

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

Minutes of April 9, 2012

Members Present: Vice Chairman Rick Monahon, Rich Clark, Alan Zeller, Jerry Galus, Audrey Cass, Bill Groff, Tom Weeks, Joel Harrington, Ivy Vann and Barbara Miller, *ex officio*.

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

After a brief reception for outgoing Chair Leandra MacDonald Vice Chair Monahon (Mr. Monahon) called the meeting to order at 7:20 p.m. with no cases to be heard and no one in the audience Mr. Monahon noted “no introductions needed tonight.”

Election of Interim Officers

Mr. Monahon asked for clarification from Ms. Ogilvie about the election of officers. Ms. Ogilvie explained that he would remain Vice Chairman until May and election could take place then. Ms. Miller asked who was running for the vacant seats with Mr. Harrington, Mr. Clark and Mr. Zeller raising their hands. “Unopposed?” asked Ms. Miller with Ms. Ogilvie replying “yes, unopposed.” Ms. Ogilvie went on to note the officer positions are re-elected each year. Mr. Monahon replied “thank you, Carol.”

Preliminary Discussion of the 2012/2013 Work Program

Ms. Ogilvie distributed a preliminary list of issues to consider for the coming year’s work program. The list covered potential amendments to the zoning ordinance and the subdivision regulations. Ms. Ogilvie noted some of the issues are carry-overs from previous years that had not been completely reviewed with others representing issues that have been identified by staff in the administration of the regulations and ordinances. Ms. Ogilvie asked the members to take the handout home and review for discussion at the next workshop. “You will recognize some of the items” she said, adding “a few have been put aside for a while.” Ms. Ogilvie also asked the members to contact her with anything they would like to add. “There are nine items here now,” she said. She concluded by noting “we will get started in earnest after town meeting.” Mr. Galus asked about previous discussions concerning definitions and where they should be located “so as to not be defined by the code.” He added “we need to go through the code to call out the things that are needed to be placed elsewhere.” Ms. Ogilvie agreed and added “we also need to discuss membrane structures and whether or not they need to be regulated as right now they are not.” A very brief discussion about those structures and a particular case followed with Ms. Miller interjecting “I went by (that address) and it is really unsightly. It should not be allowed to happen.” Mr. Monahon replied “I see your point of view but then again the property owner has a right to use his property” adding “where do you start regulating?” Mr. Clark advocated the importance (and benefits) of good communication. “A good cheese plate works wonders” he said.

Mr. Monahan asked about some regulations being in the right section of the building codes with Ms. Ogilvie noting the review was being done “with some being addressed and vote on next month at town meeting.” Ms. Miller suggested a spreadsheet be created to look at each district and show what regulations apply to each “like a snapshot view” she said. Ms. Ogilvie noted that would be possible. A brief discussion about the spreadsheet followed.

Report out of Planning Board Members serving on other Boards

Ms. Miller asked “what is that?” adding “I see it every month on the agenda.” Mr. Monahan explained often that a Planning Board representative will sit on another Board, or may in fact be required to sit on another Board. He noted the CIP and Master Plan Steering Committee as examples. He went on to explain “in turn some of these Boards have subcommittees that a Planning Board representative will actively participate in.” He noted the most recent example of his participation was the subcommittee addressing the Cultural Resources Chapter of the Master Plan. He said the Planning Board representative would then have the opportunity to give an update or progress report on specific projects at their monthly meeting. “So that is what that is all about” he said.

Mr. Monahan noted he was also a member of the Master Plan Steering Committee and asked about its status, adding “it seem we struggle to find a reason to exist.” Ms. Ogilvie replied “we are going to take that up on Wednesday.” Mr. Monahan said “and then they may find a reason to throw themselves on their sword and be done or go on.”

Ms. Ogilvie noted the completion of the aforementioned Cultural Resources Chapter as well as the Regional Concerns Chapter of the Master Plan over the past year adding “and now they are going to step back and look at some of the older chapters to see if anything needs to be updated.” She also noted she would be placing an advertisement for new members in the local newspaper to try to generate some interest.

Ms. Cass in at 7:30 p.m.

Ms. Vann asked “what other Boards and Committees does the Planning Board send representatives to?” with Mr. Monahan replying “the Downtown TIF.” Ms. Ogilvie added “the West Peterborough TIF when it was active.” Ms. Vann asked “do we send one to the EDA? Adding “because if we do I would like to be in on that.” Ms. Ogilvie replied “like the Master Plan Steering Committee that Committee has also been floundering a bit of late and has lost several members.” Ms. Miller interjected “that is a critical Committee.” Ms. Vann replied “it is something I am interested in.”

Minutes

As a brief discussion about approval of the minutes began when Mr. Harrington commented on the comprehensive content of the Minutes. “I have never seen such detailed minutes before” he said. “This is a really nice job.” Ms. Miller asked “is it necessary to put this much time into them?” Ms. Vann replied “yes” adding “minutes like this is what the public record should look like. These are fabulous minutes and we are lucky to have them.”

Mr. Groff noted “it keeps us honest.” Mr. Monahon added “and it creates an ability for the member who misses a meeting to truly get the meaning of what happened.” Another member interjected “and it ultimately does become the record of our file.” Mr. Monahon added “records of this quality are important when you think of some of our difficult decisions.” Mr. Weeks noted “and they are very helpful to Code Enforcement. To be able to look back on a case and see how the decision was created is very helpful.”

Ms. Miller then asked a procedural question about how the Board hears its cases (presentation of all cases – then deliberation) and a brief discussion of how things were done as well as applying flexibility and common sense followed. Mr. Monahon concluded “in my little experience we act accordingly and it works out fine.” Mr. Harrington noted “people leave before the decision is made, I have never seen that.” Mr. Galus interjected “clearly the applicant knows they can stay right?” Ms. Miller noted “that is a really good point, it might be a first time applicant that does not know what to expect.” The members agreed the Chairman should explain the procedure to be followed and announce the applicant is welcome to stay for deliberation. Mr. Monahon noted “Leandra has been good about that.” Ms. Vann noted that if an applicant may not wish to stay “it is up to them” she said. Mr. Clark interjected he would not want to stay and listen to a group make a decision he had no input on. Mr. Groff replied “you had your input before deliberation .” Mr. Monahon concluded by noting “I will try to keep the clarity of the procedure.”

Mr. Zeller noted the training session Ms. Ogilvie had prepared and asked if they might visit the Master Plan. “I know I am not up to speed on its contents” he said. Mr. Monahon redirected the conversation back to the minutes noting they had not yet been approved. Mr. Zeller replied “oh sorry, I am new like you!” A motion was made/seconded (Vann/Galus) approve the Minutes of March 12, 2012 as written with all in favor.

Other Business

“Back to training” said Mr. Zeller. Ms. Ogilvie noted she would be happy to schedule Master Plan training adding “we just completed two new chapters.” Mr. Monahon noted the Committee was in need of new members with Ms. Ogilvie suggesting she first get a sense of their direction at Wednesday’s meeting before recruiting new members.

Ms. Vann noted her interest in exploring innovative land use ordinances. “To just sit down as a Board and talk about these land uses would be a great start” she said, adding “and maybe we could cook up some exercises as well.”

Ms. Cass noted Doodle; scheduling software that she felt might come in handy when trying to mesh everyone’s schedules for training times and dates. “It might help” she said.

Ms. Miller asked about any effort being made to get the Planning Board and the Zoning Board of Adjustment (ZBA) working and (at times) even hearing the same case. “Is there any chance we can work on that?” she asked, adding “it would incur less costs for the applicant and get things done faster.” As Ms. Vann replied “the ZBA is a judicial Board.” Mr. Groff interjected “quasi.” Ms. Vann acknowledged Mr. Groff and repeated “quasi-judicial Board where you go looking for

relief for the zoning regulations.” She spoke briefly of the criteria and hardship issues for relief and added “*then* you go to the Planning Board to present what you want to do.”

Mr. Harrington noted the potential of working together with the ZBA on a conceptual level. Another member agreed noting “the applicant could come in and get input from both Boards on the same night.” Ms. Vann interjected “we could do that but the ZBA would have to invite us to come and comment at their meeting.”

Mr. Monahon noted “actually Tom (Mr. Weeks) was telling me about his interest in joining the ZBA. In my opinion that would be a very good thing for the Planning Board.” A brief discussion about the merits of evolving the level of communication between the two Boards followed. Mr. Groff noted “I think having a cozy relationship between the ZBA and the Planning Board is a bad idea” adding “by going to both Boards you get an independent first fair shake through each Board.” Ms. Vann interjected “often there are questions before the ZBA that have to do with planning so we may want to weigh in on that.” Mr. Groff noted the recent request by the ZBA to review a density issue on a case. Ms. Vann remarked “I was very surprised with that.” Ms. Miller asked “in a good way?” Mr. Groff replied “not really, it was something they should have been doing themselves.” Ms. Ogilvie noted “well there have been no recent offers to do any training with them.” Mr. Clark noted “I think they should be two separate Boards otherwise it is like going to the same Board twice when you see the same members. If it is not a conflict of interest it surely has the appearance of it.” Ms. Vann noted some areas have a Design Review Board “which is very much like a Planning and Zoning Board combination.” She added “it allows the flexibility of implementing your planning and doing a combined good.” Mr. Harrington clarified “so the Design Review Board reviews the application and then submits a report to the Planning and Zoning Boards.” Ms. Vann replied “yes, and then each Board talks about it.”

Ms. Miller interjected “I only ask because maybe not so much now but in the past we have had a reputation of being anti-business.” She added “I see no evidence of it now but that is the old feeling.” Mr. Monahon noted “I have only been on five years and I think we have been pretty scrupulous about not being that way.” Mr. Clark noted business owners want the Board to act immediately, which does not always happen. “You don’t bow to us and we expect you to” he said, adding “there used to be a lot of back and forth, now there is checklist of what is expected. It is greatly improved and streamlined (albeit) never streamlined enough for a business but that is their mindset – they want to start making money.” He concluded by noting “so not anti-business, just a little systematic.”

When a member asked about the case that was originally scheduled for the evening (it was postponed) both Mr. Harrington and Mr. Groff cautioned the members not to discuss the case until it is presented.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Laura Norton
Administrative Assistant

Approved as written 5-14-12