

PLANNING BOARD
Town of Peterborough, New Hampshire

Minutes of January 28, 2019

Members Present: Bob Holt, Ivy Vann, Alan Zeller, Sarah Steinberg Heller, Tyler Ward, Jerry Galus, and Dario Carrara

Staff Present: Peter Throop, Laura Norton, and Kristin Bixby, Office of Community Development

Chair Holt called the workshop to order at 6:30 p.m.

Minutes:

A motion was made/seconded (Heller/Carrara) to approve the Minutes of January 14, 2018 as written with all in favor.

245-24.7 Solar Ordinance:

Mr. Throop began with the Solar Energy Systems Amendment. He noted that he'd sent each member a copy of the model ordinance created by New Hampshire Sustainable Energy Association (NHSEA), a membership-based non-profit advocacy group. Mr. Throop said that Peterborough's current ordinance already exceeds this model. "It is conservative, we are less conservative" he said. Mr. Throop went on to say he'd consulted with both the Chair and Vice Chair and "without public outreach I find it difficult to go forward with it at this time."

With the Members in agreement, a motion was made/seconded (Vann/Zeller) to not adopt any alterations to the solar energy ordinance in this calendar year.

The discussion that followed included exploring a way to go forward without a sense of "last minute" decisions in supporting the amendment, "especially with relatively high-tech things we are not comfortable with" interjected Mr. Galus. The Members briefly discussed using solar workshops to promote the interaction and participation of the ad hoc group that brought the amendment forward, and to make informed decisions with additional research and outreach on the model ordinance by the NHSEA. "We are certainly not faulting the enthusiasm of the ad hoc group by any stretch, but it would be useful to have a third party involved" said Mr. Throop. Ms. Heller agreed, "but we need to keep them in the loop." Mr. Throop noted he would get back to the ad hoc group. Chair Holt

suggested there may be other amendments that the membership is not totally technically familiar with and that this approach could be applied to them as well.

245-15 Wetland Protection Overlay Zone (WPOZ):

Mr. Throop had added “pre-existing” to the “sedimentation/detention basin or pond” in the Exceptions Clause of the Permitted Uses section of the WPOZ regulations. He spoke about temporary impacts associated with the installation of underground utilities and the minimization to the maximum extent of any detrimental impacts in the WPOZ. He told the Members that future access to the underground systems for maintenance, replacement, or repair will be permitted in kind and location without additional approval. However, Mr. Throop added that “any project larger than that [systems maintenance, replacement, or repair] would have to come back before the Board.” Mr. Carrara suggested that while further approval may not be necessary, “notification to the Code Officer would be beneficial.” Mr. Throop concluded that he would forward the changes to the Conservation Commission for review and put it on the agenda for a vote for public hearing at their February 11th meeting.

245-4 Definitions:

Mr. Throop noted three categories of definitions: those to be modified, new definitions, and medically-related definitions.

Modified Definitions included:

Bed & Breakfast - qualifying three to twelve beds instead of up to 12 beds.

Two Family Dwelling – specifying how two residential units may be connected, at a minimum by a one-story roofed structure that is no longer than 24 feet and a width of not less than 4 feet. In discussion of the definition change, Mr. Carrara added “or by garages... and at Rivermead the length of the structure is more than 24 feet. We need to be careful about that.”

Recreational Facility - requiring shooting ranges to be located in indoor facilities.

Residential Use – establishing the use on the premises only for long-term, human dwelling. In discussion of the definition change, the members decided not to pursue this definition.

Supported Residential Care Home/Facility - adding “facility” to this definition.

New Definitions included:

Encroach; Encroachment; Open Space; Pervious Surface; Structure - (a.) Primary Structure and (b.) Accessory Structure; and Use.

Conditional Use Permit was dismissed from the list, as the Board determined it was unnecessary to define.

As Chair Holt pointed out that on the hand-out that the Members had received, anything in italics was an addition, and anything struck out was a deletion. Mr. Throop interjected, “and anything in bold is just a reminder to me to talk about it!”

The only real discussion on this section was about how *structures* have been interpreted in the past and what types of structures should be restricted in property setbacks. The Members agreed that pools and tennis courts should be restricted by setbacks, while walls and fences should not. The Members also agreed to remove *Open Space* from the list.

Medical-Related Definitions included:

Residential Care Facility - supported residential care homes/facilities use to be added to all districts where Nursing Homes and Assisted Living/Care Facilities are currently permitted.

Assisted Living/Care Facility and *Congregate Care Facility* - both included as new definitions in *Residential Care Facility*.

Health Care Facility - added as a permitted use in West Peterborough, Village Commercial and Retirement Districts.

Clinic - included in the Health Care Facility definition.

Residential Drug and Alcohol Treatment Facility - proposed as a permitted use in the Downtown Commercial, Village Commercial, and Monadnock Community Hospital (Healthcare) Districts.

Professional Services - excludes medical related services and is expressly permitted in West Peterborough, Downtown Commercial, Commercial and Business/Industry Districts as implied in the Village Commercial District.

Public/Semi-Private Uses - excludes Health Care and Residential Care related facilities.

Mr. Throop reviewed a color-coded graphic showing medically related definitions and how they are defined to be separated out of residential care facilities (yes, no, or proposed).

Various Use Amendments:

Mr. Throop began by explaining a proposal to remove *Churches* as a use permitted by Special Exception in all Districts. He then reviewed the additions and strike outs of permitted uses by Zoning District, in which most changes were attributed to the insertion of the new medical related definitions.

Other housekeeping amendments included clarification of the impervious surface standards in the Groundwater Protection Overlay Zone (establishing that a lot's impervious surface cannot exceed 20% unless a greater amount can and is effectively infiltrated on the site); and Sexually Oriented Businesses (clarification of where this use is allowed).

Various Special Exception Uses and Criteria:

Mr. Throop reviewed changes to uses allowed by Special Exception and the Special Exception Criteria as set forth in Article VIII, 245-41 *Conditions for Appeals and Special Exceptions*. "There have been consistent issues for years and it needs to be cleared up" he said. Mr. Throop noted that Code Officer Tim Herlihy had researched and found that there had only been twenty-one (21) Special Exceptions in the past ten (10) years, adding that "many of those were for signs or related to non-conforming uses."

The Members reviewed the proposed changes that noted the Zoning Board of Adjustment (ZBA) will follow the Special Exception Criteria only and the criteria set forth in Article VIII, 245-41 shall not apply for *Certain Manufactured Housing; Enlargement, Change or Replacement of Nonconforming Use; Pollution and Disturbances; and Signs*.

Mr. Throop also noted that in reviewing *Maximum Height*, the ZBA will follow the Special Exception Criteria as well as the criteria set forth in Article VIII, 245-41. It was also noted that a solar mounted system, for a roof or building, extending above the highest point of the building's roof line by twelve (12) feet will require a Special Exception.

Following a brief discussion on whether or not Special Exceptions should be applied to elderly housing, the Members unanimously agreed to *not* pursue amending 245-43 *Special Exception for Elderly Housing* this year. Mr. Throop noted, "the criteria listed are not criteria, but rather required conditions."

Mr. Throop reviewed the existing language of 245-24.6. D. 2. *General Requirements*, in which he noted that multi-family workforce housing as defined by RSA 674:58 II is permitted in any district that permits multifamily housing

and the Rural District, but there may not be more than one such building permitted per lot in the Rural District. Mr. Throop also reviewed the existing language of 245-24.6. E. 1. *Conditional Use Permits*, regarding the prevention of diminution of surrounding property values; and F. 2. regarding the maintenance of affordable units so that they remain affordable for a specific period of time.

Mr. Ward asked about the definition of “affordable.” Ms. Vann replied, “it is housing with all combined living costs not to exceed 30% of the household’s gross income.” Mr. Carrara interjected, “it doesn’t exist in Peterborough.” Ms. Vann replied, “it doesn’t exist anywhere.”

In closing, Mr. Throop suggested the Board revisit the ordinance to see how to encourage workforce housing in town. Mr. Ward noted he’d happened upon 30-year old copies of the local papers, both of which addressed the school budget and workforce housing. “We have been doing this at least that long,” he said.

Other Business:

Ms. Vann noted an upcoming legislative bill that, if it passes, would require the state to contribute to the retirement fund, giving property tax payers some relief.

The meeting adjourned at 8:08 p.m.

Next Meeting:

February 11, 2019

Respectfully submitted,

Laura Norton
Administrative Assistant