

PLANNING BOARD
TOWN OF PETERBOROUGH, NH

Minutes of February 8, 2016

Members Present: Chair Ivy Vann, Ed Juengst, Joe Hanlon, Alan Zeller, Matt Waitkins and Bob Holt.

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

Chair Vann called the meeting to order at 6:30 p.m. “Good evening, this is the regularly scheduled February meeting of the Planning Board” she said and introduced the members and staff.

Minutes:

A motion was made/seconded (Zeller/Hanlon) to approve the Minutes of January 11, 2016 as written with all in favor.

Chair Vann took a moment to read a letter of resignation from Vice Chairman Tom Weeks. When done Mr. Hanlon interjected “this is a big hole here, he is like an encyclopedia.” Chair Vann agreed adding “he has been a wonderful member of this Board and has lead us through many complicated circumstances. I will be sure to write him a letter of thanks.”

Public Hearing:

Proposed Zoning Amendment to Section 245-12 *Shoreland Conservation Zone*.

Chair Vann began by saying “all we are trying to do with this amendment is to try to bring the Shoreline Conservation Zone into alignment with the Wetland Conservation Zone” adding “we administer wetlands with Conditional Use Permits and the goal is to handle the Shoreland Conservation Zone the same way.”

Mr. Throop noted the numerous workshops the Board had participated in and that one had been attended by a representative from the Zoning Board of Adjustment. “Following those workshops we made a number of changes to the ordinance to get it into a form that mirrors the wetland district. It was a streamlining process so that an applicant would not be forced to get a Special Exception from the Zoning Board as well as a Conditional Use Permit from the Planning Board” he said.

Mr. Throop went on to note a paragraph had been added to 245-12 D3 that essentially states proposals for crossing of ponds, rivers, streams and brooks that

are protected by the Shoreland Conservation Zone will also cross the Wetlands Protection Overlay Zone where it overlaps the Shoreline Conservation Zone. He went on to say “when this type of crossing is proposed an application for a Conditional Use Permit (from the Planning Board) is submitted addressing both zones.” He was quick to add the application must address all the criteria set forth in the applicable Sections (245-12 and 245-15) as well as Article XI of Site Plan Regulations before the Board will consider the Conditional Use Permit.

“That way the applicant meets the criteria of the each separate ordinance without having to do double the paperwork. There are no changes in the criteria and no changes in the protections” he said. Chair Vann interjected “we have been talking about this for some time now.” Mr. Waitkins asked about any input from the Conservation Commission. Mr. Throop explained he had sent a draft to one of the Co-Chairs and had met with that Co-Chair earlier in the day. “Once they saw their input was there they were perfectly fine with it and had no other concerns” he said. Mr. Hanlon asked about the ZBA’s feeling on the issue. Mr. Throop replied “it has been posted and I sent a draft of the ordinance to their Chairman on Friday.” Mr. Hanlon noted “I think it makes sense and it could save thousands of dollars not going back and forth between the Boards.” Chair Vann interjected “*and* it saves time. The Boards generally only meet once a month” adding “and while we try to accommodate the applicant that does not always happen. We are making this an obvious improvement for all.” With no other questions from the members Chair Vann opened the hearing up to the audience. With no public input on the amendment, Chair Vann closed the public hearing for discussion and a motion.

Chair Vann appointed alternates Holt and Waitkins to sit. She then looked around the table and asked if there was any further discussion. She went on to say “if it satisfies the Board I will entertain a motion to move this to ballot.” Mr. Throop interjected the motion should include the amendment in a form “you (the Board) are satisfied with.” He also noted the gray highlighted text is what appears on the ballot with a full copy of the actual amendment available in each voting booth.

Chair Vann then replied “I make a motion we move this amendment to ballot for the May Town Meeting and that we find the amendment is in an appropriate form for that purpose.” Mr. Juengst seconded the motion and all were in favor.

Workshop:

Chair Vann began by noting “there are a couple of other things we are hoping to put on the ballot. We are talking about changes to existing zoning ordinances that could be improved so that they are clearer and more in line with what the people have told us they want.”

Section 245-24 1 Accessory Dwelling Units:

Mr. Throop noted Senate Bill 146 (a bill that establishes requirements for local approval of accessory dwelling units). He told the members “this was adopted by the Senate and the House and if it has not been signed yet by Governor Hassan. He is told that her signature is imminent” adding “and it makes it clear that towns are to encourage accessory dwelling units, not prevent them.” Mr. Throop went on to say accessory dwelling units were a good thing explaining how they increase density in areas where town services are located without the need for additional roads being built. “They are an alternative form of housing for those who are living alone, just starting out and those who wish to downsize.”

Mr. Throop guided the members through the draft amendment noting a new definition of accessory dwelling units (ADU) to make it clear about the restrictions of where they go (within an attached single-family dwelling or within a smaller detached structure on the same parcel as the single-family dwelling) *by right*, *Conditional Use Permit* or *Special Exception* in all zoning districts where single-family dwellings are a permitted use. He indicated that the Board needs to decide what level of oversight it feels is appropriate for this use.

Mr. Throop pointed out the requirement that either the primary dwelling or accessory dwelling unit be owner-occupied and that a process to verify and enforce the requirement be established. Mr. Throop told the members “municipalities are allowed to stipulate on how to enforce that” adding that in the draft he has prepared “the land owner must prepare an affidavit (signed and notarized) indicating the unit that will be their principal place of residence.”

Chair Vann noted her concern that the language of the definition was unnecessarily restrictive. “I am a bit distressed with it. I worry about absentee landlords, I worry about college kids in college towns” she said. A brief discussion about owner-occupied and principal place of residence followed. Mr. Zeller asked for clarification of other structures on a parcel (cottage or barn) as accessory dwelling units. Mr. Throop went on to indicate that only one accessory dwelling unit would be allowed on a parcel and that no accessory dwelling unit may be subdivided or sold separately from the principal dwelling unless the applicant can demonstrate that each new parcel meets the dimensional requirements for a single-family house within the zoning district in which the parcel is located. “It is a way for people to stay in their homes” reiterated Mr. Throop adding “as well as a source of revenue to make housing more affordable for the owner.” He went on to review the requirements of adequate water supply, sewer disposal, off-street parking (Chair Vann reminded the members about their ability to waive certain requirements and that the members should be sensible about parking) and an internal door between the principal and accessory units (if attached). “The units are *not* required to have

separate heating, electric or plumbing” he said adding “but a fire wall separation may have to be added.”

After a brief discussion of the regulation of accessory dwelling unit size (minimum and maximum) and number of bedrooms Chair Vann noted “so the applicant still goes through the process of planning. The goal is to allow a variety of dwelling types, we don’t want these units to simply become a second house.” As an example she asked “if you have a 1200 square-foot house and you build another 1200 square-foot house, is it accessory?”

Mr. Waitkins noted his neighborhood has (in particular) one (not) owner-occupied rental that has been problematic in the past. Mr. Throop reiterated that owner-occupied homes have a higher probability of being properly maintained with tenants monitored.

Mr. Hanlon gave a brief scenario of an elderly couple owning a home in Peterborough. “They pass away and leave the property to their kids, who have no intention of living here but would like to rent it. What do they do?” he asked. The discussion that followed included potential options to address Mr. Hanlon’s scenario, including researching whether municipalities could adopt standards for property maintenance (such as a blight ordinance).

Wrapping up Mr. Throop went on to review the terms as well as the application process of the receipt of an application by the Office of Community Development, review by the OCD Director and Code Enforcement Officer for compliance with the zoning *and* building regulations (noting that the Code Enforcement Officer may refer review of compliance with exterior design consistency standard to the Minor Site Plan Review Committee for a decision if necessary) and finally submission and approval (by town attorney) of the affidavit for recording at the Registry of Deeds.

Chair Vann thanked Mr. Throop for his hard work. “We may have some disagreement on the minor points but this is really a nice document.”

Various Sections *Bed & Breakfast, Tourist Homes and Rooming Houses:*

Mr. Throop began by noting “I think we are going to take rooming houses right off the table for now” adding “the Code Enforcement Officer and Fire Chief may have some conflicting codes related to this kind of use.” He went on to explain he thought the real difference is non-transient vs transient guests. “A Bed & Breakfast is transient” he said adding “and a tourist home is the same thing only on a much smaller scale. Either way they are both owner-occupied.” Mr. Throop went on to note “the Master Plan is clear that the town needs more lodging options and this is

driving the discussion about Bed & Breakfasts.” He told the Board that smaller tourist homes with 1-2 bedrooms to be rented out for short periods might be an available use by right, “but when you get to 3-6 rooms there is increased potential liability and adverse impacts to neighbors.” Adding “with larger Bed and Breakfast operations the building needs to be sprinkled.” He told the members the Little River B&B (with 6 rooms for rent) was required to sprinkle their building “so we also need to think about consistency” he said.

A brief discussion on where Bed & Breakfasts are currently a permitted use (West Peterborough, Commercial, Village Commercial, Greater Downtown Commercial Districts, all by right, and the General Residence District by Special Exception). The proposal would be to add tourist homes in all residential districts by right, and Bed & Breakfasts in the Rural District and maybe the Family District, both by special exception.

Section 245-26 *Open Space Residential Subdivision:*

Mr. Throop opened by indicating the need to clarify the “Purposes” section of the ordinance, “we are not just protecting open space” said Mr. Throop as he briefly reviewed the *existing* ordinance we are doing other things as well and referred to the draft with the limited changes (promoting more efficient use of the land in harmony with the natural landscape features, increasing density on existing tracts of land while preserving open space, protecting high value habitat, scenic vistas and bodies of water, enhancing the rural character of the land, providing a variety of housing types, and encouragement of redevelopment and reuse of existing structures). He reviewed the Definition section and noted the addition of “Areas with Conservation Values” with particular attention to areas that contain sensitive natural resources or other significant characteristics or features as identified in the Master Plan. He told the members “the *Design Development Criteria* has not changed” adding “common land, parking areas and infrastructure, pools and gardens are not permitted in the protected space.”

As Mr. Throop went on to review the *General Requirements* he pointed to the section on *Allowable Density* (the maximum number of dwellings being determined by dividing the total tract area by the minimum lot size for the district the development is located. He noted “this is confusing so I added *taking into consideration the presence of wetlands and municipal utilities* to make this consistent with the conventional density calculation.”

As he got to *Frontage and Setback* requirements Mr. Throop described the tract dimensions (frontage and setbacks) and said that requiring an area of undeveloped frontage along existing roads would help preserve the existing rural character. A brief discussion about tract frontage in general given the nature and rural character

of the road followed. He suggested that a setback of 75 feet along all frontages along existing roads and a setback of 35 feet around perimeter might be a better solution than the existing 75 foot setback around the entire perimeter. Chair Vann interjected “an acceptable compromise may be inevitable and perhaps quite necessary. This is a fundamental problem that was identified early on.”

Mr. Throop continued with *Landscape Buffers, Water and Septic Systems and Streets and Walkways*. He concluded by noting the current ordinance “does not distinguish clearly between protected open space and common land that can be used for infrastructure and accessory uses such as parking lots and tennis courts.” He added that the existing ordinance indicates “all common open space and facilities shall be permanently protected by covenants, easements, and/or restrictions running with the land, which must be approved by the Planning Board and Town Counsel before conveyance to the land owner(s)”. He continued “this does not make sense for common land that includes infrastructure and accessory uses.” Mr. Throop then touched on the need to “take a hard look at the Density Bonus portion of the ordinance. No one uses it” he said. Lastly Mr. Throop noted the *Review Process* and told the members he changed it to read “all proposals were subject to Subdivision approval and Site Plan Review of common open space (and) “A Site Visit and Preliminary Conceptual Review with the Planning Board are required *before* the development of engineered plans.”

Short on time Mr. Throop reviewed his homework assignment for the members (review the ADU Proposal, the current Open Space Residential Development Ordinance (OSRD), the limited changes version and finally the extensive version of changes for the ordinance). “You have your homework” he said and encouraged members and audience alike to send or email him any comments or thoughts to be considered at the next meeting.

Next Meeting:

February 17, 2016 at 5:30 p.m.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of February 17, 2016

Members Present: Chair Ivy Vann, Alan Zeller, Jerry Galus and Joe Hanlon

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

Chair Vann called the Workshop to order at 5:30 p.m.

Minutes:

No Quorum approval of Minutes of from February 8, 2016 postponed to February 29, 2016.

Mr. Throop began by reviewing the agenda. He told the members they would address *Bed & Breakfasts* (allowed by right in any district where single family homes are permitted), *Accessory Dwelling Units (ADUs)* (bringing the ordinance into compliance with recent statutory amendment by the state), *Tourist Homes* (a new use by right subject to specified conditions and limitations in all district where single family homes are permitted) and a *Citizen Petition* for rezoning of a parcel in the General Residence District to the Business/Industrial District.

. homes oi, Tourist Hoems and s*posting SB 146 and pointing out tint
Pt go thru the eagedna if I am
May and let you kow how I stand on these u:

Go thru it in pretty good shape in terms oof form and review changes form last draft ((((((

Band b
Tourist and ADU go thru tonight

(((

Noted interior door put up senate bull th tpassed III interior doro shall be provided see it

Ivy ot locke d durham and pyumouth and keene a lot of acarry on adu occupeied by college student sen d of all time open door a less viable option for student s

Ivy

Pt allow for conversion of sfh to be converted back readily and that is an advantage
pt

Has been vetted by the town attorney
Minor chnges to definition
Secondary residence
Adu small that principal family unit

**Go to
245 21 24.4 a
Ivy added see it**

They talked about it then 30% but 2 bedroom too small ivy then just keep 30%

**Disruption of
Discussion on number of bedrooms only regulation is pulling a bp for it**

**Pt three before alan in favor of no more than 12 spoke to that I no committees
Ivy asked derry
Ivy noted mattresses on floor question of number of bedrooms not important**

**Pt noted the max per room
Ivy so 30% three or less bedrooms is what it comes down to**

I can live with that az

What it says is it depends" pt

Page 3

Adequate and access to electrical panel serving their unit
Az asked about sep meters not required can be done by not required

Peter read 4 earlier made distinction when building and when fire we simplified it
new up to code

Clarified parking spaces for units and adu

Jerry regardless of how many vehicles
Pt that is the minimum requirement
Pt

Ivy noted the winter parking ban and what the trickle down is we have to require more parking on peroles private yards note a 6 onth out of the year parkinging ban”

Ovy

Read 6

6i edxisting signal family home matches

Ii new detached structure likek a barn ivy a really cool caseta not in style of barn or garage? Not beinginthe building business trying not to let htem buld a butlers building “ ivy

Pt right

Not until one shwos up in the neighbors back yard untio the they become unglued

Ivy breaing out cobblestone w and natucketizing itself worry about it

Becoming a characture of ourseves” ivy

I do worry a little a bout homogenization “ ivy

Jerry aethertically coampatilbe to neighborhood note no bardnws want ot put up a big barn ther e’ jerry

Joe in at 6:00

She read the co is in charge of it ivy

And boudnit to minor site pan if necessary and pt if they don tlikeit they bounce ot PB

You guys

Mon just bad colonial revival

Pt noted itals were changes

Reviewed 4 – 750 and 30% and up to 3 bedrooms

Alan cc comment spt no rsa 45 ivy believe in it

No secret meetings online

Bring ukp to speed

Iii code for campatiblity to MSPRC

Principle palce of ressdience rid of affidavid

Now given aform put in information and notorized and recorded for next title search

Notice out there for new buyer

Joe less impressed with an affidavit they don't do a lto for me pt form the keene

Way to enforce owner occupancy his feedback not concerned with that

Pt

Not owner occupied can revoke their adu

Ivy noted terrible apt houses not requiring owner occupancy we cannot require they live in those buildings

Under this we can pt

Ivy how much so we care?"

Jw need to get to the public right t/? noted a eyesore complaint

Doent thru licensing

Ivy asked for apts? Pt they are not in every district

Goal to get it passed joe point well taken and come into compliance with state on the whole wish require every apt to be occupied by an owner

Pt

Procedure

Reviewed the four points

Ivy I am ok with all that

Pt additional language making it clear adu subject to provision of this section

Ivy take out the retirement community district pt right now only rivermead may be cottage communities

They discussed it

Ivy not get restricted her thought lets take it out asking for trouble and not getting anything

Ivy

Ready motion

Ph date 2-29

Zelr accepted and moved joe second all in favor

NEXT

B&B

Formal language

**3-6 rooms available for let
Tourist is 1-2**

**Onceover 2 beds fire codes spinning and alarm systems
Now only Gen res with SE now Joe asked about a couple of rooms rent out
in the fall**

**He read the criteria
Tourist home he read it
Also managed by owner with 1-2 overnight accommodations**

Padantic Alan it is definitions go to hearing

**Pt the next thing is where
245 -6
245-7
245-8
Districts**

Noted tourist home permitted in family he read it – it is by right that is it”

Allowed family allowed in gen res and rural

Noted and accessory uses there to both making it explicit

**CUP criteria
It is SP criteria here it is what existed before
Pt**

**245 -41 the general set criteria
Did not really apply not talking about a big addition**

**Jerry asked a problem with agri culture ivy brought up what did we do? Pt
noted section B standards**

**Pt you do need some sort of criteria”
How to impact the character of the neighborhood
Ivy they look like stick used to beat an applicant ivy pt not enough guidance
Ivy wide open with a person with an axe to grind
I worry about the applicant and their terrible neighbors ivy sometime on
sometimes the other and be fair to them ‘ ivy
Common ground pt trying hard to find it in the agri ordinance**

245-8 under ag thing general criteria

Put it up

Noted:

Subordinant to the the principel use

Compatibility, aesthetic character

Nuisances, resources,

Ivy use ii iii and iv use that language ivy

Use those as our criteria ivy

Alan remove 1 an d2 on the draft? Yes 233-55 1 an d2 out and put these in

Pt page 19 iii t what extent ivy more than we need the other 3 give reasonable guidance

Al good with that

I am ok with the standards by the way" ivy

Gen app procedures in CUP apply then add this section " pt

**Standards 6? pt more than that a motel ivy pt or an inn pt what about 4 ?
and 6 in rural and 4 in fam and gen res**

Ivy worry about overburdening a neighborhood but using criteria used gives us a place to talk about that" ivy

Adequate places or divert places that blight a neighborhood

Pt noted the fam district sanct to sanct single fam homes

Livy that district is so exalting felt the provisions that go with the cup are adequate to prevent the overburdening of a neighborhood" ivy

Pt anything else? Parking

Rooms

Visibility

Food

He read them and site plan review to meet zoning order as related to parking pt

Ivy site plan impervious surface area to talk about it? Can we catch it there?

Jerry asked about catching it
Pt noted site plan
Page 14 const of st
Sub idv more than 3 ltos
Disturbnac of mcritical area he read it

What plan look like
Less than an acre comply with best man proctices that his you r hook” pt
Ivy will lot ocoverage catch this? Lot cover ruelws pt it is in the oszssng it is a
com use not an infill

Ivy comfortable with it joe what about pavers pt that is bmp ivy I love them
Pt noted get 2 of them be surprised

Ivy
Motion
Pt ot add a grey bozx at the top

Move to public hearing
Joe as amended to pub hearing 2-29 alan all in favor

next
petition article change zond designation R002- 024-000
2012 petion e rezone b usd ind to gen res this is back
Not sure if you were in favor of it ? pt ivy no

It was not a ditch we need ot die in purchased so

A brn to build store your granite in
And antique vehihcles
With incidental retail
A perfectly ifen use for this lto”
Motion set pub hearing date to 29 pt/iv all in favor

Pt issue age old how many square feet is min for duplex in fam ily district
Item F other possible housekeeping he read it page 14 40K and 50K for 2
family

Multi 10K per unti problem they come in and say 2 sigle fam dwelling s
A duplex as sign efam dwelling s

It is very confuding “

Ivy noted why duplex allowed can support that density mher positon allowed duplex on 20 K FEET THEN ALLOW 2 SIGNLE ON 10 k EACH BUT YOU DON'T PT IVY OUYGHT TO DO''

**PT IN INFILL MADE IT 5k
IVY EXACTLY**

HER FEELIGN IS HAVIGN SAID AND ADOPTED 290k FOR A DUPLEX IS ACCEPTABLE NO REASON NOT OCNSTRUCT 2 SINGLE ON 10k EACH

**PT
Say dramically change the character of the town
Ivy to have that conversation and take that hear start to talk abou tit in a rationsl way**

**Ok for 2 on 20 lone on 10K is OK
One bigger or two small? Lot coverage szize must be met?**

Pt not tacklel that this year no time to think it thry lookat setbacks do they make sense I do not know{t

Next open space pt some progress can of worms and they are squiggly
It is nto done
Possibility of excluding adu in OSRDs pt

Pt sugfested in nfam item 4 245-7 para on osrd that does ot belong take it anditegrate it witiw osrd
He pointedit ous
Move it out ivy it is in a dumb place'' page 14
As well

Sign the vision chapter printit out and sign it

PH on 3 work on osrd
Ph on 14 osrd and no other agenda item for 14th

Or set for 21st it is safer

Regular workshop
Plan for 14 and if not ready bac kukp to 21st.i

Next Meeting:

March 14, 2016 at 6:30 p.m.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant