

PLANNING BOARD

TOWN OF PETERBOPROUGH, NH

Minutes of January 29, 2018

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Rich Clark and Andrea Cadwell

Conservation Commission Members: Francie Von Mertens, Joann Carr, Dr. John Patterson, John Kerrick and Matt Lundsted

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.

Proposed Donation of Land: Off Granite Street, Parcel Number U018-054-000
Select Board request for comment from Conservation Commission and Planning Board.

As Mr. Throop projected a graphic of the parcel Chair Vann asked for a back story on the lot if one existed. Mr. Throop explained the town had received an offer of donation of the land through a local attorney's office. "The land is not usable from the land owner's perspective and thought it may be of value as conservation land" he said. He went on to say the Board of Selectmen have requested comments and recommendations about accepting it from both the Planning Board and the Conservation Commission.

Francie Von Mertens cited a similar offer just upstream from this property last year. "In that case the Board of Selectmen accepted it and sold it to an abutter" she said adding (with the potential of unintended consequences) "I don't know if we encourage that or not."

Ms. Von Mertens told the members they had just received the request and they had not yet acted on it. "We intend to get Swift (Corwin, Forester) down there to take a look and we typically write a letter but being volunteers, it takes us awhile" she concluded.

The members briefly discussed the value of the land (\$8200.00) and concluded the owner did not want pay taxes on undevelopable land. Chair Vann asked “is it reasonable to take it and offer it to a neighbor for sale?” Mr. Clark replied “I would not want to see it come off the tax roll, you say the lot is not buildable but there is really no such thing.”

The members agree to recommend acceptance and inquire if any of the abutters wishes to purchase it. Chair Vann asked “do I have a motion?”

A motion was made/seconded (Zeller/Clark) to make the recommendation to the Board of Selectmen to accept the parcel and inquire if any of the abutters wished to purchase it with all in favor.

“OK, so that is what we think” said Chair Vann. When Ms. Von Mertens asked if the members were interested in what the Conservation Commission thought Mr. Clark replied “the Board of Selectmen are asking for opinions, this is our opinion.” Ms. Carr interjected there may in fact be restrictions so that the lot is *not* buildable. Mr. Throop agreed noting much if not all of the lot was in the Shoreland Protection Zone and “some of it may be in Special Floor Hazard Areas, I am not sure.”

Dr. Patterson asked about the value of the land (\$8200.00). “Where did that come from?” he asked adding “and could there not be an increase in (the real estate for an interested abutter) taxes for a worthless increase to their land?” A brief discussion about the role of the Assessor’s office followed.

Former Code Officer Dario Carrara arrived and Chair Vann noted a vacancy on the (Planning) Board for an alternate. She asked the members if they wished to appoint him. All agreed he would bring a tremendous amount of knowledge to the table.

A motion was made/seconded (Zeller/Cadwell) to appoint Mr. Carrara as an Alternate to the Planning Board with all in favor.

A second motion was made/seconded (Zeller/Clark) to seat Mr. Carrara for the Workshop as an alternate with all in favor.

Planning Board Workshop - Proposed amendment to the Zoning Ordinance to replace existing Zoning District Regulations in Article I and II with a new Form Based Code and other proposed modifications.

Chair Vann explained the workshop was intended to allow for a joint discussion among the Conservation Commission Members and Planning Board members relating to the proposed amendment. She noted public input may be accepted at the

Planning Board Chair's discretion and at the conclusion of the discussion, the Planning Board may elect to vote to move the proposed amendment to Public Hearing.

Ms. Von Mertens began with a brief explanation of why the Conservation Commission had requested a joint meeting. She cited their experience with the Traditional Neighborhood Overlay Zone II (TNOZ II). "We came in late on the draft of that ordinance" she said adding "but we did end up having a joint meeting that was good." She noted their focus on the natural resources process and how it should be included early on in any process. Ms. Von Mertens also noted while she and others had attended several workshops regarding the proposed zoning ordinance "we did so as members of the public" so a formal Conservation Commission role had not had serious involvement. She went on to say a review of the Transect Districts had been confusing and felt the Conservation Commission could bring value and perspective to the ordinance, albeit late in the game.

Chair Vann thanked Ms. Von Mertens for her input and suggested they review the changes since the last discussion. "We are not really changing the rules" she said adding "most if this was already established in the old zoning. We just want to apply it more clearly and more fairly."

Chair Vann went on to review the changes since the last discussion included the Morison Sand Pit in the south being withdrawn from T4 Village. "It is not a candidate for development at this time and will be left in the Rural District" she said. Chair Vann also announced the withdrawal on any changes to the status of drive-thrus in town.

Ms. Von Mertens noted the map actually showed how widespread the concepts were with a broader application. "We are natural resources focused and think density on the high yield aquifers is a concern" she said adding "and the stormwater criteria in the amendment is our major concern." Chair Vann suggested they hear what is different and a brief discussion regarding the status of the Eneguess Field on Route 101 (a focus of conservation efforts in the past), height limitations of buildings (four stories and no greater than 60 feet.) "That would be the Granite Block, four stories, 100 by 100 and 60 feet tall" said Chair Vann. "People need visuals" interjected Ms. Von Mertens. Mr. Carrara noted the 60 foot height limit had a lot to do with the height and reach of the Fire Department apparatus.

Chair Vann went on to review the Transect Districts. "Very little is different" she said. This discussion included *mixed use* applications ("every commercial business has to come to site plan review" said Mr. Holt), *impervious lot* coverages (with Ms.

Carr noting “for groundwater this is a good step in the right direction but still insufficient”), *continued protection* from Overlay Districts, *home-based businesses* (by Right, Conditional Use Permit and Home Industry), *density* along the Contoocook and Nubanusit rivers and land owner’s *zoning rights*. Chair Vann explained “we tried to make sure parcels were kept the same and they kept the same rights they had prior to this change.” Citing the numerous discussions about the zoning amendment and how it could be amended if portions did not work out, Ms. Carr maintained that rights may be perceived by parcel owners “and you are not *able* to go back.” She went on to say she realized the rivers run through the community “but to encourage increased development along this area does not make good sense” adding “and there is no language for low impact development.” She acknowledged a change in zoning for growth and the creation of walkable neighborhoods “but walkable for whom? Some of these places are isolated and not walkable to the Downtown.”

Mr. Clark interjected “I am a builder” as he pointed out the infrastructure that was already intact. “We want to put density where there is already infrastructure.” Ms. Carr replied I agree with development of downtown but not at the expense of natural resources.” When Ms. Carr reiterated the need for low impact development language both Mr. Throop and Chair Vann noted that language could be found in the Site Plan Review Regulations (and) both noted the need to review the Site Plan Standards. “We are aware they need to be updated” said Mr. Throop adding “and assuming the zoning passes we’ll have it done before it goes into effect on July 1st.” Chair Vann added “it will be done through the public process and we’ll invite you early on in that process.” Mr. Kerrick replied “that is the critical piece.” Chair Vann replied “yes, it is.” Ms. Carr interjected “yes but there are waivers there” with Mr. Holt replying “there must be a finding to waive the requirements, and you can always get a variance for zoning.” “Not always” replied Ms. Carr. Chair Vann added “the fact is that it is challengeable so there must be a good reason to do it.”

Mr. Throop also noted the stormwater management standards were old and in need of review and updating. Chair Vann also noted the state standards with Ms. Carr replying “no, those are Best Management Practices.” Mr. Throop assured the members all stormwater designs for pending projects were reviewed by an independent consultant. “Even for a single family home?” asked Ms. Von Mertens with Mr. Throop replying “yes when slopes exceed 15%, typically at the time of subdivision.” Mr. Carrara noted the checklist (steep slope, setbacks, driveway etc.) used in the process as well.

Dr. Patterson asked about no parking in the *front* of the house. As Chair Vann confirmed there was only one building form in the ordinance that does not allow front-loaded garages (the Townhouse) she got up and drew a picture on the white

board. She told the group “the only reason it is not allowed is because existing building examples of townhouses with front-loaded garages are so ugly it will kill you.”

The members went on to review the existing water and sewer lines. Chair Vann noted “we cannot protect the Rural District but we can make it more desirable to develop where we have infrastructure.” Southfield Village was brought up by a member and a brief discussion about approved and vested plans followed.

In closing Ms. Von Mertens reiterated her concerns about density close to the rivers. Wetland and groundwater protection overlays were noted with Ms. Carr adding flood control and ice jams were not predictable. “Our Downtown is bordered by rivers and we should be mindful of planning around that by keeping in mind the 500 year storm, low impact development and design standards. Flooding is an element we need to plan for” she said.

As a point of interest before a motion to move the zoning ordinance amendment to public hearing Mr. Clark questioned the roof pitch (8:12 minimum and 14:12 maximum) in the Building Type Summary. After a very brief discussion Chair Vann reminded him the Board has the ability to waive those. “OK, I am good with that” replied Mr. Clark.

A motion was made/seconded (Zeller/Clark) to move this version of the draft zoning amendment to Public Hearing with all in favor.

Chair Vann noted that hearing was scheduled for February 19, 2018 at 6:30 p.m.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant