

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of January 9, 2017

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Jerry Galus, Matt Waitkins, Rich Clark, Tom Weeks and Ed Juengst

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. and introduced the members and staff. She appointed Mr. Weeks to fill the seat of Mr. Hanlon who was absent, and then read the first case:

A Proposed 2-lot Subdivision of a 6.015-acre parcel in the Rural Zoning District, parcel number R004-006-200, located at 121 Old Town Farm Road.

A motion was made/seconded (Weeks/Zeller) to accept the application as substantially complete with all in favor.

Sam Ingram from Meridian Land Services, Inc. introduced himself as the representative for Louise and George Gardos. Mr. Ingram noted the lot was in the Rural District, which requires a minimum of 3 acres for each parcel and he'd been granted a Variance from the Zoning Board of Adjustment last month to allow more than 50% of the wetland, excluding the wetland buffer, to be used to satisfy the minimum lot size requirement when creating a new lot, as regulated by Chapter 245, Article III, Section 15, Paragraph I, 1 of the zoning ordinance.

He told the members "the lot is on a dead-end road surrounded by farm land owned by the Taylor Family." He noted "the lot has two houses on it with a shared well and driveway but have individual septic systems and utility connections." He went on to say "the plan is to drill a new well for the main house. This will provide a complete separation of the houses and improve the use of the property by splitting them up." Mr. Ingram noted the Taylor Family would be purchasing the new parcel (R004-006-201). He reassured the purpose of the field was to *remain* a field and acknowledged the strange configuration of the newly created lot. "There will be no construction in that area so it is OK" he said. Mr. Ingram also noted "the septic systems stay where they are but we provided 4000 square feet and two test pits due to the undocumented septic system on the new lot in case of failure. He also pointed out the view easement. When

Mr. Weeks asked if they planned to construct a driveway Mr. Ingram replied “yes” with Chair Vann suggesting a driveway permit be a condition of approval.

Chair Vann also asked about the way the lots were divided and wondered why they did not leave more land with the back house. Mr. Ingram explained “we wanted both houses to be the most conforming they could possibly be.” Chair Vann replied “I see that but it is the preference of the Planning Board not to see what we call a flag lot” adding “you may want to know. You do this for a living.” She then opened the hearing to the public.

Bill Taylor introduced himself and noted his family as buying the second lot. “Our purpose is to buy back as much land as we can” he said adding “and the flag lot is actually preferred as it will protect the rest of the property. I am definitely in support of this.”

Andy Peterson introduced himself and told the members “I support this, I am very familiar with the property up there.”

A motion was made/seconded (Juengst/Weeks) to approve the two-lot subdivision as shown on the plat entitled “Subdivision Plan, Land of Louise T. and George C. Gardow, Tax Map ID R004-006-200, Peterborough, NH at a scale of 1” = 50’ , , prepared by Meridian Land Services, Inc., dated November 7, 2016 , last revised January 6, 2017,” as it may be further revised to reflect the following Planning Board conditions of approval, to be met prior to signature of the plan: 1. The applicant shall demonstrate receipt of NHDES Subdivision approval. 2. The applicant shall demonstrate receipt of a driveway permit for R004-006-201 from the Peterborough Department of Public works, with all in favor.

Preliminary Design Review Consultation – Proposed Two lot Subdivision and Conditional Use Permit (TND I) of a .82 acre parcel in the General Residence Zoning District, Parcel number U017-151-000, located at #46 Concord Street.

Mr. Throop noted “this item was noticed as a *public hearing* and has been modified to a non-binding design review consultation at the request of the applicant. It is a non-binding preliminary conversation.”

Chair Vann told the members and the audience “for full disclosure, I am a member of All Saints Church.”

John Catlin introduced himself as the representative for the church. He pointed out two buildings on the .82 acre parcel.” #44 Concord Street is the former MATS location and #46 Concord Street is the Former River Center.” He told the members

they would like to subdivide the lot using a Conditional Use Permit under the Traditional Neighborhood Overlay District (TND) ordinance.

He told the members the plan involves removing the posterior shed at #44 Concord Street and selling the front portion of the building as a single-family residence. Pointing out the impervious parking area in the front of the building, he told the members “per the TND we will move that to the rear.” He also told the members “the home has not yet been sold but we have it under agreement pending the outcome of these meetings.”

Moving on to #46 Concord Street he reviewed a plan for demolition (partial or full) to accommodate additional parking for the church. He noted the drop in elevation and reviewed different scenarios on how to landscape and screen the lot. He pointed out the proximity of the parking lot to the parking lot on the adjacent Reynolds Hall parcel, and indicated that their initial intent is to connect the two parking lots with a 24-foot wide pass through. He said that eventually they intend to redesign the combined parking lots and remove the existing curb cut to the Reynold’s Hall parking lot in favor of a single two-way driveway entrance at the south-end of the parking field. Mr. Galus pointed out there was already a connection between the two lots. “I drove through it last night” he said with a smile. Mr. Catlin acknowledged the passage was initially installed to accommodate the plow truck.

Chair Vann noted the demolition process could take up to 30 days to secure a demo permit. She also cautioned Mr. Catlin that the Heritage Commission may have some questions and want to look for a buyer for the River Center building. “They are not pleased about taking down older buildings” she said. She also suggested the asphalt in front of #44 Concord Street be removed prior to granting approval. Mr. Weeks interjected “we could put that on the plan, it would have to be done prior to signing.”

Mr. Catlin told the members “I like this house, being an architect, but the discussion from the Vestry is that they want it removed. They actually discussed removing *both* buildings but they got a positive offer from a resident.” Mr. Weeks asked about having strictly parking in the General Residence District with Mr. Throop noting that with driveway connection between the two parking lots the applicant could merge the two parcels as part of the subdivision. “So U016-027-000 would be a part of U017-151-000 with parking as an accessory use to the Reynold’s Hall use” said Chair Vann. She also reminded the members and the audience “this is just a design review but personally I am in favor of removing a curb cut.” She then opened the review to the public.

All Saint's Reverend Jamie Hamilton introduced herself and spoke briefly of the safety issues regarding the church's parking lot and crosswalk. "Getting rid of the building to make the entrance wider will make it safer" she said. Mr. Catlin pointed out several features including creating the 24-foot wide entrance at the south end of the parking lot. "The Town prefers that the driveway be narrower" interjected Chair Vann. Mr. Catlin replied "well we have room for 24 feet and I am sure the Fire Department would like to see at least 18 feet."

Mr. Throop asked if there were any additional questions about the Conditional Use Permit or Traditional Neighborhood Overlay District. Chair Vann noted the pavement and the parking in the front of the building "both go away." Mr. Throop briefly reviewed the parking requirements for the residence (2 spaces) and the requirement of a waiver to allow parking within the setback. Mr. Throop also indicated that under the TNOD ordinance, a project may provide for both shared parking and shared driveway access. Mr. Catlin noted that the current proposal was for tandem spaces at the rear of the building.

Deb Ames introduced herself as the abutter directly across the street. "We got a letter, this was a total surprise to us" she said. Ms. Ames asked about the number of parking spaces that would be created. Mr. Catlin replied "currently we have less than 50, when we are done we will have 68-70 spaces." He went on to point out the garden gravel and rain garden, "We are sensitive to the environmental issue including drainage" he said adding "and by removing the back buildings we will be better able to mitigate flood areas."

Ms. Ames told the members and the audience her family has lived across the street for 64 years. "If you take the building down we see a huge parking lot." She then asked about landscaping and screening with Mr. Catlin assuring her when completed, the view to the parking lot would be very limited. "What about from the second story?" asked Ms. Ames. Mr. Catlin replied "maybe from the roof peak, it is hard to say."

As Chair Vann suggested a greater discussion on the screening. Mr. Weeks reminded everyone that the combined parking lot for Reynolds Hall would require Site Plan Review which would have full plans for screening, landscaping, parking and lighting. Chair Vann added that the regulations require landscaping within the parking lot as well "planting islands with landscape" she said.

Referring to the earlier point of giving up a curb cut Ms. Ames noted her concern that by eliminating that driveway and funneling all the traffic to the south curb cut

“puts all that traffic directly across the street from our driveway.” She noted the present difficulties in trying to sneak and ease your way out on the street “hoping people are paying attention and see you” she said. She then suggested using one curb cut for the entrance and the other for the exit.

Reverend Hamilton interjected “those are good points but we feel giving away a cutaway will be better and that it would be safer to have just one entrance/exit.” Chair Vann also noted the importance of separating the heavy traffic of the crosswalk from the present driveway. She looked to Ms. Ames and said “it is complicated, they are doing their best but we hear you.” All agreed it would be a good thing to remove/reduce the number vehicles parked on the street Sunday mornings. Mr. Catlin told the members “we have been putting cones up in the congested areas.” Ms. Ames added the Serendipity Shop (located in the basement of Reynold’s Hall) is open Thursday, Friday and Saturday and that would also impact the traffic directly across from her driveway.

Mr. Throop suggested the church initiate a conversation with NHDOT as soon as possible. “They often take a period of time to make a decision” he said with Chair Vann adding “and sometimes the response you get is not always the response you *thought* you would get.”

Andy Peterson introduced himself telling everyone present he appreciated their views and comments. He noted the lot was part of the gateway into town. “It is a former fuel yard and has housed many different offices and business uses for many years” he said. He noted it was an old building with signs of deferred maintenance. “Concord Street is Church Row. All Saints is a large parish with a significant campus. This will make it safer, more beautiful and more beneficial to the town.” Mr. Peterson concluded the back portion of #44 Concord Street would be demolished (it is in the flood zone) and that the old ice shed may be dismantled and taken away to be re-used somewhere else. “Yes, it is a change in landscape” he said adding “but the remaining house is an exact example of what we are attempting to achieve here. A smaller home, affordable for young professionals with a short walk to town. This is what everyone has been talking about.”

Other Business:

Joint Meeting: In a response to the request of the Conservation Commission to have a joint meeting to discuss the proposed TND II, the members agreed to attend the regularly scheduled Conservation Commission meeting January 19, 2017 at 7:00 p.m. in the Board of Selectmen’s meeting room at the Town House. Mr. Clark, Mr. Jeungst, Mr. Waitkins, Mr. Zeller and Chair Vann all plan to attend.

Discussion: Possible amendment to 245-6.C.1 Conditional Use Permit for a Bed and Breakfast in Residential Districts to consider exempting smaller B&B operations from the requirements of the Conditional Use Permit (and) Possible amendment to 245-24.1 Accessory Dwelling Units to consider removing the requirement of owner occupancy in single family homes with an accessory dwelling unit.

“I really don’t want to beat this up tonight” began Chair Vann adding “but I am not happy about last year’s decision.” She went on to reiterate the town does not enforce room and meals taxes. “In light of that we altered the definition of Bed & Breakfast to a type of lodging establishment located within a single-family dwelling in which at least three bedrooms and no more than twelve bedrooms are available as overnight accommodations for paying, transient guests and to whom a morning meal may be served.” She went on to note the B&B establishment will be managed by the owner of the property (living within the single-family home or an accessory dwelling unit associated with it and that it is their principal residence). Chair Vann also noted the definition of Tourist Home Establishment was similar but pertaining to one and two bedroom lodging establishments.

Chair Vann noted that she felt by declaring a Bed & Breakfast one bedroom and up “we make a bunch of people law breakers and being illegal when they were just minding their own business.”

The members briefly discussed the language, the definition of transient, short-term rentals versus roommates and a single-family home with people living together who are not related. Mr. Weeks suggested getting the Fire Department involved for inspections. He reiterated his concern about “putting people who are transient in nature in a single-family home without smoke detectors.....” Chair Vann concluded “the more I thought about it the less happy I was with the amendment.”

The members also discussed the requirement of having the establishment be owner-occupied. Chair Vann noted “again, I have been thinking about this since last year at this time. It is a complicated thing but I do not think it is necessary to require residency of the owner. If there is a problem, we deal with that problem. I think we should take the language of *principle place of residence and letter of memorandum* out.” “I agree” interjected Mr. Zeller. A very brief discussion on parking requirements followed.

In closing Mr. Weeks announced this was his last Planning Board meeting. The members unanimously expressed their regret and gratitude for his service and contributions. The Board offered their best wishes for his future endeavors.

Minutes:

A motion was made/seconded (Zeller/Holt) to approve the Minutes of December 12, 2016 as written with all in favor.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant