain scale on this common area through the HOA?
- j. **Pump House Structure** – The Board may wish to consider requiring the applicant submit information on what the plans for the pump house structure are. Currently the structure is left unlocked and has a chest freezer inside. Will this structure be locked to residents? Will include some sort of storage for residents?
- k. **Trash Locations** – The Board may wish to consider inquiring about how trash will be handled on the site. There are currently dumpsters on site – will these remain, or will homeowners be responsible for their own refuse? If the dumpsters stay, will they be paid for by the HOA?
- l. **State Wetlands Permitting** – The Board should keep in the back of their mind that a condition of approval for this project would be that all state wetlands permits need to be sought before the final plan may be signed.
- m. **Driveway/Accessway Permitting** – The Board is encouraged to require that the applicant provide information that the proposed Walden Way (where it meets Middle Hancock Road) can legally be brought up to standard in the following ways:
- i. Is there an access easement and/or agreement between lot R010-005-100 and R010-005-001 to allow for the shared driveway entrance?
 - ii. Has a state wetlands crossing permit been approved for the culvert beneath the entrance to Walden Way?
 - iii. How will the shared-portion of the proposed Walden Way be managed through the HOA? Will house lot R010-005-100 pay a portion of the maintenance costs?
- n. **Stormwater Management Report.** With considerations to the fact that the wetlands have now changed three times, the originally submitted Stormwater Management Report is no longer representative of the site. A new one needs to be submitted for review. The Board may wish to consider having the Town’s Stormwater Engineer review the proposed stormwater management plans, as submitted with the subdivision plans, and also review the new management report when submitted to provide his review and recommendations.
- o. **Landscaping Plan.** The subdivision plans do not include a landscaping plan of the site once developed. It is my recommendation that the Board request landscaping be considered. This may include preserving existing vegetation as much as possible (it appears some trees located on the common will be preserved); removing invasives; and planting new, native vegetation in areas surrounding homes and accessways in effort to beautify the neighborhood.
- p. **Lighting.** The lighting plan submitted still does not provide the average foot candles of the proposed area lighting. The Board is encouraged to require the applicant submit more detailed

information on the lighting plan to include what the average foot candles are so that the Board may confirm that the proposed lighting is compliant with District regulations. The plans also do not propose any exit lighting for the dwellings units which will be required by Electrical Code. The details of exit lighting should be included in this plan so we can also confirm that the lighting is compliant with District regulations.

- q. **Parking.** The current plans propose 20 dwelling units which will require a minimum of 2 parking spaces each, for a total of 40 required parking spaces. The plans submitted show a total of 54 parking spaces on site meaning they development should have sufficient overflow parking, however they will need to have 3 handicapped spaces identified on the plan.
- r. **Parking Lot Sheds/Storage.** The Board is encouraged to ask the applicant if the existing sheds in the existing parking lot will remain. If so, how will they be used and who will manage them? Furthermore, will the HOA allow for passive storage in the parking lots such as boats, ATVs, snowmobiles, etc.?
- s. **Snow Storage.** The Board may wish to consider asking the applicant the plan for snow storage and winter maintenance.
- t. **Common Septic System Approval.** The Board may wish to consider requiring the applicant provide proof that the existing, shared septic system is approved by the state.
- u. **Woodshed.** The Board may wish to consider asking the applicant what the plan is for the Woodshed. Will it be converted into a dwelling or removed?
- v. **Mailboxes.** The Board may wish to consider discussing with the applicant what his plans are with the mailboxes at the front of the roadway. Do these mailboxes have approval by the postmaster? During the past year, there has been public comment regarding traffic considerations and sight line-visibility near the entrance to the proposed Walden Way. The Board may wish to consider encouraging that the mailboxes be removed in order to improve visibility.



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STAFF REPORT

TO: Note to File, Planning Board
FROM: Danica Melone
DATE OF WRITE-UP: Monday, December 6, 2021

**WETLANDS
HISTORY**

In my staff report provided for the November 8, 2021 meeting, I would like to make the following explicit clarifications of the wetlands timeline and why the choice of words was used.

- 1) **Clarification of Determination.** I recognize the gravity of using the word “falsified” in my last staff report and now have clearer understanding of the legal connotations specific to that word. In those respects, I’d like to formally revise my statement that it is my sole opinion that this application has provided very confusing wetland data that appears to be misleading. I’d like to also clarify for the record that this is NOT the determination made by Dave MacLean of GeoInsight nor of Mark West of West Environmental Inc, nor were either party tasked with making such a determination in their third-party review.
- 2) **History.** In making such an opinion, I’d like to clarify the project history of the wetlands which led me to making such statement. The current application before the Planning Board was submitted in November of 2020 for its first public hearing date to be held on Monday, December 14, 2020. Below is a timeline clarifying the statements made and changes to the wetland’s delineation beginning with the first submission.
 - a. **Background.** Under §245-15 of the Peterborough Zoning Ordinance, any proposed impacts (such as constructing accessways or utility lines) in the wetland or their 50-foot buffer requires a Conditional Use Permit. The threshold for the size of the wetlands which triggers this permit is a minimum of of 10,000 square feet in size (0.229 acres) in size or larger.
 - i. It has been suggested by the applicant’s team that the Town of Peterborough’s zoning regulations for wetlands are very new and much more stringent than other Towns. This is wholly untrue. The wetlands regulations were adopted in the 1980s and, despite the community continually indicating that the protection of natural resources is paramount, our regulations are not nearly as rigorous as other Towns in the state – including other Towns much smaller than us.
 - b. **November 2020.** The first submitted subdivision plans provided for the first hearing date (dated November 9, 2020 with no last revision dates - see Appendix A) show delineated wetlands and their buffer lines. A Stormwater Management Report dated November 9, 2020

discusses calculations, identified subcatchment boundaries, and stormwater management recommendations based upon the provided wetlands delineation and data for this plan set.

i. **This is Wetlands Plan #1:**

1. Submitted site plans do not show total wetland size. The only reference to total size of wetlands is unclear in the Plan Notes on page 3, #5 which is a calculation for open space and combines the total size of “non-wetlands soils and soils with less than 25% slope.”
 2. Only one delineated wetland has its square footage provided (780 sqft – which is under the threshold for requiring a permit).
 3. All wetlands (except for the one with square footage shown as 780 sqft) has a 50-foot buffer line suggesting they are 10,000 sqft in size or larger, and require a permit.
 4. No Conditional Use Permit for wetland impacts is submitted.
 5. No Variance is submitted to expand upon the use of illegal nonconforming structures.
- c. **January 2021.** My staff report (dated for the December 14, 2020 meeting) requested that the applicant confirm the size and scale of the wetlands on in order to determine if they need a Conditional Use Permit application. In conducting research of the site, it was discovered that permitting was needed in years past for wetlands impacts however, at that time, wetlands of ½ acre in size (21,780 sqft) and larger triggered the need for a permit whereas the threshold has since been reduced to a 10,000 sqft in size or larger.
- i. At the January 11, 2021 meeting, no further information or clarification about the wetlands is provided at the meeting from the applicant. Chair Ivy Vann asks agent Chad Brannon to come back to the February meeting prepared to discuss the wetlands.
- d. **February 2021.** At the February 8, 2021 meeting, agent Chad Brannon is questioned about the wetlands and he states that he is “not sure about the buffer but the wetland is just over an acre in size.” This statement again suggests that a Conditional Use Permit would be required but nothing was submitted at this meeting.
- e. **March 2021.** My staff report dated for the March 15, 2021 meeting states that the true size of the wetlands still needs to be confirmed. My staff reports also discusses that the submitted plan (dated November 9, 2020 with no last revision dates - see Appendix A) lacks wetland mapping beyond the boundary lines of the applicants property, which is required under §245-15 so that the total area of those wetlands may be included in the application and calculations for the Open Space Residential Development.
- i. At the March 15, 2021 meeting, the Board entertained a motion for denial of the subdivision application on the basis that this was incomplete and still lacked wetland information. Chair Vann stated that “we do not have information on current existing impacts such as how big the wetland is and exactly where the boundary lines are.” The applicant’s attorney Chris Swiniarski and agent Chad Brannon both stated, as reflected in the approved meeting minutes, that it was impossible for them to submit a Conditional Use Permit because they are trying to design a new subdivision plan with larger lots; agent Chad Brannon added “that a final plan must be in place before such an application is made stating, “and we don’t know what that is yet.” Moments later, agent Chad Branon projects a new subdivision plan on the screen which shows larger lot sizes. Agent Chad Branon later stated that the section of wetlands located behind

the existing cottages were “certainly under the ½ acre threshold, closer to the ¼ acre threshold” **and added that Fieldstone was choosing to go out and re-evaluate the wetlands.** In addition, the Planning Board members reiterated that they would like to see a proper wetland delineation of the site before they could give feedback with member Lisa Stone pointing out how in past minutes, the Board repeatedly asks for them to “show us the wetlands and we get nothing” and adding that they “see no reason for asking more time when they did not reach out for a continuance or delay to get that done.” The result of this meeting was a unanimous vote by the Board to request Fieldstone conduct a “certified wetland assessment and delineation.”

- f. **April 2021.** My staff report dated for the April 12, 2021 meeting recommends denying the subdivision application on the basis that there is still no wetlands information, Conditional Use Permit, or Variance provided.
- g. **May 2021.** The applicant’s attorney reaches out and indicates they would like to continue in order to finalize their reviews and wetlands work.
- h. **June 2021.** In the month of June, a brand-new plan (dated November 9, 2020 with the last revision date of June 4, 2021 - Appendix B) is submitted indicating that there are **NO** jurisdictional wetlands on the property and now shows wetlands with different wetland boundaries and removed buffers.
 - i. **This is Wetlands Plan #2:**
 1. Submitted site plans now show total wetland size and is referenced in the Plan Notes on Page 3, #15 “Density Calculation.” The first iteration of these plans does not provide the size of the wetlands in the “Density Calculation.”
 2. Two sections of the wetlands are now shown with their total square footage and their 50-foot buffer lines have been removed. The sizes of other wetlands on property are still unknown despite having 50-foot buffer lines. The 780 sqft wetland with no buffer line remains unchanged.
 3. Despite this iteration of the wetlands mapping indicating that there are NO wetlands on the size that meet the threshold for a Conditional Use Permit, a Conditional Use Permit is submitted. As a description of the project, the application only states: “Open Space Residential Development, as shown on attached plan” with an additional note that reads “Note: Applicant has filed at the requirement of the Town of Peterborough Planning Department and reserves the right to assert its position that this application is not required at any subsequent or other proceeding.”
 - ii. The left-hand northern-side of the Walden Way loop initially showed wetlands stretching up all the way up to the roadway, running perpendicular to the Walden Way loop on the plans dated November 9, 2020 with no last revision date (Appendix A). The new plans submitted (Appendix B) show a large portion of these wetlands gone and indicates that there are **NO** jurisdictional wetlands on the property. This is a significant change to the wetlands where the previous plans submitted (dated November 9, 2020 with no last revision date – Appendix A) showed there to be three existing structures, two roadways, and a section of Garland Court within the 50-foot buffer in of the section removed. With the previous delineation, the applicant would have been required to seek Conditional Use Permits and/or Variances to allow for the

structures, accessways, and utilities to exist within the buffer. However, the newly submitted plans show a smaller wetland and has removed the 50-foot buffer line.

1. Removal of the buffer line is puzzling because a 50-foot buffer line suggests that the wetland is jurisdictional. Non-jurisdictional (wetlands smaller than 10,000 square feet (0.229 acres) do not require a 50-foot buffer.) In December of 2020, the Conservation Commission went out on site to review the project and requested that the 50-foot buffer line of wetlands be flagged for their visit. Fieldstone graciously complied and put out flagging to demarcate the 50-foot buffer for the Conservation Commission to review, coincidentally they did so in the exact location of this June 2021 change. Months later, after this section of the wetlands is delineated in the first set of plans (Appendix A) with a buffer line and having this section physically delineated in the field, these wetlands and their buffer have now disappeared. Interestingly, the loss of wetland has now put the total square footage at just under the threshold of 10,000 square feet for a Conditional Use Permit. A second section of wetlands which is bisected by the entrance of Garland Way previously did not provide its size in square footage (despite being required by §245-15) and instead, the new plan removed its 50-foot buffer line and was also noted it as being just under the 10,000 square foot threshold.
- iii. Note: The Planning Board continued the hearing to July to allow time for the Board and planning staff to review all the submitted materials.
- i. **July 12, 2021.** In preparation for this meeting, my staff report recommends denying the Conditional Use Permit application on the basis that its incomplete and recommends that the Board have a third-party wetlands scientist confirm the size and scale of the wetlands considering the confusing changes made in the second iteration of the wetlands plans.
 - i. At the meeting, agent Chad Brannon reiterates a point I found concerning and have pointed out in this memo, above in G(i)1:
 1. Excerpt from minutes: “He pointed out the wetland area on the projected graphic and noted ‘one is 8,875 square feet and the other is 8,000-something square feet is well’ concluding ‘they are under 10,000 square feet so no buffer is required.’ This statement suggests that a buffer line was originally attached those wetlands because they were of 10,000 square feet in size or larger.
 - ii. Towards of the end of the meeting, Conservation Commission Co-Chair Francie Von Mertens speaks on the wetlands matter and echoes one of my ongoing concerns highlighted in my staff reports: she points out that it appears the wetlands are still not being considered contiguous where they clearly should be. Under §245-15F(3), “in those cases where wetlands are bisected by a road or driveway and connected by a culvert, the wetlands shall be treated as one for the purpose of determining applicability to this ordinance.” *There is no response or further discussion to this point made at the meeting.*
 1. In summary, the second iteration of the wetlands which aims to confirm that there are no jurisdictional wetlands on the property because they are all under 10,000 square feet is false because the delineation still does not acknowledge the requirements of §245-15F(3).
- j. **July 26, 2021 – Site Walk.** The Planning Board visited the property to conduct a site walk. It is at this site walk that agent Chad Brannon suddenly says that his team has now just realized

(eight months after the plan has been submitted) *that all wetlands on the property are jurisdictional.*

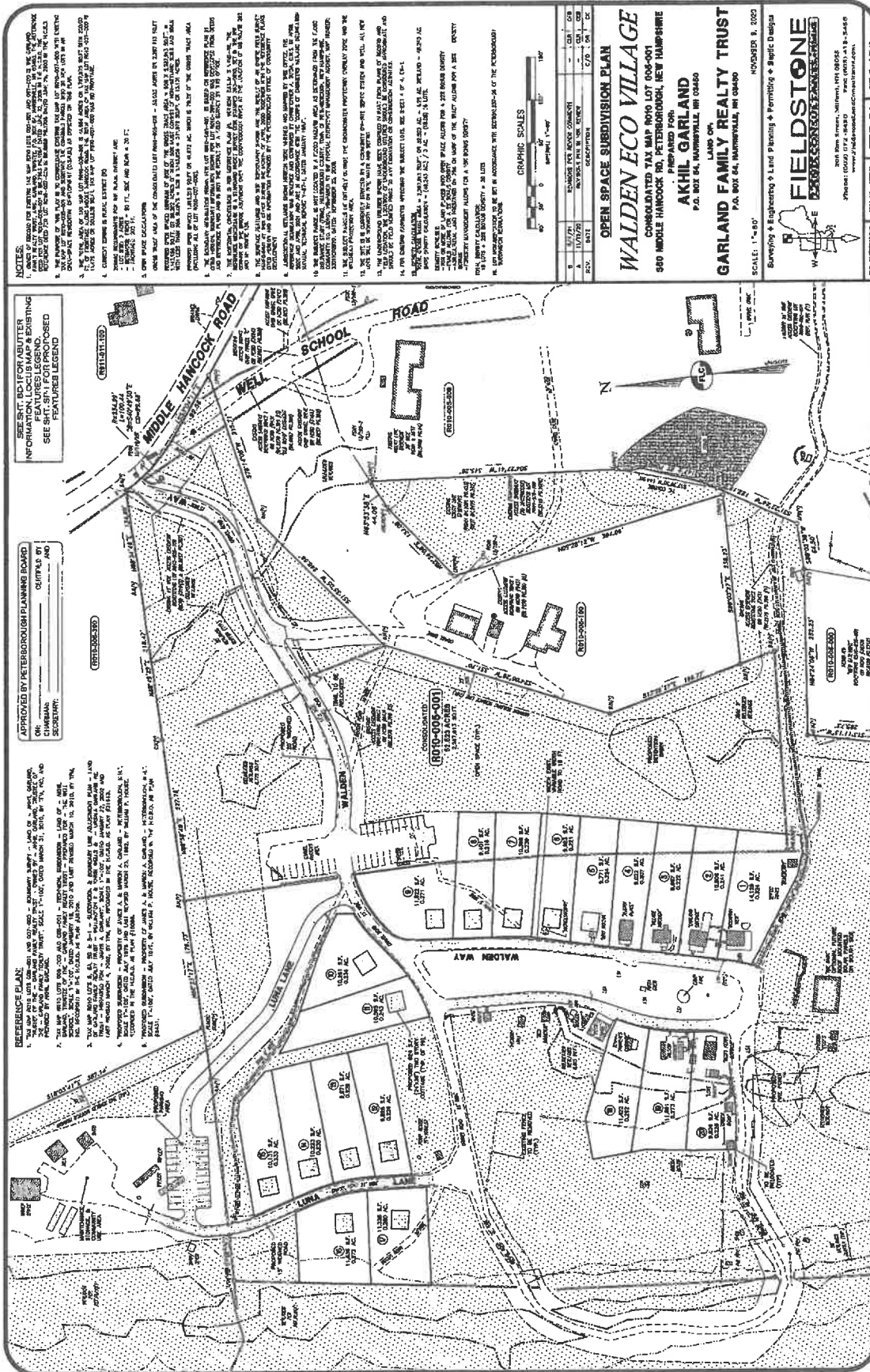
- i. During the site walk, agent Chad Brannon makes a statement about a large section of wetlands (stretching North to South, located to left-hand side of the plans.)
 1. Excerpt from minutes: “Mr. Brannon told the group ‘the wetlands have been mapped except for the far back side where were used a survey by TF Moran and no development is planned.’” This is curious because all wetlands on the property need to be delineated regardless of whether development is planned in proximity to it but in this case, the section of wetlands in question is planned to have at least two house lots and an accessway cut through the wetlands and its buffer. Delineations are to be done every five-years by certified wetlands scientist and the TF Moran plan Mr. Brannon is referring to is over a decade old.

- k. **August 2021.** At the site walk, agent Chad Brannon announced that his team had just discovered all wetlands on site are jurisdictional, contrary to their latest submitted plan (dated November 9, 2020 with the last revision date of June 4, 2021 – Appendix B) which indicated that none of the wetlands were jurisdictional and that the wetlands were smaller in scale than those shown on the first edition of the plans (dated November 9, 2020 with no last revision date - Appendix A.) At this time, a third iteration of the wetlands is submitted (Appendix C). These new materials were provided only a few days before this meeting and therefore were continued to the next meeting so that staff and Board members had time to review.
 - i. **This is Wetlands Plan #3:**
 1. Submitted site plans (Appendix C) now show total wetland size and is referenced in the Plan Notes on Page 3, #15 “Density Calculation.” The first iteration (Appendix A) of these plans does not provide the size of the wetlands in the “Density Calculation.”
 - ii. With this new information, my staff report recommended denying the first Conditional Use Permit application and reiterated my recommendation that the Board seriously consider having a third-party review the wetlands now that a third iteration of the wetlands had been submitted.
 - iii. In the approved minutes (page 3), agent Chad Brannon expresses his dissatisfaction with my recommendation, stating: “a review is one thing, we have no problem with that, but a redo (of the delineation) is a whole other thing.” In addition, Mr. Brannon adds that “We have hung flags on all the wetlands on the site.” This is interesting because a “redo” is exactly what was required when both Fieldstone and the third-party met on site and found that much of the flagging was missing and outdated. *It is following this meeting that the contract with the third-party for their services commences.*

1. **September 2021.** The applicant asked to continue until the next meeting in October. My staff report for this meeting noted concerns for the second Conditional Use Permit, which included:
 - i. Existing illegal nonconforming structures are still proposed to remain within the wetlands buffer. The application says that these existing structures in the buffer will have an adaptive reuse, however knowing what that “use” will be is crucial to both applications so that the Planning Board can identify if the “adaptive reuse” is compliant with zoning. No information on what an “adaptive reuse” is has been

- shared. No Variance to allow for the existing illegal nonconforming structures to be expanded upon has been submitted.
- ii. A narrative of the proposed impacts was requested on August 18, 2021 to accompany the Conditional Use Permit. Narratives typically detail the approximate location of the proposed wetland impact(s); why the impact(s) must happen; whether or not alternatives exist for the impact(s) and if those alternatives were sought; and the square footage of the proposed impact itself. No narrative was submitted for the September meeting.
 - iii. The Conservation Commission met to review the Conditional Use Permit and provide comment (as required by §245-15.) Their main concerns included:
 1. The application lacks a computation of the size of the wetland impacts. (This could be, for example, 100 square foot wetland impact proposed to allow for a culvert.)
 2. The Commission would like to better understand what “adaptive reuse” means.
- m. **October 2021.** The applicant asked to continue until the next meeting in November. No further information has been submitted from the applicant, such as a narrative for the Conditional Use Permit nor a Variance to allow for illegal nonconforming uses to be expanded upon.
- n. **November 2021.** Leading up to the November meeting, the wetlands review by the third-party was delayed because it was discovered much of the flagging was missing and old (requiring a redo) and the third-party provides me with the following updates found in Appendix D.
- i. This suggested that a fourth iteration of the wetlands would be forthcoming. After meeting on site, the third-party indicated that a new wetlands delineation was necessary, and that Fieldstone should submit it back to them for review. Because no new wetlands delineation has been submitted by Fieldstone to the third-party for months, my recommendation for the November was for the Planning Board to deny the application.
 - ii. On the same date of the November meeting, Fieldstone submitted their new wetland delineation to the third-party for their review. We are now in receipt of the final third-party report. Despite the updates provided, the wetlands did not change significantly.

APPENDIX B



REFERENCE PLAN:

1. THE MAP OF THE "WALDEN ECO VILLAGE" SUBDIVISION, MAP NO. 100-000-001, AS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HENRIETTA, NEW YORK, ON JANUARY 18, 2010.
2. THE MAP OF THE "WALDEN ECO VILLAGE" SUBDIVISION, MAP NO. 100-000-001, AS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HENRIETTA, NEW YORK, ON JANUARY 18, 2010.
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APPROVED BY PETERBOROUGH PLANNING BOARD

ON: _____

CHAIRMAN: _____

SECRETARY: _____

DATE: _____

SEE SHEET 501 FOR ADDITIONAL INFORMATION REGARDING EXISTING FEATURES AND LEGEND.

SEE SHEET 501 FOR PROPOSED FEATURES AND LEGEND.

NOTES:

1. THE SUBDIVISION IS BOUND BY THE COUNTY OF HENRIETTA, NEW YORK, TO THE NORTH, WEST AND SOUTH, AND BY THE COUNTY OF MADISON, NEW YORK, TO THE EAST.
2. THE SUBDIVISION IS BOUND BY THE COUNTY OF HENRIETTA, NEW YORK, TO THE NORTH, WEST AND SOUTH, AND BY THE COUNTY OF MADISON, NEW YORK, TO THE EAST.
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GRAPHIC SCALES

1" = 100'

1" = 200'

1" = 400'

1" = 800'

1" = 1600'

WALDEN ECO VILLAGE

CONSOLIDATED MAP NO. 100-000-001

380 MIDDLE HANCOCK ROAD, PETERBOROUGH, NEW HAMPSHIRE

AKHIL GARLAND

P.O. BOX 84, HANOVER, NH 03040

GARLAND FAMILY REALTY TRUST

P.O. BOX 84, HANOVER, NH 03040

NOVEMBER 8, 2023

Surveying & Engineering & Land Planning & Permitting & Septic Design

FIELDSTONE

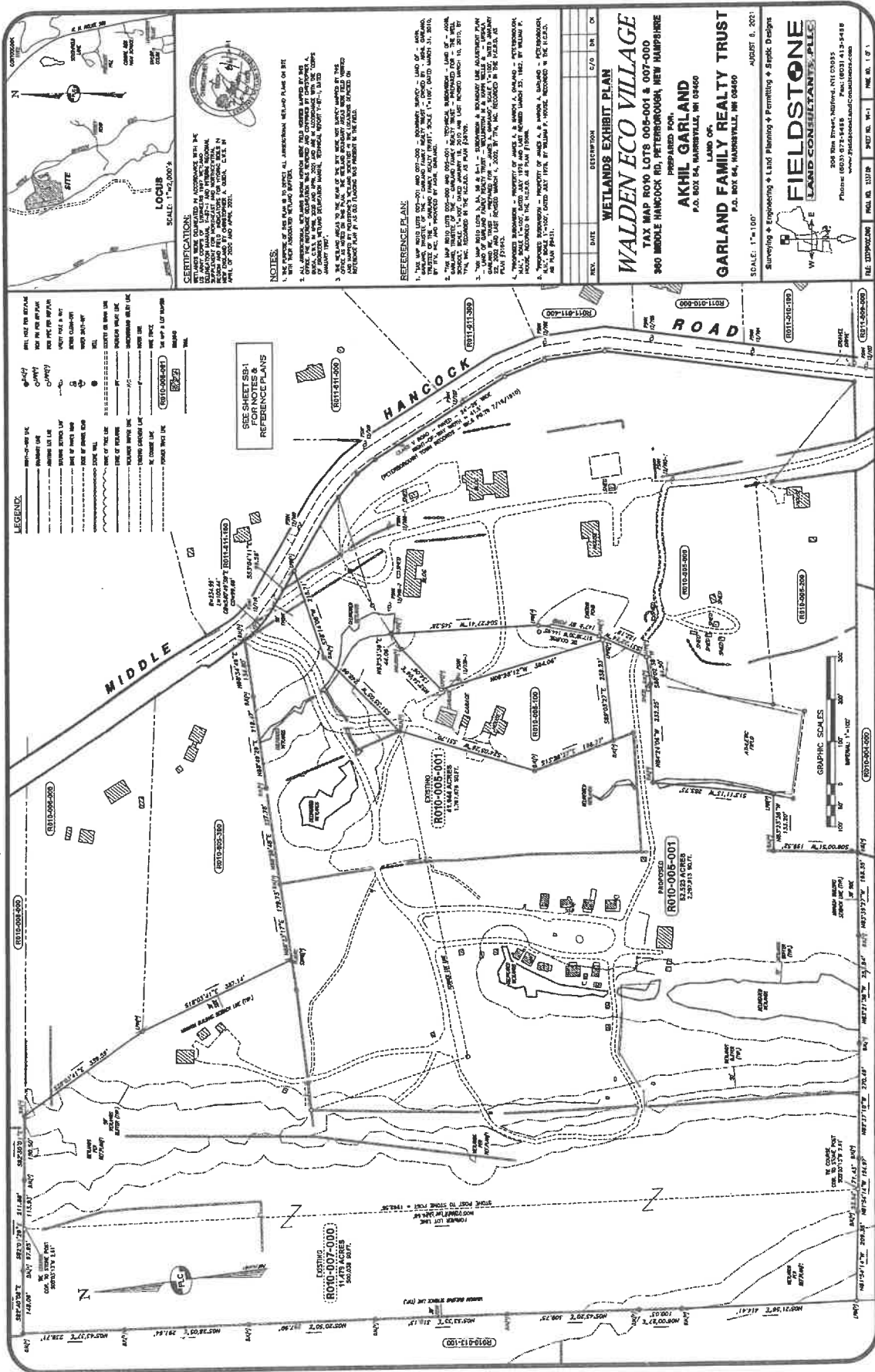
200 Elm Street, North, NH 03055

Phone: (603) 874-8440 Fax: (603) 874-8449

www.fieldstoneinc.com

MAP NO. 100-000-001 SHEET NO. 501 OF 501

APPENDIX C



APPENDIX D

Correspondence 1

Received 9/29/2021

Received prior to October 13th Planning Board meeting and was reason for continuing

Hello Danica.

I am writing to give you a brief status update.

As we discussed, I am done with my hydrogeologic review for the most part. In summary, I am in general agreement with the applicant's consultant that the development represents limited risk of impacting area water resources. There are some details with which I disagree but I do not think that will take away from the that main conclusion. An outstanding issue to be considered is the management of the shared well and how homeowners will work together to manage or test that well. As we discussed, the shared well is not a community water supply and NHDES will not step in if there one of the homeowners runs into problems. I will describe that in my cover letter.

Concerning wetland work, Mark West has met with the Fieldstone consultant and they have walked the property to concur on wetlands. Based on my discussions with Mark, much of the wetland flagging is old and is missing and both consultants agreed that the area needs to be resurveyed. During their site walk, both consultants identified a new wetland not previously identified and Fieldstone's consultant asked Mark out for a second field visit to verify this new wetland. Mark contacted me to tell me he thinks he can do a second visit within the existing budget but we may run into some additional cost trying to reconcile this small, new area.

Regarding timing, we need to wait for a new survey and then I need to wait for Mark's report so we can finish up.

In the meantime, I am writing a work in progress invoice covering my time to organize the wetlands work and my hydrogeologic analysis.

I am assuming this will all wrap up in October..just not sure when. I am waiting on Fieldstone's surveyor and then Mark will write up his report (which will appear as an attachment to my report).

Please let me if you have questions. FYI, I will be off from this Thursday to next Wednesday. I will reach end of next week if there are further updates.

Kind Regards,

Dave

DAVID A. MACLEAN, PG, LSP, LEP

Senior Associate-Water Supply Director
O. 603.314.0820 | C. 603.491.9610
186 Granite Street, Suite 3A, Manchester, NH 03101

Correspondence 2

From: Danica Melone <dmelone@peterboroughnh.gov>
Sent: Wednesday, October 20, 2021 3:02 PM
To: David A. Maclean <DAMaclean@geoinc.com>
Subject: Walden Check-in

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dave,

Just wanted to reach out and see if you had any update on where things are at. We are hoping to review everything for our Monday, November 8th meeting.

Thanks,

Danica

From: David A. Maclean <DAMaclean@geoinc.com>
Sent: Wednesday, October 20, 2021 5:18 PM
To: Danica Melone <dmelone@peterboroughnh.gov>
Cc: mark@westenv.net
Subject: RE: Walden Check-in

Danica...as noted earlier, I believe the applicant need to do some additional surveying and requested confirmation regarding an additional wetland area. The water impact issues are as we discussed. I will check in with Mark West tomorrow and will provide you an update on the wetland issues.

Thanks-

Dave

From: Danica Melone <dmelone@peterboroughnh.gov>
Sent: Thursday, October 21, 2021 10:01 AM
To: David A. Maclean <DAMaclean@geoinc.com>
Cc: mark@westenv.net
Subject: RE: Walden Check-in

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dave,

Sounds good. If we aren't able to get that surveying done for November 8th, I wonder if it's possible to forward the water impact portion and maybe a write-up summarizing where everything is at with the wetlands.

Thanks for your quick response, too!

Danica

From: David A. Maclean <DAMaclean@geoinc.com>
Sent: Wednesday, October 21, 2021 10:38 AM
To: Danica Melone <dmelone@peterboroughnh.gov>
Cc: mark@westenv.net
Subject: RE: Walden Check-in

Hey Danica...

Mark let me know that he asked the applicants wetlands consultant and expects revised plans for his comment.

I can provide my write up but would prefer that we deal with this a one submittal to save money.

I am hoping that that this gets resolved soon so we can get you what you need prior to the meeting on the 8th.

How much lead time do you need for distributing copies?

Kind regards-

Correspondence 3

*****Received immediately following last email, above*****

(603) 657-2021

Oct 21, 11:51 AM

1:25

1x

Transcription:

Hey Danica, it's Dave MacLean calling from [GeoInsight] and say hey, I'm looking at your email response and I just want to make sure that you understand that it's the applicants consultant who who needs to get Mark information. So he can finalize his report. So, uh for them to think that that you are holding up. The process is is incorrect. And you know, I suspect they're just disorganized so or either that or perhaps the wetlands and Engineering people on the applicant side are not giving their client the the true skinny at any rate, you know, so we're waiting on that. I just wanted to make sure that I understood that. Yeah, so let me know what you need. You know, you set a simple note. I can respond back to this. I just want to make sure that that I'm giving you the, the Magic [words] here. So, anyway, you can give me a ring 603-491-9610. That's my cell phone, or you can call the office. I'm in the office today. 603-314-0820 extension 214. Talk to you soon.



November 30, 2021

GeoInsight Project 11439-000

Danica Melone
Town Planner
1 Grove Street
Peterborough, NH 03458

RE: Walden Eco Village
360 Middle Hancock Road
Peterborough, New Hampshire

Dear Ms. Melone:

GeoInsight, Inc. (GeoInsight) is providing this letter to summarize our review of hydrogeologic conditions and the review of wetlands mapping for the project referenced above. The Town of Peterborough (the Town) Planning Board (the Board) is currently reviewing an application for subdivision prepared by Fieldstone Land Consultants located at the address referenced above. You have provided GeoInsight with a copy of the proposed development plans and a scope of work dated June 13, 2021. Review of the wetlands mapping was provided by West Environmental, Inc. (WEI) and their review letter is included as Attachment A.

HYDROGEOLOGIC EVALUATION

The project applicant retained HydroSource Associates Inc. (Hydrosource) to conduct a hydrogeologic study of the proposed development and Hydrosource documented their opinions in a report, dated May 10, 2021, titled: **Feasibility of Supplying Water to Development Using Bedrock Wells, Walden Eco Village Development, Peterborough, New Hampshire.** GeoInsight reviewed this report and evaluated the potential impact of the proposed development on nearby water users and water users based upon information available through information provided on-line and based upon information available through online sources.

Based upon this review GeoInsight provides the following observations and conclusion:

- 1) Shared Supply Well: Plans provided by the applicant show that seven of the existing residential lots will be served by a single bedrock well with a reported yield of 40 gallons per minute (gpm). This well will not be considered a community supply well based upon New Hampshire Department of Environmental Services (NHDES) regulations considering it does not serve greater than 25 people and does not have 15 service connections. The reported yield of 40 gpm should be sufficient for the seven lots but backup documentation

for this flow rate has not been provided. It should be noted that this reported yield is higher than any yield reported for existing private supply wells in the area included in Hydrosource's report the letter (see their tables 1 and 2). Extended well usage, possibly through irrigation, pool filling or other uses, by one or more homeowners could jeopardize water quality or water quantity for other well owners on the well. Should water quality or quantity problems arise, impacted homeowners approaching NHDES would be likely be directed to the Town of Peterborough considering that the NHDES has no jurisdiction regarding the use of this shared well. Accordingly, the project applicant should develop a well ownership agreement to verify with users of the shared well agreement clarifying well testing and maintenance responsibilities. Representatives from the NHDES Small Systems Engineering and Treatment, NHDES Drinking Water and Groundwater could potentially be able to provide examples of similar agreements.

- 2) Fourteen additional private wells will be drilled and constructed and these wells are not regulated by the NHDES. These wells should be installed by licensed well drillers in accordance with well construction rules (New Hampshire Code of Administrative Rules We 100-1000) specified by the New Hampshire Water Well Board.
- 3) Hydrosource included assumptions regarding water yields needed for residential supply wells and these assumptions appear rational and consistent with NHDES guidance. Assumptions do not account for excessive irrigation or lawn and garden watering. It is unclear whether Waterloo and Cambridge assumptions referenced in their letter regarding outdoor water usage (10 percent of total water use is from outdoor use based upon surveys of water users) would be applicable to Peterborough, New Hampshire. Regardless, GeoInsight concurs with these assumptions.
- 4) Hydrosource's estimates an average target potential flow rate 5.5 gpm for each proposed bedrock residential supply well. GeoInsight independently verified this inventory and target flow rate and concur that an estimated average flow rate of 5.5 gpm is reasonable. Further, GeoInsight concurs that most wells installed in the area are of moderate depth and provide acceptable amounts of water. Based upon summary statistics provided in their report it is unlikely that operation of proposed private supply wells will endanger existing supplies.
- 5) GeoInsight checked the private well inventory and found 22 wells within one mile of the development which is more than the 16 included in the Hydrosource inventory. This difference may be related to difference in the area queried and other details. Summary statistics compiled by GeoInsight concurred with Hydrosource's analysis. Further, GeoInsight concurs that wells within one mile of the development are of moderate well depths and moderate well yields suggesting that development of additional wells proposed as part of this development should not overly stress the bedrock aquifer;

- 6) The single shared well serving the existing seven parcels should be able to provide a minimum of 1.5 gpm in order to provide a sustainable yield. The reported yield of the shared well at 40 gpm is much greater than this threshold but this yield could not be independently verified. The instantaneous demand on this well could be much greater than 1.5 gpm when all well owners are using the well at the same time (during morning showering periods, clothes washing, or if significant lawn irrigation is in process). For this reason, further testing of the well may be desired to independently document its well yield.

WETLANDS DELINEATION REVIEW

West Environmental visited the site on September 23, 2021 and October 1, 2021 with the applicant's wetland consultant, Fieldstone Land Consultants (Fieldstone), to review and verify the wetlands boundaries. The verified wetlands boundaries are shown on Wetland Worksheets WK-1 and WK-2 included in Attachment A. It is our understanding that WEI and Fieldstone concur on these boundaries; see WEI's attached report for details.

Please contact me at (603) 314-0820 if you have questions regarding this letter. Mark West at WEI can be contacted directly regarding wetlands delineation question at (603) 778-5292.

Respectfully Submitted,
GEOINSIGHT INC.



David A. Maclean, P.G.
Senior Hydrogeologist

Attachment A: Wetlands Delineation Review Report

ATTACHMENT A

WETLANDS DELINEATION REVIEW REPORT

David Maclean
GeolInsight, Inc.
186 Granite Street, Suite 3A
Manchester, NH 03101

November 22, 2021

Re: Wetland Delineation Review Walden Eco-Village

Dear Dave:

West Environmental, Inc. (WEI) submits this report to document our review of wetland boundaries associated with the Walden Eco Village Project delineated by Fieldstone Environmental Consultants. The scope of wetlands to be reviewed is shown on attachment A prepared by The Town of Peterborough Planning Department.

WEI met with Christopher Guida on September 23 and October 1, and 2021, to review Areas A and B. Many of the original Wetland flags were missing and it was decided that the most efficient method for finalizing the wetland boundary was to flag areas where flags were missing in the field together. Wetland Area B includes pit and mound wetlands with upland islands and areas dominated by upland trees including red oak and white pine. These wetlands are located adjacent the access road. The wetland boundaries were verified according to the following standards:

- **US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January, 1987).**
- **Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (October 2012).**
- **New England Hydric Soils Technical Committee's "Field Indicators for Identifying Hydric Soils in New England", Version 4, 2017,**
- **Northcentral and Northeast 2016 Regional Wetland Plant List, Version 3.3, 2016**
- **Code of Administrative Rules. Wetlands Board, State of New Hampshire (Current).**

We evaluated soil probes, evidence of wetland hydrology and plant communities to determine the edge of wetland. **These verified wetlands are shown on the attached Wetland Worksheet WK-1 prepared by Fieldstone Land Consultants dated November 17, 2021, and accurately reflect the wetland boundaries.**

We also reviewed the wetlands in Area A in the western portion of the site using the same techniques as before. This wetland drains south from the houses west of Walden Way into a pasture near a barn. **The verified wetlands in this location are shown on the attached Wetland Worksheet WK-2 prepared by Fieldstone Land Consultants dated November 17, 2021, and accurately reflect the wetland boundaries.**

We also reviewed the area identified on Attachment B because Lots 16 and 17 west of Luna Lane are adjacent the 50-foot setback of the wetland. These flags were still in place and the wetland boundary shown in blue on the attachment was verified to be accurate.

This completes our report. Please call our office if you have any questions or require additional information.

Sincerely,
West Environmental, Inc.

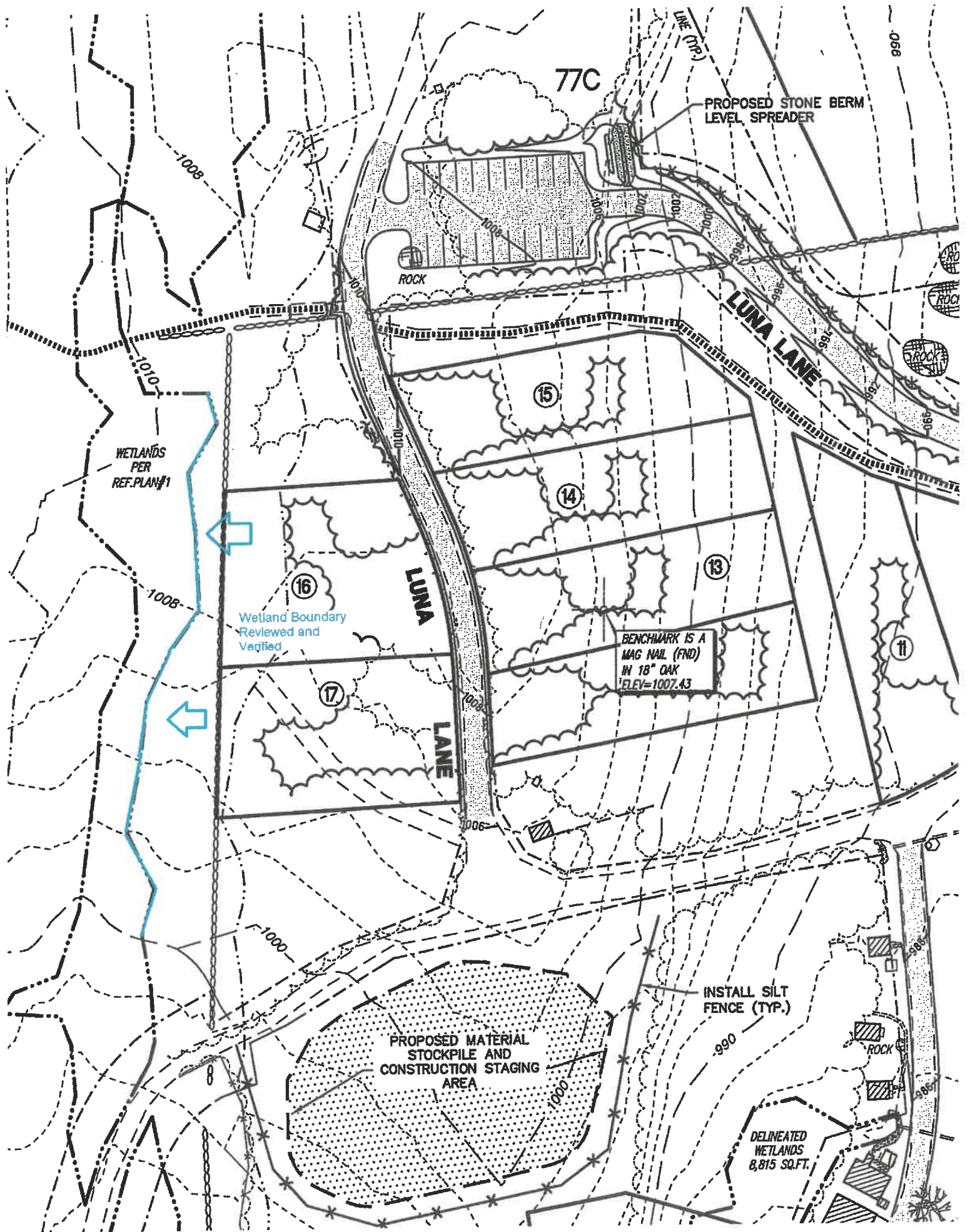
A handwritten signature in black ink, appearing to read "Mark C. West", with a long horizontal flourish extending to the right.

Mark C. West,
NH Certified Wetland Scientist # 010

Cc: Christopher Guida NH Certified Wetland Scientist # 53

LEGEND:

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- 50% CROWN LINE
- 25% CROWN LINE
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- 0.00



77C

PROPOSED STONE BERM LEVEL SPREADER

WETLANDS PER REF. PLAN #1

Wetland Boundary Reviewed and Verified

BENCHMARK IS A MAG NAIL (FND) IN 18" OAK ELEV=1007.43

PROPOSED MATERIAL STOCKPILE AND CONSTRUCTION STAGING AREA

INSTALL SILT FENCE (TYP.)

DELINEATED WETLANDS 8,815 SQ.FT.

LUNA LANE

LUNA LANE

LUNA LANE

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ROCK

ROCK

ROCK

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Garland Family Trust
P.O. Box 54
Harrisville, NH 0345

November 7, 2021



Town of Peterborough, Planning Board (the "Board")
1 Grove Street
Peterborough, NH 034583458

RE: Project Narrative - Open space Residential Development – 360 Middle Hancock Road, Peterborough, NH (the "Project")

Hello Board Members:

This correspondence is intended as the project narrative indicated as a required checklist item in connection with special permit and subdivision application submitted by the Garland Family Trust (the "Applicant") in connection with the Project. **This Project Narrative does not contain any information not previously submitted to the Board in connection with the foregoing applications.**

The Project proposes an adaptive re-use of Tax Map Lots RO 10-05-001 and RO 10-07-000 (the "Property"). Historically, the Property was used to provide housing associated with the nearby Well School, with various structures and amenities. The proposed Project includes adapting some of the existing structures for re-use as housing and for accessory uses (such as sheds) along with access reusing existing roadways and constructing new roadways. Details of the foregoing are shown on the plans submitted in connection with the Project, last revised on June 4, 2021 (the "Plans").

As shown on the Plans, the Property consists of 52.5 acres +/- . The Project will provide 20 lots for housing with fifty-four (54) parking spaces, clustered around a central location to preserve open space and agricultural space. Lot sizes will be approximately $\frac{1}{4}$ of an acre, with detailed square footage for each lot shown on Page 3 of 16 of the Plans. The open space and agricultural space preservation areas, along with areas preserved for forestry, provide for a density bonus of four (4) lots in addition to the sixteen (16) lots allowed by right under the Open Space Residential Development provisions of the Town of Peterborough

Zoning Ordinance. The preservation areas can be maintained by easement or homeowner's association, at the option of the Board. For detailed density and bonus calculations, please see Page 3 of 16 of the Plans.

We thank you for the opportunity to provide this project narrative. Detailed information about the specific components of the Project are appropriately covered and addressed in the Plans. We look forward to meeting with the Board once again on November 8, 2021, at which point the Board should have all of the information it needs to issue its conditional approval of the Project. Thank you.

Sincerely,

The Garland Family Trust

Kim Sands and Mike Tompkins
369 Middle Hancock Road, Peterborough NH 03458

Danica Melone, Town Planning Officer, and
Members of the Peterborough Planning Board
Town House
1 Grove Street
Peterborough, New Hampshire 03458

Regarding: the proposed development of Walden Eco-Village at 360 Middle
Hancock Road, parcel # R01-005-001, located in the rural district

December 2, 2021

Dear Danica and respected Members of the Planning Board:

We are abutters to the proposed development. We have carefully read the
GeoInsight hydrogeology and wetlands report on that site recently submitted to the
Town planning office. We have five areas of concern touching on that report and
other issues:

1. Regarding the **WATER SUPPLY** (hydrology), we note five points:

A. The GeoInsight report says that there is **no back-up documentation** for the 40
gpm rate of the existing well that would be shared by seven houses in the proposed
development, and that **the claimed 40 gpm flow rate is much greater** than that of
other documented wells in the area. The GeoInsight report also notes that residents
of any one of those seven houses sharing that well could be filling a pool or
watering a lawn and thereby **significantly depleting** the water supply for the other
six houses. As we read it, the GeoInsight report implies that the applicant should
do two things:

I. have **that particular well tested** to ascertain its actual flow rate. We suggest this
should be done **before** any application by the applicant be finally reviewed by the
Planning Board; and

continued ...



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II. prepare a proper **shared well agreement**. We suggest that the applicant should commit in writing to make that a condition involved in the sale of any of those seven homes, which agreement should be prepared in advance and approved by the Planning Board or other appropriate Town officer or attorney **before** any decisions are made by the Planning Board on the application. We suggest further that the Planning Board direct the Town compliance officer or another appropriate Town officer to monitor carefully the applicant's implementation of such an agreement should the approval process proceed that far.

B. The GeoInsight report agrees with HydroSource's opinion that **there would probably be enough water** to supply both the new wells called for on the applicant's site plan and the existing wells within a mile of the site.

C. The GeoInsight report notes that the HydroSource study ordered by the applicant listed only 16 wells already existing near the site, whereas GeoInsight found 22 wells already existing near the site. The GeoInsight report says this is not a problem per se. However, we note that it may be indicative of what appears to be a less than careful evaluation by the applicant's team in developing this project and suggests the need for the Planning Board to be **cautious and prudent** in evaluating the application.

D. No mention is made in the GeoInsight report of the potentially deleterious effect that such a **large concentration of septic systems** could have on the water quality of both the new wells and the 22 wells already existing near the site. We think that this is **an important issue** that needs to be studied by an expert.

E. We urge the Planning Board to submit the applicant's plan to the **State of New Hampshire Department of Environmental Services** to get its opinion **before going ahead** with any decisions. Though, as is our understanding, the State does not have regulatory authority over wells that serve less than 25 people, and it is probably unlikely that any one well in the proposed development would serve that number or more (with the possible exception of the shared well noted above), it is our belief that some members of the State's water authority might have **serious concerns** about a plan that calls for so many private wells and septic systems clustered so closely together, and that it would be prudent for the Planning Board to take their expert opinion into consideration.

continued ...

2. Regarding the **WETLANDS** delineation prepared by West Environmental for GeoInsight, we have three questions:

A. From the map attached to the GeoInsight report, which was prepared by West Environmental, it looks as if **three of the house lots are actually in the wetlands**. If this is true, how could this be approved? Wouldn't the Conservation Commission object to this? Would the Planning Board disregard the Conservation Commission's objection?

B. As far as we can tell, the wetlands map prepared by West Environmental does not say **exactly how many acres of wetlands there are on the site**. So, how many acres are there? What is the precise number? Does the actual, precise acreage of wetlands match what Fieldstone says on the submitted plan for the Walden Eco-Village?

C. Given the precise acreage of wetlands, **does this change the allowable number of house lots?** (As you know, according to the OSRD part of the zoning ordinance, the number of allowable lots, if it is a fraction, must be **rounded down** to the lower whole number in considering any density or other bonus.)

3. Regarding the **75-FOOT VEGETATIVE BUFFER**, we have one question:

Has the applicant submitted a plan that shows a **75-foot vegetative buffer** from all edges of the house lots to the perimeter of the site? If not, according to the OSRD part of the ordinance doesn't the applicant have to do that before his plan can be properly evaluated by the Planning Board?

4. Regarding the point we mentioned in a previous correspondence to the Town planning officer about **ESTABLISHED USE**, we have that same question:

Have you, Danica, been able to check with the Town attorney on this? It is our understanding that under State of New Hampshire law and precedent, an applicant can be considered for "grandfathering in" under a previous zoning ordinance only if he or she has "established use" on the site in question, which means has spent money for actual improvements of the site according to his or her plan, before the current ordinance became law. In this case, the applicant applied for permission to the Planning Board to have 1/4-acre lots before the May 2021 town meeting that changed the OSRD part of the ordinance in a way that disallowed the Planning

continued ...

Board from granting permission for any lots in the rural district smaller than 3/4-acre. Because the applicant did not spend money actually improving the site according to his plan—he couldn't have, because he didn't have permission to build any part of his new development—he could not be “grandfathered in” for 1/4-acre lots. (Please note: it is our understanding that the applicant's expenditure of money in connection with his application on site plans, third-party studies, and attorneys would not constitute “established use” on the site.) Therefore, it is our understanding that the Planning Board must evaluate his application based on the post-May 2021 OSRD part of the zoning ordinance, which would not allow 1/4-acre lots. What is the Town attorney's opinion of this?

5. Finally, regarding the UNPRECEDENTED UNIQUENESS OF THE PROPOSED PLAN, we note the following:

This is the first time that a large, dense development is being proposed for the rural district of our Town that is not connected to Town services, notably, to Town water and sewer. Our Town's Master Plan is explicit on this point: it says that all large, dense developments should be connected to Town services. Thus, this proposal is **a serious departure from our Town's Master Plan** and therefore is an experiment. It seems to us that the Planning Board would be well advised to exercise an unusual degree of caution and prudence in evaluating this application, as the decision of the Planning Board in this matter could well chart the future of Peterborough's development in the rural district. We believe that a majority of Peterborough residents would agree that we need to get this right.

We will not be in town for the December 2021 Planning Board meeting, due to an unbreakable previous commitment, but we trust that these concerns will be brought to the attention of all members the Planning Board both in advance of and during its December meeting.

Thank you very much for your attention and kind assistance.

Respectfully yours,

Kim Sands and Mike Tompkins

emails: kpsands.sands@gmail.com (Kim) and vtompkins112@gmail.com (Mike)

tels.: 603-593-2443 (Kim) and 469-305-8228 (Mike)

From: Francie Von Mertens
To: Danica Melone
Subject: Eco Village CUP v. Variance
Date: Friday, December 3, 2021 10:57:41 AM
Attachments: Screen Shot 2021-12-02 at 10.12.04 AM.png

Danica,

At the November Planning Board Eco Village public hearing, I urged the Planning Board to clarify that subdividing and renovating the three Eco Village accessory cottages in the town's Wetlands Protection Overlay Zone would require a ZBA Variance, not a Conditional Use Permit. Your earlier staff report and Conservation comment to the Board had pointed that out. Making that clear would shorten the permitting process, but public comment had been closed by then, so further discussion was not allowed.

I feel strongly that it would serve everyone's interest, especially Mr. Garland's, if he met with you for that discussion, and ask that you consider forwarding this note on to him as an invitation.

Of course what's yet to be confirmed is whether the wetland in the three-cottage village area is jurisdictional. As presented in the August 6 Fieldstone plans, by size they are not.

Please note that I write not for the Conservation Commission.

Francie Von Mertens

=====

To Ahkil Garland,

The excerpt below from the November 9 Planning Board public hearing draft minutes cites my failed effort to get clarification on the permitting process.

I urge you to speak with Peterborough's town planner to clarify that process.

Both town staff and ConCom comment have pointed out that a Variance is needed for the three existing cottages located in the Wetlands Protection Overlay Zone.

To clarify with Danica Melone:

—The "grandfathered" use: Three "cabins" (ZBA wording) for school staff (**accessory** dwelling units for Well School staff on a larger lot).

—The new use: Three subdivided residential lots, each with a dwelling unit located in the Wetlands Protection Overlay Zone (**primary** dwelling units, each on a subdivided lot).

—As a new use, not a grandfathered use, confirm the cottages need to meet current zoning code, specifically the wetland protection code.

—What is intended by "adaptive reuse," mentioned by you and Attorney Swiniarski.

Francie Von Mertens



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12-3-21

ym

Ms. Von Mertens asked to speak for the Conservation Commission and began by citing the old expression “the elephant in the room, and we are all in agreement

this has gone on too long.” She cited the Staff Report and Conservation Commission’s concern back in September suggested concern that three of the living units within the Wetland Protection Overlay District, “and you cannot have a residential unit located there.” She expressed the need for the applicant to seek a Variance before continuing. Ms. Heller interjected “Mr. Chairman with all due respect to Ms. Von Mertens I think we need motion to continue instead of going down this endless road.”

Danica Melone

From: J c <zcentinc@yahoo.com>
Sent: Friday, December 3, 2021 8:44 AM
To: Danica Melone; vtompkins112@gmail.com; David Buren
Subject: Fw: our letter of December 2, 2021 to the Planning Board
Attachments: Letter to Danica Melone and the Planning Board, 12022021.docx

An addendum to this email comes from both John and Anna Carter of 365 Middle Hancock Rd. We don't like the wording in the attached document of "Probably". This doesn't give us a comfortable feeling regarding the future of our well water supply. We, having reviewed the document indicating "all wells," noted ours doesn't exist within that document; therefore the document is in error and we believe no proper assessment can be deduced based on that lack of information. Also, how many other wells are not included in this assessment?

As for septic waste being deposited in that small concentrated area (360 Middle Hancock) and given New Hampshire, in general, is full of granite (The granite state) which tends to crack and fracture over time, my concern is the contamination or poisoning of our water supply. I want a guarantee that won't happen and possibly a fund should be developed by Mr Garland that will pay out monetary compensation if a well is destroyed or needs to be re drilled.

Next, is the concentration of additional traffic in the area. Even without this addition in the neighborhood, traffic here is getting heavy. A number of times, recently, just going across the street to get my mail has been becoming a nerve wracking experience due to the number of additional automobiles that are passing, some at very high speed. Additional traffic we do not need!

One more point I would like to make, when in the past I wanted to do something on my 30 acre parcel, I was told by the (building inspector?) that I should consult with my neighbors. If it was OK with them, go ahead and if it wasn't then, don't. I don't understand why this should be different for the Garland project. Having interfaced with many of the neighbors next to this proposed development they in no way want this to proceed.

Please forward this to all members of the Planning Board. Thank you

----- Forwarded Message -----

From: Vinton Tompkins <vtompkins112@gmail.com>
To: Kim Sands <kpsands.sands@gmail.com>
Sent: Thursday, December 2, 2021, 4:50:36 PM EST
Subject: our letter of December 2, 2021 to the Planning Board



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12-3-21
jm

Dear Neighbor on Middle Hancock Road,

Kim and I, having read the Geolnsight report that reviewed the work on water supply and wetlands done by HydroSource, just sent the attached letter to the Planning Board in advance of their Monday, December 13 meeting. That meeting will be held at the Town House on Grove Street at 6:30 PM.

If you would also like to send the Planning Board a letter, you could email it to Danica Melone— <dmelone@peterboroughnh.gov> — or postal mail it to — Danica Melone, Peterborough Town Planning Officer, Town House, 1 Grove Street, Peterborough NH 03458. And ask Danica to be sure that every member of the Planning Board receives a copy of your letter in advance of their December meeting.

This may be the last meeting of the Planning Board on the Garland proposal, at which it will either approve or reject Mr. Garland's application. So it might be a good idea to write to them this one last time, and also to attend that meeting in person, if your schedule allows. There will almost certainly be an opportunity for public comment at that meeting, so you could make your views well known to the Planning Board, in person, one last time.

Happy holidays to one and all!

Yours,

Mike and Kim

vtompkins112@gmail.com

kpsands.sands@gmail.com

Attachment: 12/03/2021 letter to the Planning Board

Laura Norton

From: cebranon fieldstonelandconsultants.com <cebranon@fieldstonelandconsultants.com>
Sent: Monday, December 6, 2021 10:41 AM
To: Danica Melone
Cc: Laura Norton
Subject: RE: Letters of Authorization for 14 Grove St



RECEIVED

12-6-21 *fm*

Hi Danica,

I had sent LOA's to our client for signature and I was told we were good to submit so we did. Unfortunately I have not heard back and do not have the signed LOA's yet. I spoke with the attorney for the client yesterday and he indicated that this project may not go forward. I guess at this point we should put this application on hold please. Certainly if the owners are expressing concern then we cannot move forward. We unfortunately were not aware of the two parties not being on the same page and we were instructed to proceed and try to get before the Town ASAP. Can you please share the owner's contact with me so I can reach out to them directly?

Thank you, Chad

Chad E. Branon, P.E.

Civil Engineer / Principal



206 Elm Street – Milford NH 03055
Tel: 603.672.5456 - Fax: 603.413.5456
Cell: 603.499.5799

CEBranon@FieldstoneLandConsultants.com

www.FieldstoneLandConsultants.com



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From: Danica Melone <dmelone@peterboroughnh.gov>
Sent: Monday, December 6, 2021 10:00 AM
To: cebranon fieldstonelandconsultants.com <cebranon@fieldstonelandconsultants.com>
Cc: Laura Norton <Lnorton@peterboroughnh.gov>
Subject: Letters of Authorization for 14 Grove St

Hi Chad,

We noticed that the preliminary review application for 14 Grove Street does not have letters of authorization for you to act agent for Ocean Pacific Companies nor a letter from property owners FTFL Realty Company acknowledging and consenting to this proposal. A current property owner has reached out to our Office expressing that they were upset that someone had submitted an application without their knowledge or consent– this may be because Ocean Pacific Companies is under contract pending this approval, but in any

case I would strongly encourage you to submit both letters before the day of the Planning Board hearing so that there is no question about whether or not the Planning Board can hear the application.

Thanks,
Danica



Danica Melone

Town Planner

1 Grove Street

Peterborough, NH 03458

P: (603) 924-8000 ext. 116

F: (603) 925-0908

www.townofpeterborough.gov



TOWN OF
PETERBOROUGH

OFFICE OF
PLANNING & BUILDING

1 Grove Street
Peterborough, NH 03458
Tel: 603-924-8000 x 104
Fax: 603-924-8001
Email: ocd@townofpeterborough.us
Web: www.townofpeterborough.com

STAFF REPORT

TO: Planning Board

FROM: Danica Melone

DATE OF WRITE-UP: Monday, December 6, 2021

PROVIDED FOR MEETING DATE: Monday, December 13, 2021

RE: PRELIMINARY REVIEW APPLICATION FOR MIXED USE DEVELOPMENT AT 14 GROVE STREET

Project Overview:

Preliminary review application submitted by Ocean Pacific Companies to re-develop 14 Grove Street to include an office use on the lower level, 11-unit multi-family residential condominiums on the upper levels, and with associated site amenities and improvements, located at Parcel No. U017-076-000, in the Downtown Commercial District. ****Note: the agenda and public notices indicate that this site is also in the Traditional Neighborhood Overlay Zone 1 (TNOZ 1) – this is incorrect. ****

Completeness:

The Board may wish to consider not accepting this application as complete because it lacks: a) a Letter of Authorization allowing Fieldstone to represent the applicant, and b) a Letter of Authorization from property owners FTFL Realty Company acknowledging and consenting to this proposal. I reached out to Chad Brannon regarding this issue and as of 12/6/21 he stated, “I guess at this point we should put this application on hold please.” It is unclear if the applicant wishes to have this application continued.



TOWN OF
PETERBOROUGH

PLANNING BOARD
APPLICATION

DO NOT WRITE IN THIS SPACE

Date Application Received: 11/9/21

Date Fees Paid: \$ 310.00

Clerk: jm

Case Number: Prelim-2021-03

**PRELIMINARY
REVIEW
APPLICATION
FOR SUBDIVISION OR
SITE PLAN REVIEW**

Office of Planning & Building
1 Grove Street
Peterborough, NH 03458
Office: (603) 924-8000 ext. 104
Fax: (603) 924-8001
Email: ocd@peterboroughnh.gov
Web Site: www.peterboroughnh.gov

Preliminary Review Application Fee

<p>BASE APPLICATION FEE</p> <ul style="list-style-type: none"> All new applications shall be charged a fee of two hundred dollars (\$200) Twenty-five dollars (\$25) per 1,000 square feet of land developed, including, but not limited to building, parking, drainage, and landscaping over 5,000 square feet of development 	<p>\$ 200.00</p>	
<p>ABUTTER FEES</p> <ul style="list-style-type: none"> Abutter notification is ten dollars (\$10) per abutter Notification of all licensed professionals whose professional seal appears on any of the submittal documentation is ten dollars (\$10) per professional 	<p>11 ABUTERS / PROFESSIONALS → \$ 110.00</p>	
<p>TOTAL APPLICATION FEE</p>		<p>\$ 310.00</p>

Please fill out in its entirety:

Applicant: Ocean Pacific Companies
Address: P.O. Box 99118 / 3559 Ocean Front Walk
City: San Diego **State:** CA **Zip:** 92169
Phone: 619-247-4847 **Email:** Ken@opcmb.com

Property Owner Name(s): FTFL Realty Company, C/O Fernald, Taft, Falby & Little PA
Address: P.O. Box 270
City: Peterborough **State:** NH **Zip:** 03458
Phone: _____ **Email:** _____

Primary Contact: Chad E. Branon, Project Engineer - Fieldstone Land Consultants, PLLC
Phone: 603-672-5456 **Email:** cebranon@fieldstonelandconsultants.com

- Applicant
 Owner
 Attorney
 Surveyor/Engineer

Project Name: Grove Residences - Peterborough NH

Street Address: 14 Grove Street

Parcel ID Number(s): U17-76

Proposed Project (Please Be Specific):

This project proposes to redevelop the subject property into a Mixed Use Development with an office use on the lower level with an 11-Unit multi-family residential condominium on the upper levels with associated site amenities and improvements.

Zoning Districts & Overlay Districts

Zoning Districts (check all that apply):

- Business/Industrial District
- Commercial District
- Commerce Park District
- Downtown Commercial District
- Family District
- General Residence District
- Monadnock Community Health Care District
- Office District
- Rural District
- Village Commercial District
- West Peterborough District
- Retirement Community District

Overlay Zones and Districts (check all that apply):

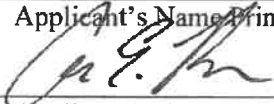
- Bulk Fuel Storage District
- Floodplain District
- Groundwater Protection Overlay Zone
- Rural Gateway Overlay Zone
- Shoreland Conservation Zone
- Traditional Neighborhood Overlay Zone I
- Wetland Protection Overlay Zone

AUTHORIZED SIGNATURES

I/We certify that this application is correctly and accurately completed in accordance with the Town of Peterborough's Zoning ordinance and the requirements of this application.

Chad E. Branon, Agent

Applicant's Name Printed

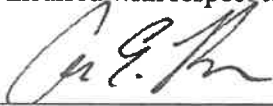


11/11/2021

Applicant's Signature

Date

I, the applicant or owner's duly authorized agent, do hereby submit this application to be placed on the agenda of the Town of Peterborough Planning Board. I agree to be fully responsible for payment of all fees, costs, and expenses incurred with respect to this application.



Agent

11/12/2021

Property Owner's Signature

Date

Property Owner's Signature

Date

*****If the application is not signed or has been changed in any manner, it will not be processed*****



TOWN OF
PETERBOROUGH
OFFICE OF
PLANNING & BUILDING

1 Grove Street
Peterborough, NH 03458
Office: (603) 924-8000, 104
ocd@peterboroughnh.gov

November 24, 2021

To Whom it May Concern:

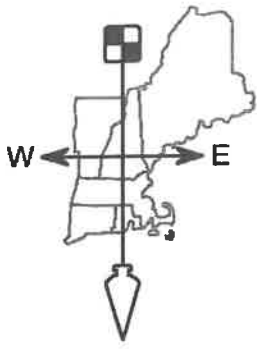
Please be advised that at its meeting on **Monday, December 13, 2021 beginning at 6:30 p.m.** the Planning Board will hold a public hearing as follows:

6:40 PM – Public Hearing – Preliminary Review Application for Mixed Use Development at 14 Grove Street proposing to redevelop the property to include an office use on the lower level, 11-unit multi-family residential condominiums on the upper levels, and with associated site amenities and improvements, located at Parcel No. U017-076-000, in the Downtown Commercial District & Traditional Neighborhood Overlay Zone 1.

This is an in-house meeting in the Board of Selectmen's Meeting Room in the Town Hall. You are being notified because you are an abutter to this property. An abutter is anyone who is contiguous to the property or across a street or stream from the property. As an abutter you may participate in person or by agent or counsel and be heard during the public hearing phase of the meeting.

Sincerely,

Office of Building & Planning



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

November 12, 2021
FLC#3135.00 / DEB

List of Abutters
Tax Map U017 Lot Number 076-000
Peterborough, New Hampshire

Map U017 Lot 076-000
FTFL Realty Company
c/o Fernald Taft Falby & Little PA
P.O. Box 270
Peterborough, NH 03458

Map U017 Lot 051-000
Peterborough Historical Society
19 Grove Street
P.O. Box 58
Peterborough, NH 03458

Map U017 Lot 052-000
Map U017 Lot 071-000
Town of Peterborough
1 Grove Street
Peterborough, NH 03458

Map U017 Lot 053-000
RJ F-70 Main Street LLC
30 Temple Street
Suite 400
Nashua, NH 03060

Map U017 Lot 068-000
Happy Tail LLC
P.O. Box 3067
Peterborough, NH 03458

Map U017 Lot 073-000
ASC Enterprises Inc.
24 Beaver Road
Reading, MA 01867

Map U017 Lot 074-000
Gbandersonblock LLC
69 Pine Street
Peterborough, NH 03458

Map U017 Lot 075-000
Main and Grove LLC
CP Management Inc.
11 Court Street, Suite 100
Exeter, NH 03833

Map U017 Lot 077-000
Twenty Grove Street Partners LLC
P.O. Box 416
Peterborough, NH 03458

Applicant:
Ocean Pacific Companies
P.O. Box 99118
3559 Ocean Front Walk
San Diego, CA 92169

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055



TOWN OF
PETERBOROUGH

OFFICE OF
PLANNING & BUILDING

1 Grove Street
Peterborough, NH 03458
Tel.: 603-924-8000 x 104
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STAFF REPORT

TO: Planning Board
FROM: Danica Melone
DATE OF WRITE-UP: Monday, December 6, 2021
PROVIDED FOR MEETING DATE: Monday, December 13, 2021
RE: (3) APPLICATION FOR SITE PLAN REVIEW FOR SHOOTING RANGE

Since the last meeting on Monday, November 8th, Monadnock Rod & Gun Club has filed an appeal of an administrative decision with the Zoning Board of Adjustment (ZBA). They are scheduled to be heard by the ZBA on Monday, January 3rd.

It is my recommendation that the Board continue this hearing to Monday, January 10th to hear the outcome of that meeting.

PETERBOROUGH PLANNING BOARD
TOWN OF PETERBOROUGH
Monday, November 8, 2021 – 6:30 p.m.
Peterborough, New Hampshire

Members Present: Rich Clark, Ivy Vann, Tyler Ward, Lindsay Dreyer, Sarah Steinberg Heller, Lisa Stone, Josh Blair, Andrew Dunbar and Stephanie Hurley

Also Present: Laura Norton and Danica Melone, Office of Planning & Building

Chair Clark called the meeting to order at 6:30 p.m. with a welcome and introductions.

Minutes:

A motion was made/seconded (Ward/Heller) to approve the Minutes of October 13, 2021 and October 25, 2021 as written with all in favor.

Public Hearing – Conditional Use Permit Application submitted by Chris Anderson for installing utility and telecommunications conduit, pull boxes, and sector cabinets in the wetlands buffer located as his property at 327 Windy Row (Parcel No. R0100-014-105) in the Rural District.

Chris Anderson introduced himself and cited the projected graphic of the western end of his property showing the distance from Windy Row up to where the utility work would be done. He reiterated the application was for a Conditional Use Permit for a utility and telecommunications connection that goes through the wetlands. “There are two wetlands located along the driveway and we would like to pull conduits in the driveway which would result in a temporary work in those wetland buffer with a small permanent impact in the buffer of 100 square feet. “We have to leave the driveway to put sector cabinets (pull boxes) because the run is too long to do in one fell swoop.” Mr. Anderson noted the Conservation Commission had done a sight walk and that a wetland scientist had flagged the wetlands. “With their recommendations we were able to move one sector cabinet out further “so we are technically still in the Wetland Protection Overlay Zone” (and) “and when Eversource was consulted they replied it could not be located any further out as they considered the result would be a point of failure. So essentially we end up with 100 square feet of permanent impact.”

Ms. Hurley asked for clarification of where the pull boxes were located. She then asked if they were digging under the road with Mr. Anderson explaining the impact is that the road was a road “and we have to leave that alone and put in some gravel leading up to the impacted area. He also confirmed “the conduits are below grade and have to be 10-feet back from the road and the installation would change the forest floor in that area. When asked Mr. Anderson noted the other pull boxes were out of the Wetland Protection Overlay Zone all together.

Chair Clark then opened the hearing to the public and with none he closed the public hearing.

A motion was made/seconded (Vann/Hurley) to approve the Conditional Use Permit Application submitted by Chris Anderson for installing utility and telecommunications conduit, pull boxes, and sector cabinets in the wetlands buffer located as his property at 327 Windy Row with all in favor.

Public Hearing: Boundary Line Adjustment & Consolidation Plan

Application submitted by Serena & John Berube for their properties located at 102 Greenfield Road (Parcel Nos. U009-034-000, U008-031-000, & R008-031-000) all located in the Rural District.

Attorney Jason Reimers of BCM Environmental & Land Law, PLLC introduced himself as the representative for Serena and John Berube and noted “you recall we were before the Board on July 12th for a preliminary review and you recommended a trip to the Zoning Board of Adjustment for a Variance for the road frontage requirement in the Rural District.” He noted they has done just that they were granted a Variance. Attorney Reimers briefly described how the Berube’s created 92 feet of frontage where there had been none (via a lot merger) as well as their goal of building a new house and barn on their property. He concluded by noting the original waiver request for dimensional setback was not needed as “the buildable lot so far back and there is no plan to build on the other lot at this time.”

With no questions from the Board Chair Clark opened the hearing to the public and again, with no questions Chair Clark closed the public hearing.

A motion was made/seconded (Vann/Heller) to Boundary Line Adjustment & Consolidation Plan Application submitted by Serena & John Berube for their properties located at 102 Greenfield Road with all in favor.

Continued Hearing: Application for Subdivision for Walden Eco Village Open Space Residential Development at the Well School Staff Housing Site submitted by Akhil Garland to convert existing accessory structures that were

associated with the Well School into an Open Space Residential Development. The proposal consists of converting 7 accessory structures and creating 13 new open space residential development lots with associated site improvements and open space area located at 360 Middle Hancock Road (Parcel No. R010-005-001) located in the Rural District.

Continued Hearing: Conditional Use Permit Application for Proposed Impacts in the Wetland Buffers submitted by Akhil Garland for his property located at 360 Middle Hancock Road (Parcel No. R010-005-001) in the Rural District.

Chris Swiniarski (McLane Middleton, PA) introduced himself as well as Chad Branon and Chris Guida (Fieldstone Land Consultants) and Akhil Garland (applicant) as being present. “We are here to give you a summary of where we are” he said noting a recent staff memo that came out very recently (and) we’d like to answer some of the allegations raised therein from a technical perspective.” Attorney Swiniarski went on to say, “I would like to give the Board a summary of where we are at because I think a lot has been lost in a lot of the time and detail that we spent and, in the end what we have is really three choices.” He told the Board the first choice a proposal for 20 units on small, compact lots with a lot of open space conservation, a lot of agricultural conservation and a lot of forestry conservation. “This choice will require the Board to give us discretionary approval, we are not entitled to that we will need a density bonus” he said. He went onto say the second choice is 16 larger lots (“a by right choice”) with much less conservation area and the third choice is 15 regular lots (3-acre lots per the district requirement), “that’s it.”

Attorney Swiniarski told the members it was very important to keep those choices in mind while going through all the details of the project. He noted that they were at a point of facing delays “that don’t need to be happening” and that the Board should be at a place where they can decide based on the information they have. “I think that is why it is very important to keep those three options in mind” he said, “because in the end this is a collaborative effort between and the Board and the applicant and we’d like input on what you prefer. We thought you preferred the first choice; I think that is what we were hearing.” He concluded by saying they have been very cooperative “but now we are stalling waiting on months of continuances for third reports that you requested but we can’t get for some reason, even though we paid for them in advance, months ago.” In conclusion he reminded the Board to keep the three choices in mind and asked Mr. Branon to address the

accusations in the most recent Staff Report and answer any questions the Board may have.

Chad Branon introduced himself as a Civil Engineer with Fieldstone Land Consultants for the record. He began by thought it would be most productive to just walk through the report and give the Board updates on where things stood. “Our position is relative to some of the comments made in the report” he said as he began:

Update on Third-Party Reviews: “We have been waiting quite a while for the review relative to the hydro source review pertaining to the wells on the site. The result of their report was favorable, basically stating the existing well and the individual wells on individual lots would be adequate” said Mr. Branon adding “but we have not gotten any feedback yet because (we’ve been told) they are waiting on the wetland delineation review to be completed.” Mr. Branon went on to note the Staff Report referenced “the wetland mapping was falsified by our office which we take extreme exception to, and we would additional information relative to that because GeoInsight’s information is from Wetland Scientist Mark West of West Environmental and that information implies nothing has been falsified and we are waiting for the wetland mapping to be competed.” He went on to say there was a misunderstanding that there were new wetlands found on the site and that is not the case. “There are no new wetlands found and delineated on the site” he said Chris Guida was available to speak to this issue.

Mr. Branon noted they’d met Mr. West on site to review the wetlands flagging, where they unfortunately found many of the flags gone. He went on to say they decided that rather than re-laying out the wetland flags they would look at the wetlands objectively and flag them together, based on what they saw in the field. This would likely result in the wetlands changing because they are getting mapped under that day’s conditions versus the conditions two or three years ago.”

Mr. Branon noted the summer was very wet, “the wettest summer we have ever had” so naturally there was additional standing water making some wetlands a bit larger.” We had to go back out and map and draft the plan showing a particular wetland boundary and gave that to Mr. West for his review (a professional courtesy) before we made it public information.” Mr. Branon told the Board the wetlands did change slightly but not of a large magnitude “and if anything, you are getting an updated product and there is nothing that is falsified and to claim that is unfortunate. We have never had anybody make that claim in the 30 years we have been doing business and we would like some clarification on why that made it into a Staff memo when we asked it be struck from the memo because it is not factual,

it is not supported and if you spoke with Mr. West you would get a different response (so) we look forward to his review and his support of our stamps because there is nothing falsified I can promise you that.” Mr. Branon noted that with regards to the wetlands buffer “Mr. West’s review must be finalized before finalizing information such as the buffers. This brings us to the second point in the memo.”

Additional Wetlands Review for Third-Party: Mr. Branon noted the memo’s suggestion for a third-party wetland delineation of additional areas specified in sections A and B of the memo “but it is unclear to us what the rationale would be for it until you have an understanding of what is actually done on the site” he said adding “there is lack of information and data so we felt it was important to come here tonight and clear the record, clear any misunderstandings represented Staff memo and review what we have actually done and set the record straight for the Board knows exactly what we’ve done, what we are doing and why it has taken us a bit of time to get to where we are.”

Mr. Branon noted the memo cited other wetland areas on the site be evaluated in the scope of work for the third-party consultant. He went on to say once they arrived on the site the consultant was given addition directive to look the area and “we did it together rather than contesting anything and I expect those highlighted areas will be included and confirmed in his report” adding “and frankly, we don’t believe those area have changes at all without reflagging those areas. It is my understanding that he was satisfied.”

Mr. Branon got up pointed agricultural land, farm crossings and culverts. He noted an area west of the existing barn and agreed with the consultant to mark it jurisdictional because it had standing water (most likely due to rubble rock or small culvert not functioning properly), that is the only area that has changed” he said. He went on to point out the areas behind the existing cabins was completely field verified. He concluded their mapping refreshments had been submitted to Mr. West and they looked forward to his review and feedback.

Missing /Unexplained Items: This point mentions a number of unexplained items that need to be addressed by the applicant including updating the plan to compliance by showing the 75-foot vegetated buffer around the entire parameter of the tract where no dwellings, accessory structures, streets or parking areas are allowed (and) a triangular tract of land to the right of R010-005-100 noted as being owned by the applicant but the Town’s Parcel Viewer shows the lot is owned by the Well School. Clarification that the applicant owns this parcel is necessary.

Missing/Unexplained Items: Mr. Branon noted the Staff Report refers to missing and unexplained items that need to be addressed. He said that certainly some revisions to the plan set (buffer areas, research of existing wetland crossings and the access road) needed to be made “and we are planning on making those updates” he said adding we couldn’t find a permit for the crossing we were going to include those areas under today’s conditional use permit so any of those impacts would be included so there are no non-conforming conditions on the site and everything would be cleaned up.”

Conditional Use Permit (CUP): The Staff Report states the last CUP received for the applicant was in August and the Board has not received the requested narrative describing the location, purpose and extent of wetland impacts; newly identified wetlands were not properly delineated, and the Conservation Commission has provided their comments on the CUP (submitted September 2, 2021).

Mr. Branon noted they had submitted the requested narrative (albeit very recently) describing the purpose, location and intent of permit “but that will have to be updated as well with the latest buffer impacts and addressing the Conservation Commission’s comments.” He went on to say those items were all minor as the road to the site already exists (“we are just making reasonable improvements to the road as requested by the Fire Department and addressing standard engineering practices related to stormwater”) and that again, they were awaiting Mr. West’s review to finalize things. “So it is confusing to us why there would be a recommendation in the Staff memo to deny the Conditional Use Permit when we are still working through the details of it” he said.

Considerations for Application Denial: This portion of the Staff Report points out several reasons why the Board may wish to deny the application including improperly delineated wetlands without mention of the extent of impact or reason for impact being explained; the lack of a required 75-foot vegetative buffer free of dwellings, accessory structures, streets or parking areas for the entire perimeter of the property and ownership questions of the triangular-shaped parcel of land that appears on the submitted plan belongs to the Well School. (This is important because if owned by the applicant it affects the formula for required open space and other dimensional requirements per the Open Space Residential Development Ordinance.

Mr. Branon cited the memo’s considerations for denial. “We don’t often see that in a Staff memo for projects that are conforming with the regulation” he said adding “and it is important we address the reasons listed tonight.”

Mr. Branon noted the accusation that despite reasonable accommodations the applicant has not properly delineated the wetlands and the extent and reason for impact has not been explained “again, makes it look like we have done something wrong which is not true actually wrong and if someone is going to make these claims they should have that documented from a licensed professional” he reminded the members of their collaboration with Mr. West and he “is not of the mindset that we have done anything wrong. We are working together on the delineation verification as we’ve been asked by this Board.” Moving on to the missing 75-foot wetland buffer around the parcel Mr. Branon noted he would be happy to show it, He noted previous plans that actually exceeded that buffer requirement in several areas. “We are happy to show the minimum 75-foot buffer on the next set of submitted plans” he said.

To conclude the list, he referred to the section of land cited in Appendix C of the memo. Mr. Branon noted the memo suggested the parcel does not appear to be owned by the applicant on the submitted plan and that if it did it would change the formula that creates the layout of the plan (density and open space, “and that is a pretty big accusation, and it is wrong”). He went on to say the memo states a 2010 plan shows the parcel as being a part of the Well School. “To say the triangular piece of land does not appear to be owned by the applicant if a pretty big accusation and it is wrong” said Mr. Brannon. He noted their research showed a lot merger that is recorded at the Registry of Deeds and that the parcel does belong to Mr. Garland, as depicted on the plan. “We have submitted that information to the town” adding “it feels like there is a lot of energy and casting information to push this project toward a denial, but nothing is supported by fact and that is unfortunate.”

Mr. Branon noted his many appearance before the Board and that they come in as professionals to answer questions and represent the facts. “If people have questions about our plan, we’ll research anything and answer their questions, those are some pretty big accusations suggesting a project denial” he said adding “the plans we have submitted are correct and do represent the boundaries of the parcel.” Mr. Branon went on to note they typically would have requested a continuation of the case as they still did not have all the details they would have hoped for “but we had to address this Staff memo and make sure the Board understands the facts and where we stand with this project.” He concluded by saying “we do have some minor work left to do as well as an update to the Conditional Use Permit application” but noted the layout of the project has not changed and that they were anticipating favorable results from the GeoInsight report “so we look forward to getting all the information and moving the project along towards an approval.”

Ms. Vann asked for greater clarification about the triangular-shaped parcel that was in question. Mr. Branon noted the Town's GIS data base does not show the parcel as belonging Mr. Garland but the Well School to the south and east. He reiterated that through research and deed information the GIS is incorrect (the plan references a plan from 2010 by TF Moran and is not current) and that he had submitted the corrected data to the town for the record. "The bearings and distances are the same, so there is no need for a change in the (density) calculations for this project" he said. "So, it is my understanding that you went out to the site with the consultant and re-flagged because of missing flags, so when can we expect to see this new information? I guess my question is *who* are we waiting for?" Mr. Branon noted the new information was submitted to Mr. West "and I expect he will review it in short order, say it looks fine and we'll submit it to you as a revised plan with all the buffers, setbacks and CUP information updated" he said adding "with due respect though he just got the information within the last day or so." "So, he just got it?" replied Ms. Vann with Mr. Branon replying "yes" as he briefly reviewed the legwork in meeting the consultant on the site (twice) and making sure everything depicted on the plan was correct. "So we could say that you kind of both are just getting to it because you guys just turned it, so it is not like he way behind or something like that" "No he is not behind, we have been working hand in hand" replied Mr. Branon adding they had both experienced difficulties with scheduling, Covid and vacation issues, "we both had some time lapses so we both own some of the responsibility" he concluded.

Ms. Hurley noted her disappointment and that is seemed like the applicant was throwing all the delays back on the Board. "Like we did something wrong, and we did not." She went on not say she wasn't quite sure "wrong" was the right word, "but the fact of the matter is we have seeing you and asking for information from you on a regular basis and we are not getting it so we keep continuing. She recalled on to the site visit "and that time I think it was you who said, *oh yeah, I think there may be some wetlands we might have missed*. She noted the Board asking for the 75-foot buffer to be added to the plan a long time ago and it is still not there, "we ask for information (like the CUP and the extent of impacts to the wetlands and we don't get it, and you make it sound like we are being horrible for it. We just want the right information, it is frustrating, it just feels like a lot of dragging of your feet and that is wrong" she said.

Mr. Branon replied by clarifying his stance. "There was something that states specifically that we falsified information, that is bad, that is not Okay. "It is wrong" interjected Attorney Swiniarski with Mr. Branon adding "that is what I am really speaking to. It is in bad faith." He noted that when it comes to the wetlands,

they cannot finalize what the Board is looking for until they hear from the consultant, then they will submit a final package addressing all the loose end that have been mentioned. Mr. Branon explained that they wanted to avoid submitting revised plans over and over, it is kind of like chasing our tail if you will until we know what the information is, saving your time, my client's time and Staff's time. "It has taken a long time and we do own some of that" he said. Mr. Branon reassured the members that they have been making internal changing all along as a result of the questions and concerns from the Board and the public all along that would be submitted in a thorough and complete final version of the plan, concluding "if the Board wants to see an interim update we would be happy to give it to you. We really do not want too many iterations of the plan out there because that causes confusion, especially on projects like this. Please don't misconstrue the fact that we have not submitted something with a lack of intent, or the work being done on our part. That work has been done to a large degree; we are just waiting to put all the pieces together" he concluded.

Ms. Hurley noted Mr. Guida's seal was on the plan and we have heard some of the work was based on other work that had been done "and it seems like some of the wetlands were not adequately flagged the first time" she said.

From the audience Chris Guida interjected "sure I can talk to that for the record." He then introduced himself as a certified Wetland Scientist and certified Soil Scientist with the State of New Hampshire. "I did the delineation and there are portions of the parcel that have been developed with a number of other wetland scientists having done work on the property for different purposes ("at least two") and frequently on larger parcels it is not uncommon to take existing reference plans and use that data in some of the remote areas that are not the developable areas." He noted that data is used as a planning tool and not part of permitting. "The data is used as a reference point to save money and time and is not integral to the project" he said. Mr. Guida noted the state requires wetlands be evaluated ever five years and that we'd experienced an active environment "especially with the heavy storms, run-off and channelization that can change the course of the wetlands."

Mr. Guida cited delineation according to criteria and a set of standards using professional judgement and discretion. He explained "like human fingerprints" no two wetlands are the same and professional use common knowledge to a plus or minus five feet for their accuracy. He noted consideration of constraints such as the type of wetland, slopes and topography and a "weapon" scientists use by digging a hole to find additional information. He went on to say, "but you can't dig a million holes, you have to make a determination that is where professional judgement

comes it.” Mr. Guida concluded by noting his profession was held to ethical standards that he had reviewed the flagged wetlands with the third-party consultant. “I was not trying to make wetlands smaller; I was trying to accurately represent what is on the ground today, that is what we did and that is where you see the difference on the plan.”

Ms. Hurley asked about wetlands noting separated by a culver or under a road were not drawn as contiguous with Mr. Branon noted this issue had been addressed at one of the last meetings, but reiterated road impact was not necessarily jurisdictional, noting a sentence in the local regulations that states you cannot use road to bisect the wetland, raising the question of do you apply a buffer to a wetland on one side of the road “with your Conservation Commission saying *yes* so we revised the plan accordingly to add buffers in those areas. Mr. Branon also noted the regulation stated a roadway or a crossing cannot be counted as a break in the wetland from a buffer standpoint. “Right, it has been revised and that makes us feel like some things are not exactly up to snuff” replied Ms. Hurley. “Implying that it is not up to snuff is what we are talking about with these sort of allegations. What we are telling you is that the road is not a wetland, it never is and never will be” Said Attorney Swiniarski adding “but your local ordinance has a sentence regarding calculations of the total wetlands, so again these implications that we are doing is a falsehood or misleading are not true. It is not a wetland and our calculation was not correct. When it was brought to our attention, we in good faith revised the plan.

As Chair Clark was about to open the hearing to the public Attorney Swiniarski cited RSA 673-14 and pointed out “so recused people can’t speak for that side of the table and member Tyler Ward should leave the table to reposition himself in the audience as he had recused himself months ago in this case.

Ms. Stone asked about the lack of information in the CUP request (because they don’t yet have that information themselves) “doesn’t it just make sense to continue the hearing until we have the information? Right now the conversation would be about what exactly? Adding “I think it is important that we spent our time talking about the actual information and not the emotions of the case.” Ms. Vann agreed adding “I don’t think we are in any position to do anything tonight and I don’t think there is any point in opening this up to a lengthy discussion when we don’t have the full information, so I’d like to propose we continue this without further discussion.”

Ms. Von Mertens asked to speak for the Conservation Commission and began by citing the old expression “the elephant in the room, and we are all in agreement

this has gone on too long.” She cited the Staff Report and Conservation Commission’s concern back in September suggested concern that three of the living units within the Wetland Protection Overlay District, “and you cannot have a residential unit located there.” She expressed the need for the applicant to seek a Variance before continuing. Ms. Heller interjected “Mr. Chairman with all due respect to Ms. Von Mertens I think we need a motion to continue instead of going down this endless road.”

A motion was made/seconded (Vann/Heller) to continue the hearing to a date and time certain of December 13, 2021 at 6:30 p.m. with all in favor but Mr. Ward who abstained.

Continued Hearing: Site Plan Review Application for a Shooting Range at Monadnock Rod & Gun Club to be located at their property at 595 Jaffrey Road, Parcel No. R003-032-000 in the Rural District and Route 202 Rural Gateway Overlay District.

With no one at the applicant’s table Chair Clark asked, “who will be speaking to this?” After a moment two gentlemen came in and sat down one of them stating “You’re on to the Club? we were in the hallway, we couldn’t hear you out there, sorry about that we weren’t sure where you were (in the meeting).”

Ken Caisse introduced himself as the President and representative for the Club along with representative for the Club as well as Tom Coneys “who has permission from the Club to speak for them.” Mr. Coneys went on to say, “this is a challenging meeting for me,” that there was a lot of history with the Club “but that is not why we are here tonight.”

Mr. Coneys told the Board they had submitted their application on the recommendation of the town’s council (Attorney John Ratigan) for the shooting range, “I think there is somewhat of a misconception that this is a pre-existing, non-conforming use that has been abandoned. “That is not true” he said adding “the Club is trying to rectify itself after the poor management practices of prior leadership.”

Mr. Coneys told the members the Club has operated since 1946 in a family environment “without incident until things were not done in proper fashion, and it is unfortunate.” He noted legal issues with New Hampshire DES (wetlands violations) resulting in a Cease-and-Desist order. “But the club has not abandoned this property or the use and we’d like to continue operations in a more compliant environmental and friendly way” he said.

Mr. Coneys spoke about a shooting range in Swanzey, New Hampshire with similar issues, specifically lead, and how they adopted a military standard for outdoor ranges (“and approved by DES) where patrons shoot into sand sheds and the lead is collected and recycled. He noted the model (design) had been submitted with their application.

Mr. Coneys went on to say “we are here because the zoning requirements direct us to the Planning Board to build on a non-conforming use. He noted there was an existing structure on the lot that is non-conforming and did not have a permit “and we intend to remove it. Mr. Coneys noted the intent of the Club was to get it open and operational (working with DES and the Town) to generate some revenue. He noted, quite by accident he’d had a reasonable conversation with the Perry’s as well and felt they solved the problem that happened over several years. He reiterated he had not been a part of the property destruction, that he was a concerned member, and the benefits the Club has offered in the past to the Girl and Boy Scouts, hunter education classes and firearm safety. “There has been a lot of good things that have happened there that were ruined by poor leadership.”

Mr. Coneys briefly described the structures they would like to build conform with the current zoning and shooting would not be over any wetlands. “So basically that is what we are proposing, “the structures would be built on a limited basis with the Club taking a different approach to shooting “There won’t be any ski trap shooting, the containment sheds would be monitored and patrons would have to log in what they shoot so it can be managed and the sand being sifted once or twice a year to recover debris” he said. Mr. Coneys noted the bunkers or sheds cost about \$3000 to \$3500 each so they would like to start with two and see how that goes. “There are people out there that would like to join the Club, we have had people come with checks in their hands and we’ve had to turn them away” he said adding “so that is our request in a nutshell, our objective is to try to allow the Club to open and generate revenue and slowly build a plan to recover all the damage that has happened over the past years.”

“Mr. Chairman” Ms. Vann interjected “before we proceed, I think we should read the Decision of the Town’s Zoning Administrator about this proposal into the record.” Before she read the Decision Ms. Vann reminded the members and the audience that this use was grandfathered because that is really the heart of this matter.”

Ms. Vann read the Administrative Decision aloud that stated the east to west shooting range was *not* grandfathered and should they like to use the north to south shooting range, that shooting range was “not grandfathered because continuing the use would be an expansion of an illegal, use of the site.” Mr. Herlihy had also

noted an appeal of the decision may be filed with the Zoning Board of Adjustment within 30 calendar days of the notice per RSA 676:5. "Lastly" stated Ms. Vann the Decision states that in order to continue the grandfathered of an outdoor shooting range they must submit an application for a Special Exception as required by RSA 245-30 of the Peterborough Zoning Ordinance.

Ms. Vann looked up and asked, "have you filed an appeal of this decision?" Mr. Coneys replied "no we have not" adding "this letter (email version) was just received by Ken Caisse on Friday. We submitted our application roughly 60 days ago." Mr. Caisse added "and I received it in an email, I did not receive anything in print, no mail, no anything." Mr. Coneys noted he'd just gotten the letter "tonight when I walked in the door." He went on to say "I think whether it is a non-conforming use is really not the issue here. He cited RSA 245-30 A2 as saying *the non-conforming use of the property has not ceased for any reason for a period of one year or more within the last three years prior to making application. This provision does not apply when the property owner can offer evidence that there has been no intent to discontinue the use.*

"The Club did not purposely discontinue any use, we stopped because of violations and a Cease-and-Desist Order, it was not an intentional discontinuance" said Mr. Coneys.

Chair Clark replied, "we are going to need legal counsel of that, to see what the options are (but) since you did receive and Administrative Denial you will have to go before the Zoning Board first." Mr. Coneys replied, "well I think his denial is flawed but we'll go to the Zoning Board, that is fine. But I think it is important for you to know that if you look up the definition of use is *to take hold or deploy as a means of accomplishing that purpose or achieving* "so the use has not changed, whether the use goes east to west or north to south, we'll have to take that but I don't think it requires a Special Exception."

Chair Clark replied "yes but you have an administrative Decision that I cannot change. You will have to apply to the Zoning Board and the come back to us." Mr. Coneys note that would be fine "but I'm curious, who asked for this administrative decision 60 days after we submitted it?" "I did" interjected Ms. Melone adding "there were a lot of questions on whether the east to west range was grandfathered or not so I asked our Zoning Administrator to make that decision." She went on to note it did take some time her decision to ask for the that input because of the research and review she'd done "and to sit with our town attorney to get his signature on the letter."

Ms. Vann asked what the Board should do procedurally with an application that is dependent on the range being grandfathered (and) an Administrative Decision stating it is not. "Do we deny it?" she asked with Ms. Melone noting they could continue it until they go before the Zoning Board and have it reverted back to the Planning Board."

A motion was made/seconded (Vann/Stone) to continue the application to the next Planning Board meeting date immediately *after* an application has been submitted and a decision has been rendered regarding the Administrative Decision dated November 3, 2021 by Town Code Officer and ZBA Liaison Tim Herlihy at a Zoning Board of Adjustment meeting with all in favor.

Other Business:

Ms. Melone noted under RSA 41:14-a The Board of Selectmen has had one meeting (November 2, 2021 with another scheduled for November 16, 2021) to discuss the merits of selling condominium development rights at Southfield Village. She noted by law the Board must request recommendations from the Planning Board and the Conservation Commission. Noting this was their second request the Board discussed this matter with the goal of a formal recommendation.

Ms. Vann noted her impression from the conversation last month was that the Planning Board would like to see a mix of rental and for sale units. "But it is irrelevant as to whether we get them or not because it is really up to the HOA" she said. Mr. Dunbar asked for clarification on why the Board has been asked with Ms. Melone replying, "it is in the Board of Selectmen's Bylaws, it is a formality but must be done." When Mr. Dunbar asked what the Conservation Commission had recommended Ms. Melone noted that to her knowledge they had not met on it yet. When Mr. Dunbar asked if they should wait to see their (ConCom) recommendation was, Ms. Heller interjected "no." Chair Clark agreed noting the HOA has said they prefer Mathewson Companies and they were offering more money. Initially Chair Clark was under the impression that the units would be low-income housing but was quickly corrected with Mr. Ward noting the current units are priced in the \$300,000 to \$300,500 range, which is not affordable housing.

Ms. Vann suggested they make a motion regardless of its effectiveness.

A motion was made/seconded (Vann/Heller) to recommend a mixture of rental and below retail rate housing units for the Southfield Village Condominium development with all in favor except Mr. Ward who abstained.

Speaking of affordable housing Ms. Melone suggested they select a date and time for another workshop to resume their conversation and review the suggestions submitted by Ms. Hurley. The members agreed on November 29, 2021 at 6:30 p.m.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laura Norton
Office of Planning & Building

