

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

Minutes of September 16, 2013

Members Present: Rick Clark, Tom Weeks, Joel Harrington, Jerry Galus and Barbara Miller.

Staff Present: Peter Throop, Director Office of Community Development and Laura Norton, OCD Administrative Assistant. Carl Ogilvie and Dario

Chair Harrington called the workshop to order at 6:00 p.m. He introduced the members and appointed Mr. Galus to sit as Ms. Vann had recused herself. Chair Harrington noted “this is a workshop; I would like to get started as we have several proposed amendments to the zoning ordinance to review.” He went on to introduce Carol Ogilvie, retired Director of the Office of Community Development noting she had agreed to continue her involvement with the Traditional Neighborhood Overlay District Ordinance. “Let’s get started with that” he said.

New §245-15.3 Traditional Neighborhood Overlay District.

Ms. Ogilvie began by noting “this is the first opportunity the Board will have to talk about the draft submitted by the consultants last January.” She went on to say there have been some minor changes and we will talk about those.”

Chair Harrington asked for a walk-through of the ordinance. “Good idea” replied Ms. Ogilvie and began with the *Purpose and Intent*. She pointed out the Master Plan Vision Statements and Goals To create housing opportunities and increase density in the Downtown area (affording closer proximity to Fire, Police and Emergency Services) and allowing residents to become less automobile dependent while discouraging extensive development of the Rural Districts. “This is an approach to allow for new houses in already developed neighborhoods” she said.

Moving on to *Authority and Administration* Ms. Ogilvie briefly reviewed the authorization of the Planning Board to grant Conditional Use Permits for subdivision and new residential units. She noted the Board could waive or modify requirement or attach reasonable conditions to carry out the spirit and intent of the ordinance.

A brief discussion about Conditional Use Permits and the apparent carte blanche of the Planning Board followed. Chair Harrington asked “have Boards ever abused that in the past?” Ms. Ogilvie replied “I have not seen that at all” adding “not here or in other towns.” Chair Harrington noted “I don’t want us inviting issues that we have not traditionally been up against.” A brief discussion about the flexibility to waive requirements (that perhaps people thought were *required* when the ordinance was brought forward) followed.

Mr. Weeks asked about the new dwellings and gave an example of creating a three-family house “whether it conforms with parking or not.” Ms. Ogilvie replied “that is not the intent of this ordinance. The intent that a lot could be subdivided to place a new structure on it, not create another apartment.”

A brief discussion about several large single family homes being converted to accommodate additional families followed with Mr. Weeks noting “there is no way the will met the parking requirements.” With this said a discussion about parking waivers, reducing the footprint for parking and using tandem parking followed.

Ms. Ogilvie continued with *Applicability*. She again pointed out the ordinance applies to lots in the General Residence and Family Districts within a certain parameter of the downtown. She told the members and the audience there would be a map highlighting the lots that meet the criteria at the next meeting adding “this will be a very small portion of the entire town. The visual will show you that.” Chair Harrington asked “how many lots?” Ms. Ogilvie relied “the last time we did this we had a slightly larger area calculated with 100-200 lots using the map.” She also mentioned certain lots (MacDowell Colony was an example) where this would just *not* happen. Other factors such as topography and having *both* town water and sewer were discussed. Chair Harrington replied “so it shows the lots because they meet the initial criteria. It is good to see what is there but there are areas where this is not going to happen.” “Correct” replied Ms. Ogilvie.

Ms. Ogilvie continued with *Permitted Uses*. She explained “uses permitted in the underlying General Residence and Family districts will continue to be permitted.” *Minimum Requirements* were then reviewed. Ms. Ogilvie noted the lot must be served with town water and sewer and the demolition of an existing dwelling in order to subdivide was strongly discouraged. Mr. Weeks asked if the lot was served by town water and sewer on the frontage (not connected but able to be extended) “are they eligible?” Ms. Ogilvie replied that at one point they had consider that “but that went away.”

Mr. Weeks asked about a home that was in gross disrepair. “What are the limits?” he asked “Will they go in and look at the trim and the doors?” Ms. Ogilvie replied that the Demolition Ordinance would indeed come into to play “but they have no authority to do anything or beyond discussion.” Tyler Ward, a Heritage Commission Committee member interjected “or at least document it with photographs.”

Frontage and Lot Size was next with Ms. Ogilvie noting “there has been a lot of discussion on this over the years.” She cited the work done by Planning Board member Ivy Vann as well as the assessment of the area by the consultants “and these are the numbers that made sense.” She briefly reviewed the Frontage of fifty (50) feet in the General Residences District and seventy-five (75) feet in the Family District with Lot Sizes of 5,000 square feet for Single/Two –family dwellings and 5,000 plus 2,500 square feet for each unit for Multi-family in the General Residence District and 10,000 square feet for Single/Two family dwellings in the Family District. She also reviewed building design and setback requirements. Mr. Weeks noted the setbacks of an average of 15% of the existing developed frontage of 300 feet *in both directions* was important. “It makes sure it is consistent with the neighborhood and not chopping it into sections” he said. There was also a brief discussion about new versus *not* new construction with Mr. Weeks stating he felt the wording was a bit misleading. He suggested “an existing building or lot should be treated the same as a new one.” Ms. Vann interjected “I agree, particularly if the goal is to preserve the existence of the building. We should load this in such a way that people are encouraged to use existing buildings.”

Ms. Ogilvie moved on to *Building Design*. She noted “we cannot totally dictate” but the language

addresses height, sizing, massing, orientation and spacing of doors and windows, rooflines and scale “to again, be measured by the existing residences within 300 feet in both directions of the property with the primary entrance oriented to the street.” Ms. Vann interjected “the Hallmark of a traditional neighborhood is that the front door faces the street.” Ms. Ogilvie noted “the sense of style can vary but they (the applicant) would have to come in and show us something that is consistent with the character of the neighborhood.”

Lot Coverage. Ms. Ogilvie explained the lot coverage in the General Residence District was no more than 35% of impervious material, excluding driveways. “In the Family District it is no more than 25% impervious materials.” A brief discussion about time frames for construction and Conditional Use Permits followed.

“*Parking and Driveways* is next” said Ms. Ogilvie. She noted a five (5) foot setback from the side and rear property lines adding “tandem parking *is* allowed.” She continued with “parking areas or garages must be located in the rear of the lot and the potential for shared parking is encouraged. Ms. Ogilvie noted that if a drive is shared, the number of spaces required by the underlying zoning is maintained and a cross-access agreement must be signed by the property owners.

Moving on to *Sidewalks* Ms. Ogilvie told the members “we encourage them but they are really applicable to larger subdivisions.” She added “if new lots are created off a *new* street, a sidewalk will be provided to connect to existing streets.” A brief discussion about the ordinance’s requirement for existing water and sewer provision followed. Both Chair Harrington and Ms. Vann agreed “new road equals new water and sewer.” It was noted that it must be **CLEAR** that this ordinance is for the existing water and sewer infrastructure of the town. “The whole point is to allow for these smaller lots to be built using existing road frontage” said Ms. Ogilvie.

Procedure was next with Ms. Ogilvie noting “this is a bit different” but we believe a property owner should have a neighborhood meeting with other residents from both sides of the street within 300 feet of their lot to discuss the design and layout of the new lot structure before formally submitting an application to the Planning Board. She noted once submitted, the application would be scheduled for a public hearing and all abutters would be notified. “This just goes a bit above and beyond what the law requires” she said. Chair Harrington interjected “suggesting a neighborhood meeting, I don’t like that” adding “people should not be required to do that.” He concluded by noting “they (the applicant) can come here and talk to us then have a public hearing.”

Ms. Ogilvie asked if there were any questions from the members. Mr. Weeks noted his concern for neighbors in a neighborhood. “I just want people within a district to be treated the same.” He used the example of tandem parking that may be allowed for a subdivision using this ordinance pointing out “the neighbor see this but would have to go to the ZBA to able to do the same thing. That is a conflict for me.”

With no other questions or concerns Ms. Ogilvie asked “what is our next step?” She followed this up with the plan of action. She noted a public informational meeting in the Upper Hall of the Town House was scheduled for Tuesday, September 24th at 6:00 p.m. she noted she would get the updated drafts out to the members as soon as possible. Chair Harrington urged the members to

spend some time with the draft. "Walk through this ordinance" he said. "Take a lot and a dwelling and just walk through it."

New §245-24.6 Workforce Housing and adding related definition to §245-4 Definitions.

Mr. Throop introduced the proposed new ordinance. He noted this was a new zoning ordinance adding "right now there is nothing in our ordinance to address workforce housing and the question is: *are we compliant* and if not let's get something on the books." He concluded by noting review of the definitions under General Provisions, Supplemental Provisions and Conditional Use Permits.

Chair Harrington asked "how much workforce housing do we have in town? Mr. Throop reviewed the median income and housing for the area and noted "the State says Hillsborough County has a median income of \$77,000.00 and that translates into a house price of \$265,000.00 or below to be considered affordable."

This prompted a brief discussion about the validity of the statistics with the members agreeing and the assessing database showing 75% of single family households in town are below the \$265,000.00 level. The members also reviewed the State definitions for affordability in the rental market.

Ms. Vann asked about the percentage of land in town that is supposed to allow workforce housing. Mr. Throop replied "the majority of the land so 51%" The members reviewed the Authority and Purpose of the ordinance as well as noting the Applicability of the draft was permitted in all districts. They reviewed the General Requirements, Condition Use Permits and Waivers and Modifications. Ms. Vann also noted the need to re-visit and confirm compliance. Chair Harrington agreed noting "on a yearly basis we should evaluate how we are doing in meeting the State's requirements for workforce housing."

Mr. Weeks asked for clarification on the multi-family workforce housing being permitted in the Rural District. A brief discussion regarding those lot sizes and density followed.

A motion was made/seconded (Vann/Galus) to move this proposed new ordinance with draft changes as discussed to Public Hearing with all in favor.

Delete §245-24 Home Business, Professional Uses and customary Home Occupation and Home Industries and replace with new Ordinance §245-24 Home-Based Industries adding related definitions to §245-4 Definitions.

Mr. Throop introduced the proposed new ordinance. He noted "we want to clarify and simplify the organization of the existing ordinance." He added it would ensure reasonable opportunity to engage in home-based employment while eliminating redundancies in the current ordinance. Chair Harrington briefly explained the three-tier hierarchy of the current ordinance. When he was finished Mr. Throop interjected "it is essentially a re-structuring of the ordinance." Ms. Ogilvie noted the increase of people working from their homes. "We see it more and more as the economy changes" she said adding "so it is important the provisions are flexible enough to work at home. It also gives us a better reflection of what is actually going on today." Mr. Carrara agreed and noted the new ordinance "clarifies the ordinance from an enforcement standpoint" adding "I can

determine the scope and either issue a permit or send them to the ZBA for a Special Exception.” Mr. Carrara also noted the problem with having no definition of daycare and trying to use the state RSA when referring to it.

A motion was made/seconded (Vann/Miller) to this proposed ordinance with its draft changes to Public Hearing with all in favor. Mr. Throop interjected he would confirm the current citation for the state definition of day care.

Modification §245-30.1 Enlargement, Change or Replacement of Nonconforming Buildings.

Mr. Throop introduced the proposed amendment. He emphasized that enlargement or expansion of an existing legally nonconforming building or structure with nonconforming setbacks could be done “as long as it does not further encroach into the setback or exceed the existing height of the building.”

A brief discussion about the amendment followed. Ms. Vann offered an example of owning a traditional Cape and wanting to add a porch. “If the porch encroaches the setback by a few feet or raised the height of the Cape by a few inches it could not be done without ZBA approval” she said.

Chair Harrington agreed the current ordinance was burdensome to the homeowner with Chair Harrington adding “it is also very vague.” The members continued discussion when Ms. Miller noted the example of a restaurant and garden on the top floor of the Granite Block. They also briefly discussed ordinances that block air and sunlight.

A motion was made/seconded (Cass/ Clarke) to move this proposed ordinance with its draft changes to Public Hearing with all in favor.

Other Business

Mr. Throop noted he was in contact with both the Master Plan Steering Committee and the Chamber of Commerce Business Support Group for input on the B/I District adding “their input will be brought to you and taken up soon.” Mr. Throop then reviewed the upcoming October agenda noting the Catholic Diocese may be ready for a Design Review on October 21st.

Minutes

A motion was made/seconded (Vann/Miller) to approve the Minutes of September 9, 2013 with all in favor. The Board’s pleasure with the thoroughness of the Minutes and how they assist the Board with past events and future endeavors was noted for the record specifically by Ms. Miller, Chair Harrington and Ms. Vann.

The meeting adjourned at 7:52 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant