

**PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire**

Workshop Minutes of November 15, 2010

The Peterborough Planning Board held a workshop on Monday, November 15, 2010 at 5:30 p.m. in the Selectmen's Meeting Room of the Town House.

Members Present: Barbara Miller, Bill Groff, Chair Leandra MacDonald, Richard Freitas and Ivy Vann.

Staff Present: Carol Ogilvie, Director; Laura Norton, Administrative Assistant, Office of Community Development; and Tom Weeks and Dario Carrara, Code Enforcement Officers.

Chair MacDonald called the meeting to order at 5:30 p.m. and noted "I would like to take a personal privilege if I may." She went to say "I would like to express both my regret for the departure of Dave Enos from the Board and my thanks for his years of service to the town. He used his knowledge of government in other places for the benefit of Peterborough, while recognizing that he had come to a special place. Sometimes it takes an outside eye to view what we who have lived in Peterborough a long time take for granted. I plan to write an official letter of acceptance of his resignation and would like to include a unanimous expression of farewell and encouragement in the next chapter of his life."

Discussion with Code Enforcement Officers on the Building Code relative to zoning issues:

Chair MacDonald then welcomed the Code Enforcement Officers to the meeting. It was noted that the gentlemen were asked to attend in part in response to the recent visit by a local farmer and his perceived problems with the zoning ordinance and the building code. Chair MacDonald briefly reviewed the discussion about a counter balance between life safety codes, structures and farm buildings. She asked "is our code farm friendly?" Mr. Weeks gave a brief history of what an agricultural utility building would typically look like. He noted they were usually two stories and that anything over 5000 square feet must be sprinklered. Mr. Weeks went on to explain how the state had adopted Appendix C of the International Building Code, "but town sprinkler ordinance remains at anything over 5000 square feet" adding "and that trumps state code." Ms. Vann asked "can we adopt Appendix C?" with Mr. Weeks replying "no." He then went on to explain the code and why the Appendix could not be adopted by the town.

Mr. Weeks stated that the Fire Department should be consulted noting "they should be involved with this, if you want to talk about exempting agricultural buildings in regard to the Sprinkler Law." Mr. Weeks went on to give a few examples of how residential structures were adding crawl spaces to their basements and putting on car ports versus attached garages to get around the regulation.

Duffy Monahan noted she believed there was state RSA that would allow the Code Officer of the town some discretion in regard to agriculture. She noted she would e-mail the RSA to Mr. Weeks.

Mr. Freitas said the farmer had a problem with the building code for his foundation and not being able to use his own lumber. A discussion about the types of foundations (poured, slab, piers) followed along with the stamping of lumber and who has the authority to do so. Mr. Weeks told the members “the state building code requires lumber be stamped or approved by qualified individuals.” He also spoke briefly on the foundation depths for frost protection.

Chair MacDonald interjected “we don’t know that we all agree that we are unfriendly” with Mr. Weeks replying “we (our sprinkler regulation) are more stringent than the state.” Ms. Vann suggested meeting and coming up with an ordinance that exempts agriculture. Mr. Weeks asked “and how do you treat it if it is attached to the house?” With a smile Chair MacDonald interjected “then you are asking for disaster because they always burn down.” Ms. Miller noted that it seemed that some of the issues “were under our purview and some are not.” Mr. Weeks gave a brief summary of the code issues surround a recent fire at the farm that destroyed their chicken coop. He also reviewed the farmer complaints when he went to rebuild the coop. “He needed plans in order to rebuild and he hired an architect to do that” he said. The conversation again turned to lumber certification and stamping. Mr. Carrara spoke about the different species and grades of lumber and how the lumber is stamped for span and load. “Things like snow loads and wind load” he said. He added “you talk about relaxing those loads but who is going to be in the building? Just chickens? I would have to ask are humans going to be in there and the answer would be yes.” Chair MacDonald asked “what about a storage shed?” Mr. Weeks replied “you would have to get a Building Permit and you would have to meet the building code.” The discussion again went back to the lumber with a member asking “who can grade or stamp the lumber besides an architect?” Mr. Carrara replied “the mill that sells the lumber, they are knowledgeable and usually have a forester on staff.” Ms. Vann asked about using home grown lumber “for non-structural purposes like flooring, siding or sheathing.” The brief discussion that followed included the life safety concept of sprinklers, insurance discounts, energy codes and testing.

Mr. Groff in at 6:00 p.m.

The members went on to discuss the code with Mr. Weeks. He described the limits of a blower door test (air changes/pascals) as well as visual inspections by a third party. It was noted that most developers are fairly confident about meeting the blower door criteria with Ms. Monahan interjecting “once you fail it you get a better idea of what is necessary.”

Review Traditional Neighborhood Development (Infill) Draft:

Ms. Vann mentioned she would like to make an appointment with the Code Officers to discuss the draft. She spoke about maps versus zones and noted she would like to meet and then come back to the members with suggestions. Mr. Weeks noted an idea of creating a second district for those areas eligible for the overlay. He mentioned the Family and General Residence Districts noting “perhaps Family 2 or General Residence 2 could be created.” He noted “these areas would be identified as allowing for different frontages and additional development.” He went on to say that as the Code Enforcement Officer it would be beneficial in order for him to properly administer the ordinance. The members talked about the issues of space and meeting the underlying zoning “as is stands” and the formation of legally non-conforming lots. Ms. MacDonald referenced West Peterborough and how that zoning has worked. Chair MacDonald

noted “we have not bitten the bullet, looked at the map and asked is this what we want? We have not up- or down-zoned anything in years, is that good?” A brief discussion followed with Ms. Vann concluding “I will get a map, sit down and start making some circles” adding “maybe we can establish another node like in West Peterborough, where several roads come together.” She told the members “I would like to see us move forward on thinking on this” and added “because right now we do not further the aim of the town as expressed in the Master Plan.” She reminded the members “and even if we pass this nobody *has* to do it.”

Ms. Monahon spoke briefly about infill in the Downtown and equated it to “walking a tightrope” adding “I do see a danger.” Ms. Vann described seeing houses closer together rather than big apartment buildings. Ms. Monahon agreed “that is a point well taken” but added “it is not a blanket thing; it is a very precise, surgical thing.” Ms. Vann reviewed the lot coverage limits noting “you cannot cram a big house on a small lot.”

Status Report on Wetlands:

The members reviewed several small changes including a re-work of §233:51 to try to make it clearer. Ms. Ogilvie noted “one big issue was stating the buffer is assumed to be 50 feet; so if the minimum buffer/setback was 60 feet, 50 feet of it would be buffer. Chair MacDonald noted “we did not have the language or the guidance before.” Ms. Carr noted “we need to go through with determination, look and see what the particular functions of the wetland are.” The members talked about the fact that in the future they will be dealing with more land closer to wetland because the builders started on the high, dry land “and most of that is gone.” They once again discussed the flexibility of the proposed ordinance and some scenarios of why an applicant would do it, who doesn’t have to do it, and what is a safe harbor. Chair MacDonald noted she had been on the Board since 1990 “and we have only made changes to simply update the definition of wetlands to be consistent with the state definition.” It was noted that most of the wetland ordinances were adopted in the 1970s and 1980s “there were several model regulations around” explained Ms. Ogilvie. The discussion that followed included zoning fashion, home rule and the need to have wetland restrictions expressed in simple terms. The members also discussed wetland mitigation through Performance Standards, Low Impact Development and the importance of flood storage.

While discussing wetland mitigation one member asked “how do you replace a wetland?” Ms. Ogilvie explained the construction of a wetland in another area. She noted vegetation and soils were an important part of construction and noted “eventually the wildlife comes along.” Chair MacDonald reiterated “have the parents ask their kids, they all know.” The members then discussed the Keene, New Hampshire floods as an example of what can happen when you fill in your wetlands.

It was noted that the next Workshop would be Monday December 6, 2010 at 5:30 p.m.

The Workshop ended at 7:00 p.m.

Respectfully submitted,
Laura Norton
Administrative Assistant