

PLANNING BOARD

TOWN OF PETERBOROUGH, New Hampshire

Minutes of February 10, 2014

Members Present: Chair Ivy Vann, Tom Weeks, Jerry Galus, Alan Zeller, Rick Clark, and Audrey Cass.

Staff Present: Peter Throop, Director Office of Community Development

Also present in the public were Sharon Monahan and Loretta Laurenitis, both members of the zoning board of adjustment, and Ed Henault, a member of the Open Space Committee. None of those present in the public were serving as a representative of the town board upon which they sit.

Chair Vann called the meeting to order at 6:34 p.m. She introduced the Board members and Staff.

Proposed Zoning Amendments

Chair Vann noted the purpose of the meeting was to hold a public hearing on five proposed amendments to the zoning ordinance. She indicated that the amendments were intended to “housekeeping” amendments to add clarity and consistency to the zoning ordinance. She proposed that they go through each amendment one by one to summarize the purpose and to take comments from the public.

Amendment #1 – Section 245-4. Definitions

Chair Vann reviewed each of the following definitions and ask it there were any comments or questions.

(11.1) Add “Church” – See “Religious Institution”

(11.2) Add “Cultural Facilities” – “Use of land, buildings, or structures to provide educational and informational services to the general public, including but not limited to art galleries, museums, and libraries.”

(19) Modify “Day Care Facility” to reference to state licensure

(24) Add “Educational Facility” - “buildings, fixtures, and equipment necessary for the effective and efficient operation of a public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education. Such facilities may include classrooms, libraries, meeting rooms, auditoriums, offices, rooms and space for physical education, space for fine arts, restrooms, specialized laboratories, cafeterias, media centers, related exterior facilities, landscaping and paving.

Educational facilities do not include swimming pools, tracks, stadiums, and other facilities or portions of facilities used primarily for athletic competition and the central and area administrative offices of local units of administration.

Mr. Henault asked if anything had changed with this definition since the workshop in January. Chair Vann indicated that no changes had been made since the meeting.

(38) Modify “Lodging Establishment” to limit the length of stay “not to exceed 180 days”

Ms. Monahan asked why we were proposing to replace the word “transient” with the word “temporary”. Chair Vann referred the question to Mr. Throop who stated that the Board is proposing to define the word transient and that definition is inconsistent with length of stay length of stay limited proposed for “lodging establishments.” Mr. Weeks asked if “transient is used elsewhere in the ordinance and Mr. Throop replied that they had conducted a word search and determined that it is.

(46) Modify “Parking Facility” to include internal circulation lanes but not driveways giving access thereto.

Ms. Laurenitis asked why driveways are not included in the definition of parking facility. Chair Vann reviewed what is included in a parking facility and indicated that such a facility would be subject to setbacks established within the ordinance

(52.1) Add “Religious Institution or Facility” – A place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship . Such a facility may include a sanctuary, meeting hall, offices, class rooms, and a rectory or clergy house, all for carrying out the institution’s religious purposes

(63.1) Add “Transient Use” - not to exceed 30 days.

A motion was made/seconded (Weeks/Zeller) to move Amendment #1 to Ballot with all in favor.

Amendment #2 – Section 245-12. Shoreland Conservation District Modify Paragraph C. relating to forestry to be consistent with State Law, and crossing includes stormwater management systems related to the crossings. Paragraph D. related to Shoreland crossings.

The members responded in the affirmative when Chair Vann asked them if they felt the amendment was clear. Ms. Monahan noted that while she agreed with the wording of the modification of Paragraph D, “but because of where it *is* it is often misinterpreted.” A brief discussion about the State requirement of addressing avoidance and mitigation followed. The members also agreed with the recommendation that the Shoreland Ordinance require a Conservation Commission report using some language for wetlands.

A motion was made/seconded (Cass/Galus) to move Amendment #2 reflecting modifications to Ballot with all in favor.

Amendment #3 – Section 245-15. Wetland Protection Overlay Zone

Following a brief discussion a motion was made/seconded (Zeller/Weeks) to move Amendment #3 to Ballot with all in favor.

Amendment #4 – Section 245-30. Enlargement Change, or Replacement of Non-conforming uses

Ms. Laurenitis noted this proposal allows the Code Enforcement Officer to use Special Exception criteria to make an Administrative Decision. She noted she did not understand why the Applicant would not require a Special Exception application, noting the advantage being abutter notification and a Public Hearing.

Chair Vann asked “so your recommendation is the all nonconforming uses go for a Special Exception?” Mr. Weeks interjected “we used to require any nonconforming use to go to the ZBA for a Special Exception” adding “town council has advised that.” Ms. Monahan noted she did not like the “natural but limited” language with Mr. Throop giving a brief clarification of the wording. Chair Vann noted that if the request was minor “it would expedite the process for the applicant.” Ms. Laurenitis concluded by noting she did not think the Code Enforcement Officer should be making a determination with an Administrative Decision. Chair Vann attempted to explain the purpose of the section and Mr. Weeks noted the neighbors could appeal said decision.

A motion was made/seconded (Weks/Galus) to move Amendment #4 (as is) to Ballot with all in favor.

Amendment #5 – Section 245-32 Off Street Parking Add parking space requirements for Accessory Apartment and Home-Based Business.

A motion was made/seconded (Cass/Clark) to move Amendment #5 to ballot with all in favor.

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A motion was made/seconded (Zeller/Galus) to approve the Minutes of January 13, 2014.

The meeting adjourned at XX p.m.

Respectfully submitted,

Peter Throop