

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

Minutes of November 19, 2012

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

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

Chair Monahon called the meeting to order at 7:05 p.m. He welcomed the audience and introduced the members and staff. He noted the first item on the agenda was a site plan review application by Stanley Fry to develop a mix of retail, office and residential space in an existing building located at 36 Grove Street.

Len Pagano introduced himself as an architect and the representative for the applicant. "The floor is yours" said Chair Monahon.

Mr. Harrington interjected "shouldn't we accept the application as complete first?" Ms. Ogilvie replied "there were a number of items not submitted that I expect we will see this evening." Chair Monahon noted that he would "prefer to see what in the site plan regulations the applicant would like to waive and what would be required after we see what the project is, if that is OK with everybody."

Mr. Pagano began with "let me start by saying it is an honor to be here presenting this project to you." He acknowledged Chair Monahon as "a mentor and fellow architect."

Mr. Pagano explained "the owner of the building, Stan Fry and his business partner Cy Gregg need no introduction. Their dedication to the town and the quality of life in this town is high and this is a continuation of their efforts."

Mr. Pagano briefly reviewed the structural status of the building and its heavy timber construction noting "the overall concept will not be altered in a big way." Mr. Pagano used several graphics as he pointed out the addition of dormers on the roof and the seven timber-frame bays across the building. He noted the bays would remain "with the dormers integrated into the timbers."

He pointed out the elevator shaft, the addition of a new front porch, the addition of a roof garden on the main level and a new stairway on the northwest corner of the building with a two-car garage bay underneath.

Mr. Pagano noted the existing mercantile basement plan is to have a new (mercantile use group) tenant "with the option of other occupancy as well." He also added "the upper floors are proposed residential use group with more than two apartments." Mr. Pagano noted the plans were by no means final "but right now there are three apartments on the second floor and one on

the third (attic) level.” He told the members the curb cut would be removed and a walking path (similar to the one between Joseph’s Coat and the Sharon Art Center) would be created. He also told the members the existing dumpster would be removed from its current location and that space would be landscaped. He pointed out the cantilevered balconies (freely supported without posts) six feet off the building.”

Mr. Pagano also told the members they would be seeking a waiver on the required number of parking spaces for the residential units. He noted their request would be for one space per residential unit reducing the require spaces from 8 to 4 or by half.

Chair Monahon asked Mr. Pagano to point out the spaces on the graphic. Mr. Pagano pointed to the two-car garage bay and said “the other two would pull for Depot Square.” He went on to note ‘this is reasonable as “evenings and early mornings there is plenty of parking. There are very few cars parked there overnight.” Mr. Pagano also pointed out the area to the north “six feet off and to the back of Joseph’s Coat “we are over the property line but the applicant owns the adjacent property.”

Mr. Weeks noted the setback in the District (Downtown Commercial District) “could be reduced to zero” adding “I am just not sure if we have the authority to waive the parking.” He referred to §245-32 A (2) and noted “the number of spaces may be reduced to less than that stipulated in §245-32 A (4) if, in acting on Site Plan Review, the Planning Board or Minor Site Plan Review Committee determines that a smaller number would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users, or user-sponsored demand reduction devices such as car-pooling.”

Ms. Vann noted the two spaces under the clock tower and two that could be taken from the retail parking. “That meets the letter of the law” she said. R. Harrington asked “who owns Joseph’s Coat?” It was noted the building was owned by Roger and Allison Cabana and their representative, Colleen Stone was in the audience. Mr. Harrington then asked what establishment the dumpster served. He also asked if it was being moved, “where is it going?” Mr. Gregg replied “it serves Depot Square and it is not going anywhere, it is going to disappear, we have another dumpster in another location that can accommodate Depot Square.” Mr. Gregg also noted the dumpster in that area had been a condition of the former owner of 36 Grove Street “so it is no longer a condition.”

Mr. Pagano continued with two sketches of the exterior of the building and the proposed floor plans. He started with the basement and ended with the attic apartment. He reminded the members the plans were not cast in concrete “they are still in flux, but this is the general plan” he said. He told the members they planned to install a full fire alarm system and sprinkle the building.

When Mr. Pagano got to the main level (Grove Street) he pointed out the new porch and footpath area as well additional means of egress.

Ms. Vann asked if the space would be publically accessible with Mr. Gregg noting "It can be used by anyone." When Mr. Pagano got to the third floor he reminded the members of the residential group use. He described the square footage of the apartments (approximately 750 square feet) and the addition of balconies. He noted the attic apartment was 2655 square feet with three potentially four bedrooms. "It is pretty straight-forward" he said.

Mr. Harrington interjected "this is interesting, but why are we considering the interior? This is site plan, that should be our focus. That is our charge. I am just not understanding, I have no idea what we are doing."

Ms. Ogilvie replied "this is a bit different, usually there is more site disturbance, but this is an existing structure with not much to act on as long as the use is in compliance with the zoning." Chair Monahan added "it is a presentation for our information, to make us understand the goals and aspirations of the project. It is sort of like a conceptual." Mr. Harrington replied "I just wanted to make sure I was not missing something, I don't like that."

Mr. Weeks reiterated his feelings about the Board's authority to waive the parking requirements. Mr. Harrington inquired about run-off, drainage and the storm management plan. They also discussed the fact that there would be more water absorption not less because there would be less pavement. Mr. Weeks asked "is it within 250 feet of the river?" Chair Monahan noted "we may have to find that out." Ms. Vann noted new laws in removing impervious materials as it is considered toxic in nature. Mr. Harrington replied "that is a DES issue not an issue for us and our decision here."

Mr. Pagano reviewed the exterior of the building. He noted traditional materials (red cedar shingles and clapboard siding) would be used. He concluded by noting "that is what I have." Mr. Harrington asked about any disturbance on the left (north) side of the building with Mr. Pagano reiterating the plan to remove the impervious material and make a grassy, landscaped walkway. "No disturbance other than that" he said.

Chair Monahan asked Ms. Ogilvie for guidance on the next step. Ms. Ogilvie noted the application was unique in itself. She noted the waivers the applicant was requesting and suggested the members review that list.

Chair Monahan agreed noting "we should just go through the list, it is not a tedious process, it is just not done very often."

The members made their way through the 42 items on the Site Plan Review Checklist. They briefly discussed the general information, survey information, natural features and environmental conditions, and the existing and proposed site plan. The other (as applicable) information section of the application did not apply in this case. The members deciphered what was in and what was needed. They also reviewed the waiver request for topography (spot elevations for the site), soil types, erosion and sedimentation control provisions and construction details (road, driveway, parking areas, outdoor storage and sidewalks).

The members spent some time discussing the boundary lines and the zero setbacks in the Downtown Commercial District. It was noted by a member that a survey and a lot line adjustment may be in order. Chair Monahon agreed noting “a lot line adjustment or an easement between the two properties.” Another member noted an older survey by Bill Bean and Mr. Weeks noted a recent survey from the recent condominium conversion of Depot Square.

Mr. Harrington interjected “this is fine; it seems to be at the point now that it is complete.” Mr. Weeks noted his concerns about the Shoreline Conservation Zone. “There can be no substantial excavation within 100 feet of the river” he said, adding “they may have to go to the ZBA.” A brief discussion followed that included the constraints of the building, its proximity to the Shoreland Protection Zone and the Groundwater Protection Overlay followed. It was noted that the parcel does not have any wetlands and is not in the floodplain. Quite surprised, Mr. Harrington asked “how is the Downtown *not* in the floodplain?”

The members continued down the checklist with brief discussions about soils types and boundaries (a waiver request), grades, surface materials, storage areas and parking requirements (another waiver request). Chair Monahon noted “we need to deliberate on that as a Board but we are empowered to reduce the parking, we will have to come back to this.” He continued on with the rest of the existing and proposed items of the checklist. It was noted by Mr. Pagano that the fire suppression plan was to follow. The members also briefly discussed the elevations and the fact that the construction details would be included in the construction documents.

Mr. Weeks noted the possible need for a Special Exception from the ZBA. Mr. Harrington noted the lack of information contained in the application. “There is a lot of stuff missing here” he said. Ms. Miller interjected “yes, but this is a great project, we will work with them to get everything in.” Ms. Ogilvie noted some of the unique circumstances of the building with Chair Monahon noting “it is really in the condition of a Preliminary, it is a great looking project that is consistent with the hopes of the Downtown, we just have to fill in the blanks.”

After a brief discussion about the completion of the application Mr. Harrington noted “I make a motion that we accept this application on the condition that the items the Chairman reviewed are met according to the checklist.” “I second that” said Ms. Vann. All were in favor with all in agreement that the acceptance of the application has nothing to do with the waiver requests.

A brief discussion about the parking requirements and the waiver request for parking followed. Mr. Weeks noted “they can draw from within 300 feet of the building” adding “they don’t meet the requirement *now*.”

Ms. Vann noted “the only real waiver is parking.” She went on to say “my feeling is that this is a Downtown project where there is a lot of parking” adding “I feel the current parking is capable as it stands.” Ms. Miller noted “I absolutely agree with you.” Mr. Weeks cautioned jumping to that decision. Ms. Vann noted “this building can get along with four (parking) spaces.” Mr. Clark also cautioned making a snap decision noting “this is going to be a nice place; I can see the tenant wanting two parking spaces.”

Ms. Vann again noted the location of the building and reiterated “it is concession based on its location.” “But can we do that?” asked Mr. Weeks with a brief discussion following.

Ms. Vann concluded by noting “I move we waive the parking requirement for 36 Grove Street such that four and only four spaces will be required. These four spaces must be on the plan as dedicated for the residential use of this building. Ms. Miller replied “I second that.” Chair Monahan announced “I have a motion with a second, all in favor?” All were in favor but Mr. Weeks who voted against the motion.

Colleen Stone was in the audience representing the Joseph’s Coat building owners, Roger and Allison Cabana. She noted the Cabana’s were content with the Site Plan but currently only had a verbal agreement with the applicant for the walkway.

Jim Therriault was asked if he had any comments to which he responded “I am a tenant in Depot Square” adding he thought the project brought even greater continuity to the Downtown area. He complimented the Depot Square developers noting “it certainly was not a pretty place when we first moved here 23 years ago.” He went on to say “the downtown attracts locals but it really attracts visitors. This would be the icing on the cake.”

Chair Monahan concluded that they would see the applicant at next month’s meeting. Ms. Miller asked for clarification on what the next step was with Chair Monahan replying “in December, we will review what is new and vote to accept the application as complete.” Mr. Harrington interjected “then the site plan should only take about 10 minutes.”

Update on the Community Planning Grant

Ms. Ogilvie noted the first roundtable event had been held Saturday at the Town House. She noted it was reasonably attended citing 20-25 people in attendance. She noted “the consultants were happy with the way it went and felt the turnout was good.” She added the next session would be held on December 8, 2012, most likely at the Community Center on Elm Street.

Mr. Harrington asked “what sort of announcement did the notice get” adding “I don’t know, I am just asking.” Ms. Ogilvie reported there was an article written about it in the newspaper. Posters were created and distributed to the public venues in town (Roy’s Market, Nonie’s Bakery, the Diner, the Chamber of Commerce, the West Peterborough Post Office, Steele’s Bookstore, Harlow’s etc.); an e-mail to all the Land Use Boards in town and the Town Web site posting. Ms. Ogilvie added the effort would be supported with a postcard being sent to the residents within a certain radius of the Downtown (target area) with information on the December meeting. She noted that like Saturday’s meeting, child care and refreshments are offered. Ms. Vann interjected “it is hard to get the public to understand, I don’t know what to say to make it clear, this is *not* a proposal for a development, it is a zoning thing,”

Chair Monahan noted he had heard positive feedback with Ms. Miller noting “yes, but it seems to be the same nucleus of people” adding “I was disappointed with so few people.” A brief discussion on how to attract more people followed with Ms. Vann noting “it is a hard sell, a terribly hard sell.” Ms. Miller relied “people need to know how they will benefit.” Ms. Vann replied “it something seems like a good idea to people they don’t come” with Ms. Miller noting

“on the positive side that is a vote of confidence for us.” Mr. Harrington interjected “if you articulate why you need to be there it works.”

Mr. Zeller noted the infill ordinance would only pertain to lots with town water and sewer and within a one mile radius of the Downtown. Ms. Vann noted the long six years the Board has been entertaining the infill ordinance.

Report out of Members Serving on other Boards

Chair Monahon noted both he and Mr. Zeller were serving on the Library Focus Group. He gave the members a brief update of the status of the community forum citing copyright and litigations “what a Library can and cannot do.”

Chair Monahon also noted he served on the Master Plan Steering committee and with a smile said “but it just refuses to meet.” He noted that all kidding aside they would meet in December to finalize the Municipal Facilities Chapter “as long as the river don’t rise.”

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant