

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

Workshop Minutes of November 21, 2011

Members Present: Chairman Leandra MacDonald, Bill Groff, Tom Weeks, Richard Clarke, Alan Zeller, Jerry Galus, Barbara Miller and Ivy Vann.

Staff Present: Carol Ogilvie, Director Office of Community Development; Laura Norton, OCD Administrative Assistant

The Peterborough Planning Board held a Workshop on November 21, 2011 in the Selectmen's Meeting Room of the Town House. The Workshop began with Ms. Ogilvie distributing a handout on the potential land use regulation amendments. Of the 15 amendments listed 12 of them were zoning related with the remaining 3 addressing subdivision regulations.

Ms. Ogilvie noted "for the benefit of the new members, I can get you started with a little background on each amendment" adding "typically I do a little explanation of where the change is coming from and why the Planning Board is proposing it."

Amendment #1: Setbacks for Sheds

Ms. Ogilvie noted "single story residential storage sheds or similar structures up to 120 square feet may be located up to five feet from the rear and side property lines." She went on to note "this change is in the building code and it needs to be changed in zoning."

Amendment #2: Shoreland Conservation Zone

Ms. Ogilvie noted "this is minor amendment that allows dry hydrants within 100 feet of a wetland area." She noted in the past the Fire Department had been required to go to the ZBA to install a dry hydrant.

Amendment #3: Traditional Neighborhood Development

Ms. Ogilvie noted "the idea here is to fill the core part of town where it is already densely developed." She noted Union, Grove, Pine and Concord Street neighborhoods as good examples. She emphasized that the Board was "still tinkering with a version of this amendment and nothing is finalized."

Amendment #4: Monadnock Community Healthcare District

Ms. Ogilvie began "essentially this is the Hospital property." She pointed out several parcels of land the Hospital recently bought (both north and south of their current property) adding "and they want those parcels to be a part of the District." Ms. Ogilvie also noted "right now it is uncertain if the Planning Board will propose this or they will submit a petition but either way it goes to town meeting."

Amendment #5: Downtown Commercial District Height Standards

Ms. Ogilvie noted "the 50-foot height restriction does not necessarily make a lot of sense in the downtown district." She went on to note changes in the building codes, sprinkler system installation and the town owning a 100-foot Aerial Ladder as factors in support of that statement.

Amendment #6: Home-Based Businesses

Ms. Ogilvie noted “a comprehensive re-write of what is in the ordinance” to essentially remove the redundancy. “Say the same thing once and move up the ladder to the three levels of home – based businesses” she said.

Amendment #7: Workforce Housing

“This is not a huge deal but it is a state law” said Ms. Ogilvie. She went on to note “there is a state definition, towns cannot prohibit it and for the most part Peterborough complies.” She explained that because of the zoning structure the only district that does not currently comply is the Rural District with its 3-acre minimum lot size.

Amendment #8: Open Space Residential Development

“It used to be referred to as Cluster Development. It has been on the books a long time and has several things that should be revisited” noting in particular “the 75-foot parameter setback.”

Amendment #9: Route 202 Parcels Rezone

Ms. Ogilvie pointed out a map on page 11 of the handout that depicted a single family home and three medical offices located on a stretch of Route 202 North. She told the members “they are in the Rural District and that does not make sense, each parcel is well under three acres.” She also noted the medical and dental offices were not permitted uses in the Rural District and went on to explain “back a ways a letter was sent out to the neighborhood to see how they felt about a re-zone and they were favorable at that time.” Mr. Zeller asked for clarification on the location and several of the members assisted him.

Chair MacDonald and Ms. Miller in at 5:30 p.m.

Ms. Ogilvie handed the meeting to the Chairman who called it to order at 5:30 p.m. Chair MacDonald asked if Mr. Macy provided the graph for the Cultural Resources Chapter of the Master Plan with Ms. Ogilvie replying “no, not yet.”

Minutes:

The members reviewed the minutes of October 10, 2011 and October 17, 2011. A motion was made/seconded (Vann/Zeller) to approve the Minutes as written with one change in wording to both sets with all in favor.

Chair MacDonald then appointed Alternates Groff, Clarke and Zeller to sit.

Chair MacDonald briefly re-reviewed the zoning amendments. With respect to the setback for sheds Mr. Weeks made it clear that the regulation was for rear and side setbacks only “with those being determined by the underlying zoning.” The members also briefly discussed the definition of a shed (which is different than the definition of a building).

Mr. Weeks questioned the language of *located up to five feet* from the property line” with Chair MacDonald and Mr. Galus both agreeing and replying “it should be *no less than five feet* from the property line. Ms. Vann interjected “how about *shall be five feet* from the property line.”

Chair MacDonald moved on the Shoreland Conservation Zone and reiterated the housekeeping issues with that regulation.

Touching on Traditional Neighborhood Development Chair MacDonald agreed the Board has been struggling with this amendment. Ms. Ogilvie noted “about three years ago we tried to find a way to allow infill without causing any dramatic change to the character of the neighborhood (and) without becoming too dense. Ms. Vann noted the work done with her mapping project and the significant push-back they got at the public meetings. Ms. Vann also noted “what we did not do is a good job of explaining these lots do not exist until the homeowner creates them. If you don’t subdivide your lot you won’t pay taxes on it.”

Mr. Weeks interjected “well I have a bunch of notes on this and you probably don’t want to hear them all but my main concern is including all lots that are in the General Residence and Family Districts providing they have town water and sewer regardless of where they are.” (It was noted that the potential for subdivision of lots where town utilities *may* be extended had been taken out of the equation). “That went away” explained Ms. Ogilvie. Mr. Weeks went on to explain his thought with an example of two 40,000 square foot lots, one with a home on it and one vacant. He compared the single family lot to the one next door that could potentially be subdivided into four separate lots and be subject to new allowances. “Depending on the location” interjected Ms. Vann. Mr. Weeks noted “I am just putting myself in the building official’s shoes 20 years from now” he said and asked “how do you record who is conforming, non-conforming and legally non-conforming?” “How do you keep track of those lots that were in-filled?” The discussion that followed included frontage, location and having Ms. Vann bring her in-fill overlay map back in for review and discussion.

Mr. Weeks concluded by noting infill could happen but the lots should follow the same rules. Mr. Clarke agreed with Mr. Weeks adding “this ordinance refers to new lots not existing lots. In all reality you are changing the district provisions. This whole infill thing is going to drive people crazy.”

Chair MacDonald noted Jaffrey New Hampshire has a similar ordinance and suggested instead of belaboring the issue they contact that town. Ms. Ogilvie noted “it is only one small area of town that is a special district and it is a very isolated incident where that can occur.”

Chair MacDonald noted her concern with the infill proposition noting “it is disproportionate in a sense.” She went on to note “having a street with mostly 10,000 square foot lots with one or two 8,000 square foot lots is not a big difference but having a 10,000 square foot lot next to a 40,000 square foot lot is too big.” She also noted the limited number of lots that would fit the character of the regulation in the first place. “It may be that you get a waiver from the ZBA rather than make a regulation for so few lots” she said. Mr. Weeks briefly reviewed his previous suggestion of creating additional districts (Family 1 and Family 2, General Residence 1 and General Residence 2) with Ms. Vann interjecting “we already have too many zones.”

The members briefly discussed Pine Ridge, Robbe Farm Road, Lobacki Drive, Open Space Residential Development and potential areas where new village nodes with small lots may be developed. Chair MacDonald noted “if we don’t change anything we are at the rise and fall of people wanting to build out of town” adding “if we don’t change anything that is what we are going to get.” Referring to Robbe Farm Road Mr. Zeller noted “I am confused as to how my neighborhood exists.” A brief discussion about the history of the development and its density followed.

While all agreed Robbe Farm Road was well done with placing homes in between trees and rocks Ms. Vann noted her *dog bark plan* “where it is so ugly even dogs bark at it” adding “we need to think about what these things would look like.”

Chair MacDonald skipped the next two amendments on the list and went to Home-Based Businesses. Ms. Ogilvie reiterated that the regulation needed “a clean-up of the language” adding “we need to take out the repetitive language and re-organize what is in there.” She noted the three tiers of home-based business adding “over time the types we see can better capture everything that is out there and not subject people to undue burdens.”

Ms. Ogilvie also noted Mr. Monahan could not make the meeting this evening but had met with her earlier and “on Rick’s behalf” pointed out Section C *Professional Uses* where it notes that professional uses are permitted in all zoning districts except the Family District by Special Exception from the ZBA and subject to several provisions. She added “he would like a re-take on that.” Mr. Weeks gave a brief explanation of how that came about and Ms. Vann noted “I am with Rick; I would like to revisit that as well.” Mr. Week asked “why would you want something like a real estate office in the Family District?” Ms. Vann replied “depending on where in the district it is placed I don’t think it would be the end of the earth.” Mr. Groff interjected “but many have bought or will buy on the assumption there will not be something like that in the neighborhood.”

The members also briefly discussed a ZBA case where the applicant was denied a special exception to be able to work out of his house because he did not (physically) live there. The members also discussed the maximum number of employees allowed at a home-based business. One member noted “the only threshold they have to meet is no increase in the traffic associated with a single-family home.” Mr. Weeks replied “that is the hardest thing to deal with – the issue of traffic” and asked “how does one determine what that is?” Ms. Ogilvie replying “10 trips per day.” Mr. Clarke noted “I have three employees but they never come to my house.” Mr. Galus asked about the exterior of a home business as well as the allowance of signs noting “that is not clear. The members agreed and noted that should be clarified n §245-24 (7) a.

The members went on to briefly discuss the Downtown Commercial District Height Standards. Mr. Galus asked for clarification on the language of this regulation. “I don’t understand” he said “it says maximum height but then it says “may exceed.”

Ms. Ogilvie replied “this is a request from the code office actually.” She went on to note “given the new fire codes, and a 100-foot Ladder Truck we are thinking we might want to think about relaxing that.” Mr. weeks noted the sprinkler regulation and state building codes as well adding “it is really dependent on what the town wants in the height of its streetscape. I think 50 feet is probably behind the times but it depends on what the town wants.” The members briefly discussed streetscape and the use of floors to determine height with Mr. Weeks interjecting “not floors that just confuses things.”

Ms. Vann noted the members ought to measure the Guernsey Building “for a start” with Mr. Weeks adding “the Fire Department should be involved as well.” Ms. Miller concurred noting “find out what the Fire Department thinks. That is a good start.” Mr. Weeks concluded “I would hate to see it on a case-by-case basis. That is not the intent here.” Ms. Vann noted the *Rule of Three* and promised to look up the language and bring it in. Ms. Miller suggested “maybe noting

should be taller than the town house steeple.” A brief discussion about the proportions of the building in the Downtown followed with Chair MacDonald noting “we will look at some of those scales” and in reference to exceeding the 50-foot height regulation she noted “there are ways of doing that, there are always ways.”

The Workshop concluded at 7:10 p.m.

Respectfully submitted,
Laura Norton,
Administrative Assistant