

PLANNING BOARD

TOWN OF PETERBOPROUGH, NH

Minutes of January 15, 2018

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Joe Hanlon and Andrea Cadwell

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. with introductions by the Chair and the appointment of Alternate member Andrea Cadwell to sit.

Minutes:

A motion was made/seconded (Zeller/Hanlon) to approve the Minutes of December 11, 2017 as written with all in favor.

Public Hearing:

Chair Vann noted the only hearing of the evening was for a proposed zoning amendment to Section 245-14 Groundwater Protection Overlay Zone to add the phrase “uses by Conditional Use Permit” to Paragraph D “*Applicability*” and to clarify Paragraph E *Performance Standards* with respect to how the Overlay Zone applies to higher density developments permitted in the zoning ordinance.

Mr. Throop began by projecting the two relevant sections of the ordinance being amended. He reiterated the changes to Paragraphs D and E noting “we want to make sure the language is clear that is applied to Conditional Use Permits.” he said adding “this oversight came to our attention during an appeal to an Administrative Decision earlier this year.”

Mr. Throop went on to add “Paragraph E (*Performance Standards*) *a.* (infiltration designs are subject to review and approval at the applicant’s expense, by a Storm water Management Consultant designated by the Planning Board) and *b.* (the total impervious surface proposed may not exceed any impervious surface or lot coverage standards set forth in the Zoning Ordinance Article II, District Regulations 245-15.3 (Traditional Neighborhood Overlay Zone I) or 245-15.4 (Traditional Neighborhood Overlay Zone II) as they exist or may be amended.

Mr. Throop told the members residential development with a density of greater than one unit per acre will be connected to town water and sewer and impervious surfaces may not be greater than 20% of the land area unless the storm water runoff associated with any impervious surface greater than 20% of the land area is effectively infiltrated on the site. “This will take care of things” he said.

“Thank you” said Chair Vann and asked if the Board had any questions. One question regarding a definition was noted not to be associated with the amendment and another about wellhead protection areas was discussed. With no other questions Chair Vann opened the public hearing to the audience.

Loretta Laurenitis introduced herself. She noted a typographical error in the amendment and had several questions about requiring conditions for approvals, performance standards and involvement of the Conservation Commission for feedback. Ms. Laurenitis also questioned the extent of impervious surfaces allowed noting the Groundwater Protection Overlay Zone allows 20% coverage while the TNOZ I allows 25% and the TNOZ II allows 35% impervious lot coverage. A brief discussion about the infiltration of storm water followed with both Mr. Throop and Chair Vann explaining the necessity of infiltrating your groundwater ON YOUR LOT. “The more impervious coverage on the lot necessitates a more elaborate system to treat it. This says you have to infiltrate your groundwater” said Chair Vann. Ms. Laurenitis asked about making sure the systems work and who was responsible for checking them. Chair Vann noted the Storm water consultant would review the design and maintenance plan and the Code Officer would review it. “It is really up to the applicant to do it, it is like septic systems” she said.

Ms. Laurenitis asked about the overall vision of the Groundwater Protection Overlay and wellhead protection and a brief discussion about stratified drift aquifer areas followed. Ms. Laurenitis also asked about surrounding houses and wells with Mr. Throop noting the State of New Hampshire Department of Environmental Services Best Management Practices on pre-treatment and treatment of storm water would be observed adding “and that is why a consultant is hired by us.” Ms. Laurenitis went on to ask about a map for the district that included sewer and water lines as well as the criteria that must be met to be granted a Conditional Use Permit.

The members briefly discussed impervious standards and storm water management for several districts which included infiltration of run off and potential unintended consequences.

Joann Carr introduced herself and told the members “I appreciate your efforts, you have made a good step in addressing impervious coverage” adding “but you mentioned

a wellhead protection area and I do not see a wellhead protection zone.” Without a specific wellhead district Chair Vann noted the protection was in or around any well. Ms. Carr cautioned the members to be thoughtful of the language and noted applying a town-wide, higher level of protection for the groundwater is an excellent starting point. She also suggested they review required infiltration regulations and design standards for commercial or larger residential developments. “Be prescriptive in what you are looking for” she said. Mr. Throop added the importance of involving the conservation Commission in this and a brief discussion about water quantity, quality, treatment and protection followed.

A motion was made/seconded (Hanlon/Zeller) to move the proposed zoning amendment of Section 245-14 Groundwater Protection Overlay District to ballot with all in favor.

Planning Board Workshop: Proposed amendment to the Zoning Ordinance to replace existing Zoning District Regulations in Article II with a new Form Based Code. Chair Vann noted the intent is to review the current draft of the amendment and make refinements in preparation for the next public forum on January 27th. She noted “this is primarily for the Board, The intent is not to take public input but we may accept some at the discretion of the Chairman.”

From the audience Francie Von Mertens introduced herself and noting solar energy and asked if and when designed, if clustered or community zoning would emphasize the roofs facing south for solar array. Chair Vann replied “that belongs in the Subdivision Regulations, not zoning but hold on to that thought.” She went on to note the Board would have another public workshop on January 27th at the Community Theater. She concluded “we’ll be moving on the amendment discussion but you are all welcome to stay.” Mr. Throop told the members the goal for the evening was to ultimately decide on whether or not to send the amendment to the Town Attorney for review.

Chair Vann suggested they begin with a brief discussion of the *Zoning Simplification and You* document. “Is everyone clear on this?” she asked with Ms. Cadwell replying “this is fabulous.” Chair Vann noted a typographical error on page 3 and that the section identification should be 245-11 (Allowed Building Types by District) not 245-12. She noted the largest building type had been eliminated “but that can be amended if we decided we needed it. It is a part of zoning just like anything else.”

The members briefly discussed the charts in the section and removing uses from the special districts. Mr. Throop strongly suggested they add “DRAFT” to the copy and noted additional formatting may change the pagination.

Chair Vann continued with a walk through of Chapter 245 *Zoning*. She began with **Article I:** General Provisions including Purpose, Applicability (Section D the illustrations included in the chapter are intended to augment the chapter. In any case where there is conflict between the illustration and the written language, the written language shall take precedence) Title and Definitions (where definitions including impervious cover and lot coverage were added). Mr. Throop noted any change to the zoning ordinance would be shown on the ballot in italics.

Article II: District Regulations was next which included a discussion of Districts Established including **Residential Districts:** T-2 Rural District, T-3 Village District, T-4 Residential, **Mixed Use Districts:** T-4 Village, T-5 Town Center, **Special Districts:** Monadnock Community Healthcare District, Business/Industrial District, Commerce Park District and Retirement Community District and finally (Under **Article III** the **Overlay Zones and Districts:** Shoreland Conservation Zone Floodplain, Groundwater Protection, Telecommunications and Rural Gateway Overlay Zone.

Chair Vann reviewed the *purpose* of each district as well as the *lot standards, allowed building types, parking requirements* and *permitted uses* of each district. She did note a change in the maximum height of a structure to five stories or 75 feet, the addition of building types for each district and that drive-thru windows for *any* purpose were not permitted in any of the districts. This sparked lively discussion about drive-thrus where Chair Vann ended up suggesting “this is not a hill I am prepared to die on and I am prepared to talk about why this is so important” adding “but I am not prepared to lose the ordinance over it.” She suggested they not make a change now but wait until after the workshop on the 27th and then decide whether or not to pull it out as a separate change for consideration or leave where it is.”

The members went on to review the allowed building types (primary and accessory) of T-2 Rural, T-3 Village Edge, (“T-2 and T-3 are primarily built out already” interjected Chair Vann), T-4 Residential, T-34 Village and T-5 Town Center where mostly size, grade elevation and existing neighborhoods were discussed.

When they concluded Chair Vann asked “do you feel ready to recommend we send this off to the Town Attorney for review?” As the members agreed Chair Vann noted “and we will reconsider the drive-thru after the workshop on the 27th.” She also noted the Morison sand pit in South Peterborough and told the members “we thought it was about to close and reclamation would begin but that may not be the case so we will keep it Rural for now.”

Closing comments included Ms. Carr pointing out Article II (*District Regulations*) should perhaps be renamed *District Uses*. She suggested they specifically check the Building Code and elevations noting “service elevation is not allowed by code.” She also suggested researching minimum setbacks between buildings and the fire code. “It is my guess IBC manages that” replied Chair Vann.

Ms. Laurenitis commented on the changes to the drive thru windows in town noting “if a new bank or pharmacy comes to town they can go to the ZBA for a Variance” she said. Chair Vann replied “we fought hard for no food drive-thrus, I don’t want to jeopardize that but it is an interesting and legitimate point.” Chair Vann added “we can take it out but what you have to understand is that what Peterborough has going for it is it is an adorable walkable village and more drive-thrus equal less adorable walkable village.”

Next Meeting: A Workshop, Saturday, January 27, 2018 at 10:00 a.m. at the Peterborough Community Theater in Depot Square.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant