

Planning Board

TOWN OF PETERBOROUGH
Tuesday, September 24, 2013 – 6:00 p.m.

Members Present: Rich Clark, Tom Weeks, Joel Harrington, Allan Zeller, Audrey Cass, and Barbara Miller

Staff Present: Peter Throop, Director and Laura Norton, Administrative Assistant, Office of Community Development, Carol Ogilvie and Caroline Radisch

The Public Hearing was called to order at 6:00 p.m. with a recorded session for the Public Access Channel (Channel 22) where Select Board Member and Planning Board *ex officio* Barbara Miller welcomed the audience. Ms. Miller introduced Mr. Throop who briefly explained the role of the Planning Board as it relates to the Master Plan. He also briefly reviewed both the regulatory and non-regulatory activities the Board engages in. Ms. Miller then introduced Mr. Harrington who said a few words and offered additional perspectives on the role of the Planning Board.

Once the session was completed Chair Harrington began with “good evening ladies and gentlemen, my name is Joel Harrington and we are here tonight for a public information and feedback review of the Traditional Neighborhood Overlay District draft ordinance.” He asked the members to introduce themselves stating their status on the Board (full member or alternate) and noted for the record “Ivy Vann is a full member who has recused herself for this discussion.” With that said he appointed Mr. Galus to sit.

Chair Harrington gave a brief background on the proposed new amendment. He asked the audience let Ms. Radisch get through her presentation and write down their questions. He noted “all questions must go through the Chair, and they will be answered one by one. If there are no other questions let’s get on with the process.”

Chair Harrington introduced Caroline Radisch. He referred to the grant secured by the Office of Community Development from the New Hampshire Housing Finance Authority noting “that is how we are here today.”

Ms. Radisch began with a brief biography of herself and her experience. She noted her partner Roger Hawk (also a planner) was unable to make the meeting “but we have worked collaboratively on this project” she said.

Ms. Radisch told the members and the audience “the only residential growth opportunities are in the rural areas which have a minimum lot size of 3 acres.” She went on to note the Master Plan promotes more housing in town, close to in-town perks. She noted “we as a state are a graying population” adding the Baby-boomers are retiring and wanting smaller houses where they can walk to town shops, events and services. She complimented Peterborough as a very attractive

town noting “that is why you live here” adding “we understand the concerns the neighbors may have and are looking at this through those lenses.”

Ms. Radisch briefly reviewed the timeline of the project noting the two public forums and community workshops held last November and December. She noted the January review of the regulatory framework with the draft ordinance created in February. She told the audience “this is a draft at this point. We are looking for input on moving it forward. We will put our heads together and respond to comments and concerns.”

Ms. Radisch then noted the minimum requirements of town water and sewer, lot frontage and size and reuse of existing buildings. “If the answer to any of these questions is no, you are not eligible for this ordinance” she said.

Ms. Radisch went on to review each of the criteria specifically answering questions about specific lots as she went. She also reviewed the design principles for maintaining neighborhood feel, with new development responding to basic neighborhood patterns, street orientation and front setback patterns, with the parking hidden in the rear. She reviewed landscaping and trees, the preservation/reuse of historic buildings and responding to recurring architectural features. “There is a definite period of interest in Peterborough to preserve” she said as she went on to review general patterns, roof lines, trim, windows and doors. She also reviewed height and massing perpendicularly and horizontally to the street “and the harmony of the neighborhoods.”

Ms. Radisch concluded her presentation and asked if there were any questions from the Board. Chair Harrington interjected “before we get to that I would like to introduce two people.” He introduced Carol Ogilvie as the former Director of the Office of Community Development and Peter Throop the current Director noting they could provide input to the conversation. Chair Harrington then noted he would like to have the public ask questions first. He reminded anyone wishing to speak to please identify themselves for the record.

Charles Derby introduced himself and pointed out an example in Ms. Radisch’s presentation was not an addition but a conversion.

Ellen Derby introduced herself and asked “in terms of what this seeks to accomplish in town, how many new housing units could be built?” Ms. Ogilvie replied “we don’t know yet” adding “our IT person is out and was not able to create a map of the lots with the potential to be able to accommodate a second home. We will have that at the next meeting.” Ms. Derby replied “how do we know what the impact would be?” adding “I mean traffic and changing the feeling of a small town.” She went on to note the ordinance may “turn single family residences in to tight conditions.” Ms. Ogilvie reiterated that the exact number of lots had not yet been determined. “We don’t know the exact number” she said adding “but right now duplexes are allowed in the Family and General Residence Districts, exactly the same as allowed under the current zoning.” She noted the ordinance creates opportunity to live in town and not on a 3-acre parcel in the Rural District. Ms. Radisch agreed and noted the increase in traffic from rural development “because there is no other way but to drive into town.”

Francie Von Mertens introduced herself and asked for clarification on the color coding of the zoning districts. It was again noted that duplexes are allowed in the Family and General Residence Districts with multi-family also being allowed in the General Residence District. Ms. Ogilvie explained the lot size requirements of 5,000 square feet for a single-family or two-family dwelling and 5,000 square feet plus 2,500 square feet for each unit for the multi-family dwelling in the General Residence District and 10,000 square feet for a single-family or two-family dwelling in the Family District.

Ron Christy introduced himself and told the Board when he moved to town 5 years ago he found his neighborhood in a dispute about a development connecting High and Summer Streets. He asked "would that property be approved for a through street under this ordinance?" Chair Harrington replied "the answer is no." Ms. Ogilvie explained the eligible lots required lots already using town water and sewer "and not a lot that would require a new road and water and sewer extension." Mr. Christy asked about the potential for a waiver in the future. Chair Harrington replied "that is the case for anything" adding "this ordinance is for homes being served by town water and sewer *today*."

Andrew Dunbar introduced himself and asked about the current side setbacks. Ms. Ogilvie replied "it is 25 feet in both districts." A brief discussion of the potential problematic issues of the side setbacks followed with Mr. Dunbar noting "my second concern is parking." Mr. Dunbar noted he may be affected by having someone build close to his property line "after the fact." A third consideration, public transportation was also discussed. Ms. Radisch noted they would take a look at the valid concerns about parking and the side setback issues. "We will look at them again and re-evaluate them for the next session" she said. She also noted that there was no option for those living in the rural area but to drive to shop, run errands or go to the Library. "More people want to walk" she said adding "the Millennium generation has a historically low percentage of driver's licenses. They want to walk."

Heidi Stone introduced herself. She asked "what about town water but not town sewer. Are you eligible?" "No" replied Chair Harrington.

Peter Sennett introduced himself and asked "what is the underlying need for this?" Is it a need for higher density?" He went on to say "there are plenty of houses on the market, within this boundary overlay." Mr. Sennett then said "I cannot make sense of the boundary" and asked "how was it established?" Mr. Sennett concluded by noting some of the comments made had not made sense. "First it is for the elderly, then it is for the Millennium generation, so what is it?" he asked.

In response, Chair Harrington went back to the purpose and intent of allowing for the infill of lots and additional residential housing in the close proximity to the downtown where there were already established and developed neighborhoods. He noted the furtherance of the goals and objectives and vision statement of the Master Plan that included creating housing opportunities that reflected the changing household demographics (an aging population, retirees, one-person households), discouraging extensive development in the rural area of town, locating density in close proximity to police, fire and emergency response services while allowing more efficient use of the town's infrastructure (water and sewer) and allowing residents to become less auto

dependent. “All of this creates opportunity for smaller, more efficient and affordable housing” he said adding “I wish we had the map, you would be able to see the number of units we are taking about.” Chair Harrington went on to say “but what matters is if you are the guy with a house being built right next door. That is what matters.”

Ms. Ogilvie interjected that the Master Plan of 2003 “infill was a good thing to do” adding that in the time frame from 2003 to 2013 67 new homes were built, 66 of them were in the Rural District. This is in contrast to the Master Plan’s goal of *in-town* infill and preserving the rural areas. Ms. Radisch identified the boundaries of the infill as being within a ½ mile of the downtown “that followed the actual property line, not just a hard line drawn” adding “and if there was continuity in an area we did not put an arbitrary line through it.” When asked Ms. Radisch defined continuity as an area that felt like a neighborhood. She also reminded the audience that the Heritage Commission had been very involved with defining the boundary.

An unidentified gentleman stood up and said “thank you. That was helpful.” He went on to cite the many bullets of the purpose and intent of the ordinance and said “the only adage to 66 lots being developed in the rural area is open to interpretation. He looked to Chair Harrington and said “you made that choice. People are making that choice.” He asked “is there any supporting data for the purpose and intent?” Chair Harrington replied “I cannot speak to that. The ordinance is focused on where the water and sewer is *today*. If you are not served you cannot do this.” He went on to add the intent of moving or locating density closer to police, fire and emergency services responders. He told the audience that while he lives in Peterborough he had to get a letter of fire protection from the Greenfield Fire Department for his home insurance policy because he was so far from town.

Mose Olenik introduced herself and said “I think you have done a really good job.” She noted her only concern was the 10-foot setback and asked “is there any recourse? Can you look at that again?” Chair Harrington replied that there was not a hard line rule and that it could be increased. “It depends on the circumstances and the concerns of the abutter” he said.

Ms. Radisch agreed noting “the Planning Board can modify setbacks with a Conditional Use Permit, it has that discretion.” She also noted they would look at the setbacks again and consider increasing them.

Judy Garabrant introduced herself and pointed out that several of the neighborhoods included in the proposed ordinance have steep slope that may not be conducive to increased pedestrian traffic. “Walking down Main Street from Pine Street or Vine Street is fine but walking back up is a different story” she said. She went on to note several vacancies of single and multiple family houses as well as apartment buildings. She noted she had seen in the Monadnock Ledger that there were 96 houses for sale in town with 15 under contract and 48 homes sold in 2013.

Member Rich Clark interjected “I see this whole thing as a way to stop chopping up the rural areas” adding “I am a builder. If there is nothing left in town what have you given me? The Rural Zone with 3-acre chunks.” Mr. Clark also noted the ordinance was voluntary. He referred to the Derby’s home on High Street saying “if *they* don’t want anyone there, no one will be there.”

Ms. Garabrant asked about the parking lot of the divine Mercy Parish and whether or not a multi-unit dwelling could be constructed there. It was noted that a multi-unit structure was allowed under the current zoning in that area. Ms. Garabrant also asked about being taxed for a “potential” second lot with Chair Harrington replying “no, you would not be taxed anything additional for a potential use.” Ms. Garabrant reiterated the concerns heard throughout the night of maintaining the streetscapes the way they are and not spoiling the ambience of the neighborhoods.

Beth Alpaugh Cote introduced herself and asked about a particular lot on Grove Street. Once the lot was reviewed Chair Harrington noted “you cannot take advantage of this ordinance, it does not meet the criteria.”

Mark Schaal introduced himself and asked if the Board had included the Heritage Commission in the proposed ordinance. “Making something fit with a shoe horn” he said, “will change the lots and the character. We want to maintain the historic preservation” adding “be careful of what you wish for.” A brief discussion about the Heritage Commission’s involvement followed. There was also brief discussion on setbacks, building codes and standards and life safety concerns.

Joann Monroe introduced herself and asked the Board “I am curious about the process moving forward, what will the implementation look like?” adding “is there potential for a house to be built right beside you? What is the next step and what implementation process that will be put forward?”

Chair Harrington replied “we will consider this public input, go back make changes and revisions based on what we have heard tonight.” He noted the public hearing on October 21, 2013 would be a continuation of this discussion. “At 6:00 p.m.” he said adding “the Board may or may not want to vote this to the town ballot. Then the town votes.” He looked to the audience and concluded “then it is up to you. If it does pass it will be part of the town ordinance. Nothing more will be done until a developer wants to use it.” It was noted that using this ordinance would require notification of all abutters, just as the current ordinance does. Chair Harrington briefly reviewed the public hearing process that would begin with the initial consultation with the developer. “Public input for me is a big part of the decisions we make” he said.

Debbie Kaiser introduced herself as a member of the Heritage Commission and briefly reviewed their involvement in an advisory capacity. “We were really involved” she said. She noted the Heritage Commission would be overtly involved with the ordinance and available to do research for the Board “as well as those people interested in subdividing their lots.” She went on to say “this is a good compromise; we are not expecting a huge amount of change.” She also pointed out the users of this ordinance could be an older couple who wants to downsize and have another younger couple live next door.

Stan Fry introduced himself and noted he owned a piece of property being renovated in the downtown. “It is being developed with three condominium units and is just month away from being finished” adding “and all the units have been sold.” Mr. Fry spoke briefly about a demographic shift and the thought that is it not necessary to retire to a RiverMead-type

community. He noted that given the ability and opportunity to live in town and continue to enjoy it without having to take care of a property was an attractive option.

Roy Christensen introduced himself. He spoke briefly of the unique character and charm of the town and the architecture of the old homes on large lots. He remembered snowball fights in the winter and chipping golf balls in the summer. He concluded “too much infill is a lot less chipping of the balls.” He also advocated retaining the character of the town “too much infill and we end up like some other unnamed towns around here.”

David Simpson introduced himself and told the members “I was absolutely shocked when you folks showed your ticky-tacky laid down ground structures next to my house.” He went on to say “Thorton Wilder left the downtown and walked back up the hill to MacDowell Colony. As he walked along High Street he looked in the windows of the houses and that is the basis for his play *Our Town*.” Mr. Simpson told the members “I walk my dog every night and (sometimes) I look in the windows. This is an intent to destroy not enhance.” He noted he had counted at least 12 apartment buildings “beyond the houses on High Street” adding “it has quite a bit of density already.”

Looking to Ms. Radisch Chair Harrington asked “do we know the available lots and which ones will qualify?” “Come on up, I will give you a tour” interjected Mr. Derby. Chair Harrington replied “I have been to High Street. It is a beautiful area” and again looked to Ms. Radisch for an answer. Ms. Radisch replied that they were working on a map of the lots that would meet the minimum requirement of connection to town sewer and water and minimum frontage. She went on to note that the example shown was at the corner of High Street and McDowell Road. Mr. Simpson interjected “It is and I live at 1 McDowell Road.” Ms. Radisch told the members and the audience “that is just an illustrative example of the ordinance.” Chair Harrington agreed adding “and that doesn’t take into account deed restrictions or covenants that may exist.”

Mr. Dunbar asked to speak again and began by thanking the members of the Board for their service. “I know you are trying to do something positive and intelligent” he said. Mr. Dunbar then mentioned a pizza place, a food market, a school and a lumber yard. “40 years ago I could walk to all these things but they moved out of town as they grew.” Chair Harrington reminded Mr. Dunbar “and as you move further out and develop the rural area you become more car dependent people” adding “believe me I am one of those people.” The members agreed traffic issues have absolutely been identified as an important consideration to think about.

David Torrey introduced himself and asked “this does not apply to the potential use of a lot without a house on it right?” Chair Harrington replied “correct” with a brief discussion about the application of the new ordinance. Chair Harrington noted “I want to clarify that nothing is being done to prevent or discourage individuals from subdividing in the rural area. This is creating an economic opportunity for a small number of people but it is not always economic. Some may want to accommodate a family member or do an in-law thing.” He also urged the audience to attend the October 14th Planning Board meeting where the Innovative Subdivision Design draft ordinance was on the agenda.

Mr. Schaal stood up and asked about setting a precedent for rural lots. “Again, I caution you” he said adding “be careful what you wish for.” In reply Ms. Ogilvie noted the provisions already in place for accessory apartments. “This would not change” she said. “It is allowable in the Rural District which is governed by the ability to have 3 acres for a single family house.”

With no other questions or concerns from the audience Chair Harrington asked for questions/concerns from the Board. Mr. Weeks noted the ordinance was designed for lots served by town services. He asked “is that existing service or the potential service going along the frontage? We want to be clear on that.” A brief discussion followed and it was noted that the ordinance was approved for lots that may be connected to service via the DPW. Ms. Radisch noted “but I will check the language on that.”

Chair Harrington concluded by noting the final draft of the ordinance would be posted on the website and sent out to the members for review prior to the October 14th meeting. Ms. Miller reminded the members and audience about the local access cable channel. “It is a resource for you to see what is happening in town and why you are proud to live here.”

Chair Harrington took a moment to thank Ms. Ogilvie, Ms. Radisch, Mr. Throop, the Board and the Public. “We have a lot to consider here. We really, really appreciate your input.” He encouraged all to contact Mr. Throop with any questions. “Pete will answer the phone” he said with a smile.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant