

PETERBOROUGH PLANNING BOARD  
TOWN OF PETERBOROUGH

November 13, 2023

**Members Present:** Lisa Stone, Gary Gorski, Stephanie Hurley, Carl Staley, Mike McGill, Sarah Steinberg Heller, Mike Dias, Sean Thomson and Bill Taylor

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

Chair Stone called the meeting to order at 6:00 p.m. with a welcome and introduction of the Staff and Board members.

A motion was made/seconded (Gorski/Hurley) to appoint Alternate Mike Mr. McGill to be seated with all in favor.

**Minutes:** Deferred to end

Chair Stone read the first case:

**Conditional Use Permit Application** for a home-based business, comprised of the sale of antiques and artwork and to be open by chance or appointment, located at 6 Old Street Road (Parcel No. U001-006-000) located in the Family District.

Tom Thomas stood and introduced himself as a semi-retired concert organist and church musician. He told the members that when he purchased his house there was a permitted art gallery there. "I am an antique collector and I decided to open a small shop in the same space the art gallery occupied" he said adding "guests would be by chance or appointment and we have a permit for a temporary sign pending." He went on to say "the antiques we'll be selling are real antiques not Coca Cola signs, old bottles and things like that. We'll also be selling federal furniture from the 1700 and 1800s and antique clocks."

Chair Stone explained Mr. Thomas needed a Condition Use Permit because the antique shop is just over the threshold in size for what is allowed in a home-based business. Mr. Thomas added "the art gallery was reported to be 500 square feet but when measured it was about 650 square feet so that is why I am here." Ms. Melone interjected "other than the size, from the Town's perspective it is fine, and we have no issue with it."

Ms. Hurley said she was not against the proposal, but it was her understanding the

request should be granted not by Conditional Use Permit but by a Variance for the Zoning Board of Adjustment. She went on to cite the Board's authority in granting CUPs "but the only use in the Family District is Bed & Breakfasts." Ms. Melone referenced 245-24 Home-based Businesses and said home-based businesses are allowed in all districts including the Family District. "I hate to differ with you, but it says permitted all zoning districts *except* the Family District, so my interpretation is that they need to get a variance." Ms. Melone noted the Board's authority to waive or modify any of the requirements of that section if specific circumstances relative to the proposal indicate that a waiver will carry out the spirit and intent of the ordinance (and) "considering there was already a use there I see no reason why the Board would not allow it." Ms. Hurley agree but noted she was a rule follower and "I am worried that if we don't follow the rules, it could create a condition where we could be sued, so that is why I mentioned it."

Mr. Staley noted the application should be found substantially complete before they continued and a motion to was made/seconded (Staley/Heller) to accept the application as substantially complete with all in favor but Ms. Hurley, who did not respond as no vote against was call for.

With no additional questions from the Board Chair Stone opened the meeting to the public.

Cheryl Vaillancourt introduced herself and asked about the size of the sign. Mr. Thomas replied "it is just a temporary sidewalk-sized sign right now. When asked about his permanent sign Mr. Thomas noted he was not sure "but it will be similar to the Twin Elm Sign, hung off a post. It won't be anything like the one (Murrays) across the street from me."

Brian Vaillancourt introduced himself and asked about parking. Mr. Thomas explained his plan to using his driveway for guests (2 cars at a time and by appointment) and parking his cars across the street at Cranberry Meadow Farm parking area (with permission of course). When asked about the term *conditional* in Conditional Use Permit, Chair Stone explained the word was related to the criteria based on the conditions where the use is permitted, "and it doesn't have an end date" she said.

With no other questions or concerns from the audience, Chair Stone closed the public portion of the meeting.

A motion was made/seconded (Heller/Gorski) to approve the request for a home-based business, comprised of the sale of antiques and artwork and to be open by

chance or appointment, located at 6 Old Street Road with all in favor.

**Site Plan Review application** for a one-year time extension to meet the conditions of approval for the approved Open Space Residential Subdivision 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 12 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.

Chad Branon introduced himself as a Civil Engineer with Fieldstone Land Consultants, LLC and representative for the Garland Family Trust. When asked if any changes had been made to the plan Mr. Branon replied, “we have made many changes to the plans since its conditional approval last November.” He went on to say “it has taken a long time to secure state permits and (addressing the Staff Memo that cites *no action taken* on several conditions of approval), there has been action taken on just about all of the items.”

Mr. Branon told the members they have secured the Wetlands Permit in September for buffer and proposed wetland impacts, widening of the road and a fire pond; the Alteration of Terrain permit (going on simultaneously) in late October. He noted a State subdivision approval was required to validate the lots, septic and wells “but they will not start their review until the Alteration of Terrain Permit has been secured and the Septic Design Review won’t start until the subdivision permit is approved so you can see how the process Daisy Chains rather than happening at the same time.” He added “the good news is we have received the State subdivision review, we expect an approval within the next couple of weeks and the other approvals will likely follow shortly thereafter (so) we don’t anticipate needing a full year at all to be able to submit a complete plan to you.” He noted he’d presented a similar request last month because of the State permitting timelines and reiterated he had a full plan with revisions, but no formal submission has been made to the town because once they get the state permits in hand, those numbers will be added to the plan for a complete plan set and then submitted to address all the conditions of approval, avoiding a “back-and-forth” process with the town. He concluded by noting the changes were an ongoing process not related to design standards but to treatment practices or wetland modifications. “That is where we are. This is an approved project and we are asking for an extension to complete an active and ongoing permit process” he said. When asked, Mr. Branon confirmed there was no work being done at this time.

With no additional questions from the Board Chair Stone opened the meeting to the public.

Calvin Winey introduced himself and noted for the record he was still against the project. “Particularly in that you are using an ordinance that is designed to *prevent* urban sprawl to *create* urban sprawl in the Rural District and I really find that offensive.”

Michael Kennedy introduced himself and said “I am opposed to the plan. This has been going on for three years and they got approval a year ago and completing one out of ten (conditions) is not acceptable. You on the Board probably don’t care but I want to voice a concern about proper execution based on historical executions that we have seen in the past and continuing with approving an extension is starting a trend to wonder about what we are going to have in the end.” Chair Stone interjected “I understand your concern, but the end product is not our jurisdiction, the plan is our jurisdiction.” Mr. Kennedy replied, “jurisdiction involves a cohesiveness with the neighborhood and its immediate impacts.” He noted the project in itself is a big old different thing from everything around it already and nothing has been done and that is part of your consideration and I know it was a big consideration for the Zoning Board.”

Stergios Lazos introduced himself and said he’d moved to the neighborhood four years ago and has seen the project as being on-off/on-off for over three plus years. “It seems like this can just keeps getting kicked down the road. I was a schoolteacher and when things are due, they are due. My sense is that every time it is due, we keep extending. I understand the processes but I also know the rules have been changed in regards to the zoning aspects ( ¼ acre lots are no longer allowed the Rural District) and I believe this is one of the reasons for extension, to be able to follow the old rules but regardless, the plan has never been well developed from the beginning and now it seems like it is continually being band-aided and changed and that has a huge impact to all of us who live on Middle Hancock Road. There are still aquifer and water concerns and without a clear-cut developed plan I feel things are just being pushed further down the road. How many extensions are you going to need?”

Mr. Branon took a moment to address the concerns by noting “this is our first request for an extension, and the only one we will need.” He noted the Alteration of Terrain Bureau has only one full-time employee “and they are asking for extensions from applicants on their side, so we are *all* paying the price for the state

agencies being understaffed and slow permit turn arounds.” He told the Board they filed for state permits after they secured local approvals because of the fee schedules (which are very expensive). “We have gone as fast as the state can provide, we have no control over it” he said adding “and saying one out of ten (conditions of approval) has been addressed is not factual. I’ll go through each one tonight if you feel that is necessary.” Chair Stone noted it was typical to have plans change beyond the scope of the Planning Board because of the specific expertise of professionals such as septic designers and well drillers.

Mr. Gorski noted the project has been approved and the applicant is back due to delays in the state process. He went on to say “is that reasonable? Well one month ago we had the identical request and I can’t see any difference between what was requested one month ago, and what we are doing right now. It would be inconsistent of me not to support it. It is an approved project they are still working on but have been delayed by the state permitting process.”

David Johnston introduced himself and his wife Hannah and said they echoed the sentiments that have been voiced. “It has been a very long process over the years that leaves a lot of anxiety with all the developments that have been going on. This project is literally in our backyard. It doesn’t really seem transparent as to what is actually going on and prior executions leave us with a pretty big question. We want to raise our kids here and we’d like to have a sense of what is going on.” He concluded by noting concerns for other issues including the multiple septic systems and wells. “We want to know what we are going to be left with at the end of all this” he said. Mrs. Johnston added the lack of a timeline was frustrating to them as well. Mr. Branon noted previous studies for the wells and septic systems and proving the site loading happened months ago. “All of that work has been done and the designs for the lots will meet and exceed all local and state requirements” he said.

Ms. Heller agreed with Mr. Gorski’s sentiments “but I also hear the neighborhood and we all heard Mr. Branon say that many changes have been made so maybe we should go over the entire plan.” Mr. Branon interjected “there are changes made on every project submitted to the state, ever single plan.” Ms. Heller noted the sense of anxiety with this particular project “especially when they hear changes have been made.” Mr. Branon noted many of the changes were regarding treatment practices that may require slight modifications. He noted the only significant change to the plan is that four of the lots have to be increased to meet the minimum lot size of ¼ acre, “that is it” he said. Mr. Gorski affirmed that the Town Planner reviews the changes and anything considered a significant change would require

the applicant to come back to the Board for approval. Mr. Taylor added “and the changes that are being made are in response to the conditions we placed on the approval.” Mr. McGill interjected “and when I read the conditions where the Staff Report says *no action taken* I think that is what has created some tension but actions have been taken, a lot of work in the background is happening, it is just not complete.” “Absolutely” replied Mr. Branon.

Ms. Hurley asked the public if they had any safety concerns about the existing buildings on the lot. Mr. Branon noted nothing (no work) has been done and will not be done until the conditions are met and the plan has been signed. “This includes the letter of violation from the Town. Mr. Garland has submitted permits to the building department, but none can be issued until the plan is signed” he said adding “the first thing the violation letter says is to finalize the approval but we can’t do that without the state approvals so it is kind of like a chicken and egg thing but we are very close.”

With no other questions or concerns Chair Stone closed the public portion of the meeting.

Through brief discussion the members agreed the request was petty straight forward.

A motion was made/seconded (Hurley/Gorski) to approve a one-year time extension to meet the conditions of approval for the approved Open Space Residential Subdivision 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 12 new open space residential development lots with associated site improvements and open space area located at 360 Middle Hancock Road with all in favor.

**Preliminary Review Application**, submitted by Fieldstone Land Consultants on behalf of Mercer Holdings, LLC for 116 units of multi-family workforce housing with associate site improvements and amenities at the two undeveloped properties off Mercer Ave (Parcel No. U022-002-000) and off Goyette Drive (Parcel No. U022-006-000), located in the Rural and Family Districts.

For the record, Chad Branon again introduced himself as a Civil Engineer with Fieldstone Land Consultants, LLC and representative for Mercer Holdings, LLC.

Mr. Branon noted that this project has been before the Board as a Preliminary Review for a single, 100-unit building on a 7.7-acre lot at the end of Mercer Avenue. He went on to cite several comments and concerns at that time included the access way, size of the building, a lack of community amenities. Mr. Branon brought those concerns back to the applicant who revised his plan by purchasing an adjacent 3.9-acre parcel to the north creating a much larger lot. Mr. Branon noted they were back with a proposal for 116 units in two buildings (58 units, 4-stories with parking underneath); a proposal for a new access way off Goyette Drive and a club house on site offering a variety of site amenities. Mr. Branon spent some time explaining the workforce housing regulation does not have a density calculation. He noted the State has required towns to adopt a regulation that at a *minimum* provide the same density as their elderly housing regulation “which is 10 units per acre or 110 units “but the workforce housing regulation doesn’t have a calculation so we are proposing 116 units to balance that ever present tough balance of cost and economic viability. He concluded by noting a traffic study would be required and they had engaged a traffic consultant; the current parking minimums have been met; all excavation regulations will be adhered to and significant state permits will be required (DOT due to the proximity to Route 101, Alteration of Terrain, Sewer Discharge for connection to municipal facilities and all local permits).

When asked about the percentage of workforce housing Mr. Branon noted it was difficult to calculate at such an early stage but estimated 10-20%

Chair Stone asked about plans for energy efficiency, walkability connectivity to the Downtown with Mr. Branon noting the applicant was willing to entertain different options for a sidewalk to the highway intersection during the permitting processes.

Mr. Gorski noted he did not see any justification for such a low workforce housing percentage. He went on to note the 110 units would be allowed “because the State passed a law that leans on the density of the Elderly Housing regulation that is 10-units per acre but that is not what the town intended with its zoning.” He also voiced his issue with access to the parcel. “If you could access it without driving by all the houses on Goyette Drive and Mercer Avenue (via direct access from Route 202) it may work” he said. He concluded by noting the Planning Board was working on zoning amendments and reducing the current parking space minimums was on that agenda “but right now I really can’t understand how this project works for people in the neighborhood without access from 202.”

Mr. Staley echoed Mr. Gorski’s thoughts and suggested an access point south of

the Monadnock Plaza. He cited numerous obstacles including steep slopes and power lines, “but unless you can figure that out, I don’t see this working.” Ms. Hurley also agreed with both the parking and the access issues and asked about wetlands on the parcel. Mr. Branon noted while the lot has not had a wetland delineation “if there are any wetlands they will be down along the bottom of the site but I don’t think there are.” Ms. Hurley noted in these types of developments steep slopes and wetlands are taken out of the density calculation “and I’d be interested in the buildable acres on the site.” Mr. Branon replied he did not believe that was the case for the Elderly Housing regulation and Ms. Melone noted Ms. Hurley was correct noting “a minimum lot size of no more than 50% of any wetland (excluding the buffer and steep slopes) may be used to satisfy the minimum size of the underlying zoning.” “But realistically, you cannot build on steep slope so you are cramming a lot more into a small space than you need to” said Ms. Hurley. Mr. Branon replied, “we are actually reclaiming steep slope through the excavation standards and making slopes that are stable and can be used for passive recreation.” Ms. Hurley then cited Site Plan regulation 233-35 Traffic where it states the Board shall not approve projects that will reduce the level of service (LOS) at public intersections by two or more levels or if existing conditions do not provide sufficient capacity to support the project. “I think that is a really important aspect of this approval that we’ll need to get from the traffic study” she said. Ms. Hurley concluded by noting 10-20% of units designated as workforce housing was very inadequate for a project this size. “For the density you are asking for you need to add more” she said. Ms. Heller also agreed on an access from Route 202. “Without it I just don’t see it being possible” she said.

Mr. Taylor interjected “I think it is pretty obvious of what people are thinking so far and this doesn’t have a chance of being approved.” He went on to note the current traffic congestion at the 101/202 intersection “and even if you have access from 101 or 202 if you are there at 3:30 in the afternoon, you will never picture needing more cars, ever. It is really just too much.” Mr. McGill reiterated the major concern was access “and it is pretty apparent that it is *still* access.”

With no further questions from the Board Chair Stone opened the meeting to the public. She reminded them the project was preliminary and would not be voted on this evening. Chair Stone also encouraged those wishing to speak to be unique in their comments in an effort to avoid repetitive concerns.

Richard Wood stood, introduced himself and noted on its best day, Goyette Drive, which is narrow and steep, is not going to support the project. “This development will more than double the occupancy of the neighborhood” he said. Mr. Wood



went on to say, “that road is a non-starter and as a retired public safety official I can tell you it is not a responsive route to the Fire Department or anyone else.” After confirming the buildings would be four stories (parking below and three on top) he told the Board, from his house, he would be looking very nicely at whatever is on their roofs. He noted the recently purchased vacant lot was home to an abundance of wildlife (turkeys, deer, bobcats, bears) adding “I know that because they pass through my back yard from that area and I can tell you they will not continue to be around. I can also tell you we have *not* heard anything about what the lot clearing was going to look like. “There are a lot of downed trees there now and I wonder about additional cutting and issues with erosion.” Mr. Wood concluded with his concerns about light pollution and migration, noise (“it is laughable to compare an elderly housing development to a workforce housing development when it comes to activity and noise”), stormwater runoff “and the idea that you can label something one thing and make it 80 to 90% something else is also laughable. I applaud the Board for the comments they have made, it is comforting to know you are thinking about it.” He told the members he did not care about the site amenities “because every square foot you take up is more stuff that leaves the neighborhood.” Mr. Wood concluded by citing a traffic study by DOT and said “they will be concerned with what is going to happen to 101, they are not going to be concerned with what is going to happen to Goyette Drive or Mercer Avenue, so a traffic study needs to incorporate *all* of the traffic and not just Route 101. “That is it, I tried to be unique” he said.

Jason Rhoades introduced himself and echoed all the concerns that have been raised and added “it would be extremely dangerous (when walkability is encouraged) to have a couple hundred people driving in and out a windy, steep, narrow road, it feels like we are going in a backward direction when encouraging a more walkable community.”

Lee Janko introduced himself and noted his home was across the street from where access to Goyette Drive would be and asked, “am I going to have headlights in my living room?” Is that what I am looking forward to? That is an important question.” He pointed out that Goyette Drive was narrower than Mercer Avenue and having 200 or more cars coming in and out of that property (“the upper end, the lower end or in the middle) is dangerous even without inclement weather. “And add to all of that, a swimming pool? Come on, give me a break. This is out of control. This whole thing.”

Francie Von Mertens introduced herself and asked about the density. You are posted under workforce housing but only 10 to 20% is actually that. It was noted

the current workforce housing ordinance does not have a density calculation and as long as one unit is workforce housing it qualifies. Chair Stone further qualified that the state, in an attempt to make things more equitable, has required towns that give bonuses to elderly housing, give the same to other classes of people that are economically disadvantaged, “and that would be our workforce housing.” Mr. Staley added “you cannot have a development that is all workforce because it is not economically viable, that is why you have the percentages of market and workforce unless you are someone like Catholic Charities that has subsidized funding.” Mr. Gorski reiterated the mandate by the state created a law that the town never intended “and the Planning Board is talking about that in our workshops” he said. Mr. Taylor interjected “before we have taken informal polls to see if there is any likelihood at all the members would vote for a particular project by raising their hand.” There was no response from any of the members as Mr. Branon interjected “we are not asking for a poll vote, we are asking for feedback which is why we are here.”

Ms. Heller changed the tone by noting when she asked about increased site amenities she meant things like a community garden, a barbecue area with picnic tables and a recreational area. “I don’t want to be sarcastic but a pool was never on that list. To me it seems really toned up to consider a pool with memberships, not in this situation.”

Nick Williams introduced himself saying “I am new to town, but I just wanted to point out the elephant in the room. I lived in Nashua for over 20 years and I moved to Peterborough to get away from 116 unit apartments (applause). He went on to say he was an engineer and “the access to Route 202 is very simple with the right people.” He noted another excavation pit on 202 and a 3.4-acre lot that is currently 16 Maple Avenue, has anyone asked the owner if you could get a right-of-way to get to this? I echo what Gary has said, I would not have a problem with it if didn’t impact the entire neighborhood. I agree the applicant may be tone deaf to what Peterborough is and while we need workforce housing, 10% is too low and Goyette Drive is too narrow.”

Sue McMillan introduced herself and told the members “with an exit on Goyette, no one is going to go up that hill in the wintertime, 99% is going to come down to Mercer and out to 101. The other thing is if this is built, looking down Mercer from 101 you are going to see this massive 4-story building, which is *so* out of character with the neighborhood.” Ms. McMillan also noted her concerns about drainage issues from runoff from winter thaws and heavy rains.

Roxanne Loudin introduced herself and told the members “the abutters for the Mercer Avenue parcel were notified but nobody from the Goyette parcel were location was notified.” Several residents of Goyette Drive replied “yes, we did.” Mr. Janos noted he had made and distributed copies of his notice to the Goyette neighborhood. Ms. Loudin replied “no, not from you, from the developer or the Town.” Agan several residents noted they had received certified notification from the Town about the hearing. Chair Stone explained the definition of an abutter with Ms. Loudin replying “I think there were about 5 properties that abutted the “under contract” lot that did not get notified. Chair Stone noted they may not qualify as abutters but encouraged Mr. Loudin to get those addresses to the Office of Planning & Building. Ms. Loudin went on to ask about the impacts of new construction and utilities to both neighborhoods, traffic, steep slopes and the erosion impacts of removing mature trees. “These are all pretty big deals to a neighborhood with less than 50 houses” she said.

Mr. Branon stood and reminded the audience the review was preliminary, and the final design was far from complete. He reiterated the purpose of the hearing was to hear concerns and get feedback from both the Board and the public. “It is a long process with a lot of design work, studies, third-party reviews and state and local permitting. Being this early in the project I don’t have specific answers for you but if we do go forward with this project there will be a lot of attention to all those design questions” said Mr. Branon.

Ms. Hurley noted one of her concerns was the size of the building, “they are just not Peterborough” she said and suggested “now that you have this other property slated for a pool and clubhouse, perhaps you could have fewer apartments to begin with but also have another building in that area.”

Dewey Clark introduced himself and asked how the developer came up with the mix or percentage of workforce/market rate units. Ms. Von Merten noted the applicant was a developer and a homeowner in town, “is he going to be watching to see the response from the townspeople?” She added “Akhil Garland has been sitting next to Chad (Branon) for three years and has heard a lot as an owner. It has not always been fun for him but he showed up. Don’t you want to bring something to the town you live in, that this is a plus for the town, it shows caring for the community.” She asked Mr. Branon to relay that message to his client in a friendly and sincere way. Mr. Branon replied, “I do believe he is watching.” Mr. Janko noted his interest in the developer and said, “I’d just like to know more about him but when I google the LLC, I get nothing.” Chair Stone replied the Board did not have any more information about the developer than the public did “but who owns

the projects does not change our approval process.” Mr. Williams noted he would be more open to seeing 20 to 30 town homes also priced affordably in the area. This is a very desirable neighborhood and I’d love to see a different plan” he said. Mr. Wood asked about a noise buffering plan noting they dealt with noise now, “we know that, we bought that” but was concerned about the additional noise the development may bring. Mr. Rhoades young daughter said, “our mailbox is across the street from our house and every time we cross the street we have to up and down the street for cars because they are very hard to see when they come roaring down the hill.”

Theresa Wood cited the numerous scenic photographs that hung on the walls of the meeting room (entitled Peterborough’s Conserved Landscapes) and said “Putting 116 units in that area, it is not going to be conserved anymore. Are we going to put pictures of the apartment building up for us to look at? Because that is what we are going to be seeing.”

Ms. Vaillancourt noted the town has been accused of rejecting change “but I think our land does need to be protected. A lot of the old timers that have done that in the past are gone but that is what people are moving here for and if you folks are not listening to what the townspeople are saying, we’ll become a Nashua. This is heartbreaking, please look out for the area, and look out for the people who rely on you.” Ms. Melone interjected an invitation to attend and participate in the Planning Board zoning workshops. “I think the workshops speak to exactly what we have been hearing tonight” she said.

Ms. Loudin concluded by asking about the vacancy rates of the two other affordable housing developments in town (Riverview and Pine View). Chair Stone noted the apartments available for rent currently were over \$2,500 a month. “Those are the only vacancies” she said. Chair Stone went on to thank the public for their feedback, reiterated there would be ample time for further discussion and closed the hearing.

**Preliminary Review Application**, submitted by Fieldstone Land Consultants on behalf of Star Mountain Properties, LLC, for an Open Space Residential Development (OSRD) consisting of 66 single-family home residential lots with associated site improvements, located at 468 Greenfield Road (Parcel No. R012-010-005), 16 Burke Road (Parcel No. R012-014-002), and 36 Burke Road (Parcel No. R012-014-202), located in the Rural District.

For the last time and for the record, Chad Branon introduced himself as a Civil

Engineer with Fieldstone Land Consultants, LLC and representative for Star Mountain Properties, LLC. He noted the proposal was three parcels consisting of 163 acres with the Contoocook River to the northwest and Otter Brook to the south. He pointed out a right-of-way to Greenfield Road as well as a right-of-way access out to Monadnock Lane. “This site is currently developed as an equestrian property with a large barn and paddocks areas and the goal is maintain that and create an equestrian village, nestling the homes along the contours to reserve the scenic vistas” he said.

Mr. Branon noted the lots will be  $\frac{3}{4}$  acre in size (as required by the regulation) but much of the space is tucked to the back of the homes and not necessary to support the home, septic or well infrastructure “so we could provide for additional open space by putting that land in conservation easements,” Mr. Branon noted this could transform 66 units on 66 lots, each  $\frac{3}{4}$  acre in size into much greater land conservation while fulfilling the goals and objectives of the OSRD regulation.

Mr. Branon went on to note at their original preliminary two years ago they had received a lot of feedback about the use of Monadnock Lane for access. He noted a project of this size would require a traffic study addressing those concerns. He also noted they anticipated the main entrance to the project would be off Burke Road and Monadnock Lane and Greenfield Road would be for emergency access only.

Mr. Branon reviewed proposed site improvement and amenities with the addition of barns and paddocks closer to the residences, riding trails and sidewalks for connectivity. He noted all setback and buffer requirements have been met. “This is an unique development proposal that would fit in well with the town” he said adding they still had a lot of work to do to prove out the density but that is just about as much detail as we can provide at this point.”

Mr. Branon concluded by noting the existing house and guest house would remain property of the applicant and the current barn, paddock and agricultural areas to be incorporated into the open space.

When asked Mr. Branon noted the additional conservation area would not be through deed restriction but by a conservation easement on the  $\frac{3}{4}$  acre lot with maintenance responsibilities while maximizing open space.

Chair Stone asked about widening the road to allow for horses and a brief discussion about the road, animal and pedestrian walkways, paths and a trail network followed. When asked about the density calculation Mr. Branon reviewed

those numbers for a total of 53 units “with the potential for density bonuses under the regulation for (projected at 25%) gives us another 13 units for a maximum yield of 66 units.” He went on to confirm underground utilities and separate, private septic systems (with a potential for shared septic systems) and individual wells.

Mr. Gorski noted he felt sidewalks were essential. “I don’t think you can do it safely without sidewalks when you’re intending people to walk back and forth between the barn, paddocks, homes and road” he said adding that while he appreciated the effort put into the project he did not believe it achieved the compactness of the ordinance and that a lot of open space was presented in a “chewed up” fashion. “Something much more compact would make more sense to me” he said. He concluded by noting he thought 66 units was a lot and asked if they had considered duplexes at all, “which will also help with more conservation space because you’ll have less buildings” he said. Mr. Branon explained the current layout was a byproduct of the regulation with its requirement for  $\frac{3}{4}$  acre lots. “It creates more separation” he said “and while we strive to meet the design and safety objectives of the ordinance, we also do the same to meet the goals and objectives of our client, but I think we can do better on the open space by giving added protection through the easements.  $\frac{3}{4}$  acre lots create a different setting than a conventional cluster.” Mr. Branon also noted his client was not particularly interested in duplexes. Mr. Gorski noted another concern was the proximity of houses to the Contoocook River with Mr. Branon measuring and noting the closest residence would be 400 feet away.

Mr. Staley noted he felt increases in density efforts was concentrated in the areas that have municipal utilities, not the Rural District. He went on to say, “this looks dense to me even though you have a big piece of land. This looks completely out of character to what the town is looking to do.” He went on to say the Board was discussing the OSRD ordinance at their workshops “to figure out what to do with this thing” and this doesn’t look like what we’re thinking the future of Peterborough should look like.” Mr. Branon replied, “well it meets all the goals and objectives of your regulation.” Mr. Staley said, “yes and we are looking at redesigning it.” Mr. Branon noted it was sometimes difficult to understand the goals and objectives two-dimensionally. He pointed at one road saying, “it looks out of place but it actually fits really nicely with the topography and really respects the landscape.” He said he felt the current layout was actually more harmonious than a real one area of the property. “This really blends the density out over the landscape while maximizing the open space” he said.

Ms. Heller agreed with Mr. Staley in that a greater clustering would be better for the open space, she noted she felt a ¼ acre lot design would be better “but I understand, your hands are tied.” Mr. Branon agreed and noted ¼ acre lots would have allowed greater creativity in the layout.

Mr. Dias said it seemed to him that the preliminary was a question of how to accomplish ¼ acre lots in the Rural District and I don’t feel we have given you an answer.” “It is not allowed” interjected Chair Stone with Mr. Dias asking, “then why was it brought up if it is not allowed?” “It used to be allowed” replied Chair Stone with Mr. Branon explaining his thought of getting to ¼ acre lots for a preservation point of view was through the mechanism of easements on the back lots.

Mr. Thomson asked for and got clarification on the density (parcel acreage/subtract wetlands/divide that by 3 (minimum lot size in the Rural District) leaves just over 53 acres with a potential for 13 units in density bonuses. Mr. McGill asked about the intent for expansion of the equestrian use as well (barns, paddocks etc.) with Mr. Branon noting there would be an expansion of the agricultural use. “So this will be marketed to that type of population?” asked Mr. McGill with Mr. Branon replying “yes, absolutely.” Ms. Hurley asked about the eligibility for density bonuses and pointed out Mr. Branon had counted the paddocks as agricultural and asked if that counted as open space. Mr. Branon noted he believed the current structures were accounted for in the open space as agricultural uses. He reminded the members that an actual plan/density were not finalized. “This is our maximum yield if we were to go forward at this time” he said. Ms. Hurley noted she did not believe horse paddocks equated to agricultural or open space, “but I could be wrong” she said. This segued to a brief discussions about *forest management viewshed preservation, trails*, and an *Eversource easement grant*. Mr. Taylor asked about the status of the existing house, guest house and barn with Mr. Branon noting the house and guest house would remain the property of the applicant and the barn and paddocks would become common property. “Pretty generous to give away the barn because it is unbelievable” interjected Mr. Taylor.

Chair Stone reminded Mr. Branon of the Town’s energy efficiency efforts (orientation of homes for best solar access; conduits for EV charging stations) and opened the meeting to the public.

Dewey Clark introduced himself and noted sidewalks increase impervious surfaces “so I would say trails are a better idea, for both people and wildlife” he said.

He also asked who enforces the easement with Chair Stone replying “the HOA, and, traditionally the people who have complaints.” A brief discussion on how and by whom easements are held followed.

Gary Ciocci introduced himself and asked why the main entrance is going to be on a curvy road, past a house off Burke Road which is one of the worst intersections on Route 136 when you have a full easement from Burke Road off Route 136 directly. He also noted concern from any runoff of animal waste from the paddock’s back pastures to a sloped area toward a water shed. Mr. Branon noted a full traffic study will be in order and anticipated some intersection improvements “But this is the main entrance to the facility right now and we believe it is the best access for the site.” He also noted the stormwater design and management was a big item they would be addressing, locally and from the state.

Robin David introduced herself and noted her concern for the water table “having that many wells in one area, I don’t see it” she said traffic, the loss of trees and wildlife habitats were also major concerns.

Theresa Cadorette introduced herself, approached the graphic and pointed out the conservation land surrounding the parcel. “It is a beautiful piece of land” she said. She went on to ask the Board to remember last year the Master Plan had been updated. “We had 20 pages of Chapter 4 on open spaces and we had about 6 pages on housing with a focus on workforce housing and increased development in the downtown areas. That was it, 20 pages on open space and 6 pages on workforce housing” Pointing to the graphic she continued “not this, this was not at the top of our list in the Master Plan we passed last year that is all I want to say.”

Mr. Branon reminded the Board if able to use the aforementioned easement, “we are looking at potentially preserving 60 to 70% of the land area which is a good proposal adjacent to conservation land. I think the goals and objectives of this type of ordinance would actually likely meet many of those pages of the Master Plan that were referenced, and I think that is why this is a good proposal.”

Dan Shows introduced himself and told the members he really hoped the interpretation and view from the Board doesn’t lead to the calculation that puts sus here. “66 easements on the back of different lots is not the definition of a reasonable person’s idea of conservation and doesn’t meet the definition of open space. Please don’t buy this math. If the project goes forward with a lower amount and real conserved land I would not have as many issues but well water, increased



traffic at a very dangerous intersection and wildlife depletion remain. He also noted the lack of access to the river and asked if the project were to go through, he would request real access on conserved land to get to the river for passive water activities.

Scott Herber introduced himself and told the members they keep their 3-acre back lot natural “which is fine but when someone has a tremendous amount of money to do something like this where they can cut everything down and crowd everything in an area where people have bought houses because they want to be in a rural area, and it is not rural anymore. Chair Stone explained the project would take about 20 acres for housing, 20 acres for farmland and leave the rest undisturbed. “That is why the houses are clustered, that is the gist of the Opens Space Residential Development ordinance. They could do 50 houses on 3-acre lots by law and you would not get that conserved land” she said. “You are building suburbia instead of leaving it rural” replied Mr. Herber. Mr. Branon reminded the Board and audience that nothing was final and there was still a lot of work to be done. He did note the closest house to the proposed development was on Monadnock Lane, 250 feet away, “a substantial separation even in 3-acre lot zoning.”

Karl Witt introduced himself and noted he abutted the development on two sides. He went on to say “I heard earlier that no one will be able to see the houses and that is 100% not true. “Our view out the back door will be right into a house.” He then asked the Board “what problem is this solving? Do you have a massive list of people looking for an equestrian living?” Ms. Melone interjected “this is the zoning in place and I want to reiterate the Board is working really hard to make changes to exactly what you are advocating be changed. They are not sitting here thinking *oh, this is exactly what we want*. Mr. Taylor added “the Board did not propose anything.” Mr. Gorski agreed and said “if a project meets our criteria we can’t sit here and say *if I don’t like it won’t be approved*. That kind of decision can be overturned at the state level. We have to go by the law, and the law is the zoning regulations. Our job is to make sure we conserve as much land as possible and do the best we can for the neighborhood to make it a good as it can be.” Ms. Melone concluded by urging the public to attend and participate in the Planning Board zoning workshops. Mr. Witt went back to his question of what problem is being solved. “Are we solving a local problem or is it solving a problem for people to move in from out of state to have their horses a few months a year?” Mr. Witt went on to say “and the whole concept of preserving agriculture, what agriculture are we preserving? What we have here now is a 3-acre lot with chickens and goats on it and 100 acres of unused horse farm and not one horse. It is not really

agricultural land.” A brief discussion about the ordinance, consideration of associated waivers and potential interaction from the State’s Housing Appeals Board (HAB) to hear and affirm, reverse or modify appeals to final municipal board decisions regarding questions of housing and housing development as well as what open space (ideally) should look like and the creation of residential sprawl followed.

A woman introduced herself as Lena and told the members she and her husband owned a small farm with horses and a combined experience in the equestrian industry of 20 years. She asked if anyone actually had any equestrians helping the Board with the plan. “I look at that plan and immediately see red flags all over it.” She noted the main entrance on Burke Road noting beginner riders and horses that can get spooked as well as the traffic from 66 houses. She then asked if the community was going to be gated “because if you ever worked with horses, they get loose and they get loose *a lot*.”

Mr. Shows asked if the equestrian village would be hosting horse shows or competitions “and if so, are there any limitations to those events?” Ms. Melone noted that if events were to be added to the project the applicant would have to go back for a full Planning Board review of that request and consider frequency, traffic and parking.

Eli Schned introduced himself and told the board he had moved here for the rural character of the neighborhood asked about the character of the neighborhood, “and when the question asked is what does this look like – it looks like a Florida subdivision.” He went on to ask if the applicant was present to speak with (he was not). Mr. Schned then asked as a Florida developer “does Mr. Sternberg have any experience in developing northern New England towns because this is unrecognizable to me. An equestrian village sounds mystic but living in New England for a long time I don’t know what that means.” He asked about horse logistics on the site and if there was any kind of market for such a thing in Peterborough. “There is a housing crisis, but I understand the median in Peterborough is \$89,000 which equates to a \$350,000 house and I image these are in the \$600,000 to \$700,000 range. Does that really serve the purpose of New England?” He concluded by noting the viewshed was indeed, magnificent “but only from the property itself, you can’t see that from the road. I think by nestling the houses into the woods, it preserves the view for the main house and no one else. Critical habitat will be destroyed, and it is heartbreaking that the wooded areas will be plowed under.” He asked what the house would look like (“like any other cookie-cutter housing development in America?”) That is not why people

move here and it is certainly not why I moved here, and I am incredibly disappointed with what my future is.”

Jon Kehl introduced himself and told the members he was a well water business owner and said “we keep hearing questions about the well water with no answers because really there is no guarantee of what could happen if it’s an aquifer. I have seen water levels drop below the pump when you drill a well in a above neighborhood and I’ve seen wells go completely dry. 66 new wells in a 40 to 60-acre area could have a huge impact on the water table and there is *nothing* you can say to say it wouldn’t.” Mr. Kehl concluded he had lived in Florida “and I never had a drilled well because they are all point wells with sand. Does a builder for Florida know all about drilled wells and what could happen?” Mr. Branon replied “well I am not from Florida but I have been a Civil Engineer in New Hampshire, Vermont, Massachusetts and Maine for 30 years and I can tell you that this is a pretty small development to be serviced by wells and I am pretty confident that we’ll have studies done to prove there will be adequate water and when we go forward with this, you will see those studies.”

Bruce David introduced himself and noted his concern for the aquifer as well. “In normal summers we already run low on water so good luck with 66 more wells. He noted the project paralleled river in one section “which is a migration path for all kinds of wildlife to get to the river and this will block that the river” he said Mr. Clark reminded everyone that alternative uses of the land could be a clear cut of the timber or the construction of build 50 houses on 3-acre lots.

Daron Janis introduced himself and offered some perspectives from an attorney with experience in real estate and HOA-related matters. Mr. Janis began by citing a comment from a Board member that said *if the requirements are met, there is nothing we can do about it*. “I’d like to echo my neighbor (Ms. Cadorette) said in that it is not quite true. If the proposed development is not consistent with the goals and objectives of the Master Plan or does not meet the requirements of the OSRD the Board has an obligation to deny the proposal outright, that is the gatekeeping responsibility of the Board. You cannot shirk that responsibility.” Mr. Janis went on to say that the project does not meet the goals and objectives of the town’s Master Plan and has been aptly described as it is wholly out of character with the neighborhood by the townspeople tonight. Mr. Janis went on to cite another statement by a Board member that it was extremely generous of the applicant to donate the barn and paddock facilities to the project with Mr. Taylor interjecting “I said it sounds generous” and Mr. Janis continuing “okay, let me disabuse anyone of that notion.” He briefly reviewed the real estate listing of the property with

claims of millions of dollars of investment was not worth half the asking price. “Those barns, all the paddocks and horse facilities are the money drain. Their maintenance is incredibly expensive and what is the owner proposing to do in this development? He is proposing to shift the burden and costs of that maintenance over to the owners of the 66 cottages (the HOA) and there is no way the HOA is going to putting horses on the property and maintaining such a magnitude of facilities that include the roads, trails, barns, pastures and common areas. It is impossible, they will not have enough money to maintain all that. This is about shifting the money pit to other people so he can make a boat load of money on 66 units that are completely out of character for this town and that is why this proposal should be dead on arrival.” After a round of applause by the audience, Mr. Janis concluded by noting the applicant was not licensed to do business in the State of New Hampshire as an LLC and has not been since 2018. “What we have here is an absentee owner that in the 6+ years I have lived here and driven by the property on a daily basis, I can count on two fingers the number of times I have actually seen a horse there and I cannot count on any fingers the number of times I have seen anyone that looks like they live there. We have an absentee owner who has no concept or clue of what is going on in New Hampshire and what this community values. After a brief description of the applicants’ other ventures Chair Stone interjected the decision was going to be relevant to the application and the project not the applicant with Mr. Janis noting “I agree but this proposal is a reflection of a developer who is not in tune with the needs and desires of this community and more likely not consistent with the goals and objectives of Peterborough’s Master Plan.”

Alan Olsen introduced himself and noted the signs when approaching town that say *welcome to Peterborough a good town to live in* and asked, “does this make our neighborhood any nicer?”

Ms. Von Mertens noted that when the time comes for Conservation Commission’s input they will be sure to review the State’s listing of key wildlife habitat and unfragmented and river corridors “and I think this gentleman is correct about the Master Plan (and) the purpose clause of the OSRD says it must be consistent with the vision of Peterborough as stated in the Master Plan and the number one priority in the Maser Plan continues to be conservation of natural resources with housing being considerably down the list.”

John Marcinkus introduced himself and told the members they moved to town about 3 years ago “but where we came from is much like this development, “only we were on a golf course and after 30 years the owners decided they wanted to tear

up the golf course and put in apartments and we fought that because it was not right.” He went on to say he had listened to Mr. Branon talk about proposals all night long “but what I did not hear from him was what about the people who already live there? What about the people in the Peterfield Development, the people who bought into those 3-acre plus lots to live out in the country? I’ve lived in a condensed community and did not like it and now what I am seeing is what I lived through once before. I ask you to please consider what is going to happen to Peterfield Chad, how are you going to take care of Peterfield because it already exists.” Mr. Marcinkus concluded by telling the Board a lot of people did not know about the meeting, that they had spread the word “and they don’t want this new housing development. The golf course I came from is still a golf course and this parcel needs to remain horse farm even if there are no horses.”

Chair Stone reiterated that this was a preliminary hearing and that no vote would be taken and there would be ample opportunity to discuss this project. She then closed the public hearing.

**Minutes:**

A motion was made/seconded (XX/XX) to approve the Minutes of October 9, 2023 as written with all in favor.

A motion was made/seconded (XX/XX) to approve the Minutes of October 23, 2023 as written with all in favor.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Laura Norton  
Office of Planning & Building