

PLANNING BOARD
Town of Peterborough, New Hampshire

Minutes of March 11, 2019

Members Present: Bob Holt, Ivy Vann, Alan Zeller, Joe Hanlon, 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 meeting to order at 6:30 p.m. and introduced the Members and Staff.

Minutes:

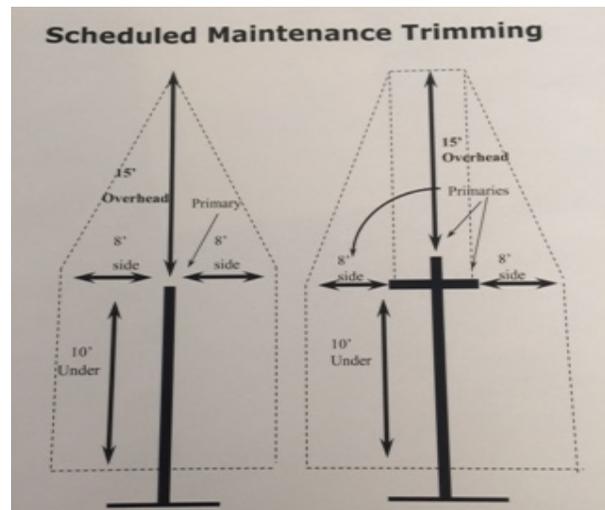
A motion was made/seconded (Vann/Zeller) to approve the Minutes of February 25, 2019 as written with all in favor.

Vice Chair Vann (Ms. Vann) began, “I make a motion to reverse items 4 and 5 on the agenda.” There was no discussion and all Members were in favor. Chair Holt read the first case:

Public Hearing: A Scenic Road Tree Trimming Application submitted by Eversource Energy for the trimming and removal of trees and brush adjacent to and beneath all power lines along the following scenic roads:

Carly Road, Cornish Road, Crosby Road, Four Winds Farm Road, Gulf Road,
Old Dublin Road, Old Greenfield Road, Old Jaffrey Road, Old Town Farm Road,
Powersbridge Road, Slab Road, and Windy Row.

Eversource specifications call for removal of brush and limbs less than four (4) inches in diameter which are located within eight (8) feet to the side of, ten (10) feet below, or fifteen (15) feet above conductors.



Larger trees or limbs which present a threat to Eversource lines because of decay or other defect will be removed on a case by case basis. All work will be performed in accordance with accepted arboricultural standards. All brush and limbs cut on roadside locations will be chipped.

Eversource has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. Eversource requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at that time.

Eversource will also be conducting a hazard tree assessment of trees that are rotted, diseased or otherwise defective. Once the assessment is complete, Eversource will request a second hearing for the Town's approval to remove identified trees over 15 inches in circumference.

Dane D'Arcangelo introduced himself as an Arborist with Eversource Energy. He distributed a graphic depicted above and explained how they intended to trim for routine and standard maintenance. "We will continue to do what we have been doing for the past 4 years to keep the sucker-growth in check," he said.

As Mr. Throop projected maps of the scenic roads depicting the anticipated trimming. Mr. D'Arcangelo noted, "if there is no map it encompasses the whole road." He also noted a tree hazard assessment, "but we won't be doing that this year, that will be done later."

Mr. Ward asked about abutter notification. Mr. Throop confirmed that the notice for the Public Hearing was published in the local newspaper two consecutive times as required by statute (RSA 231:157) and that Eversource or its designee would contact abutters on the trimming routes. Mr. D'Arcangelo added, "we send mailers and knock on doors ... there is a 45-day limit on the notification of trimming work and if we do not hear back (from the abutter) we assume approval." When asked about the authority of tree trimming Mr. D'Arcangelo cited RSA 231:158 II.

With no other questions from the Board Chair Holt opened the Public Hearing to the public.

Loretta Laurenitis introduced herself and asked about the hazardous tree assessment. Mr. D'Arcangelo told her Asplundh Tree would be doing the work and introduced Dave Bocci from ACRT, a national vegetation management service and contractor for Eversource. He noted they are currently looking for trees that are dead, severely rotted, have a major defect or may impact their "primary wires" (wires that impact a large amount of homes). He concluded by noting the hazardous tree assessment would most likely not be completed until after the tree trimming.

A motion was made/seconded (Vann/Zeller) to approve the trimming and removal of trees and brush adjacent to and beneath all power lines along the following scenic roads: Carly Road, Cornish Road, Crosby Road, Four Winds Farm Road, Gulf Road, Old Dublin Road, Old Greenfield Road, Old Jaffrey Road, Old Town Farm Road, Powersbridge Road, Slab Road, and Windy Row. The motion carried with all in favor.

Before moving on to the Citizen's Petitions Chair Holt reviewed the process. "We will hear the petition and public comments and concerns regarding the petition, from here it goes straight to the Ballot," he said.

Chair Holt read the first Petition:

Public Hearing: Zoning Amendment #14 Proposal by Citizen Petition: To rezone one parcel of land located at 10 Laurel Street, Parcel No. U018-087-000 from 245-6 "Family District" to 245-7 "General Residence District."

Mr. Hanlon asked about the purpose and the advantage of such a change. Ms. Vann replied "Beth, why don't you tell us."

Beth Alpaugh-Cote introduced herself and her husband Ray and gave a brief overview of a project she's like to pursue involving housing that is practical and affordable for both younger people and seniors. "If the lot I'd like to build on was in the General Residence District I could get up to six houses" she said, "I would have to bring the sewer line up (about 1,125 feet at a cost of \$70,000 to \$80,000)." Ms. Alpaugh-Cote went on to say, "they would be small 1- and 2- bedroom units similar to the Garden Apartments located on Cheney Avenue." She told the Board that the units would be condominiums (with rules), and would be net zero; pleasant, controlled, and maintained; and close and convenient to town center and the major employers like Monadnock Hospital and New Hampshire Ball Bearings.

Mr. Hanlon asked if she owned the lot with Ms. Alpaugh-Cote replying, "no, John Kaufhold owns the lot."

Mr. Hanlon asked Mr. Kaufhold "are you in favor of this?" Mr. Kaufhold replied, "yes I am in favor, I am not a developer, I am just willing to sell it (the lot). It is up to you (the Planning Board) and the Town to see if you can make it work."

Hope Taylor introduced herself and noted her support for this project.

Sharon Monahan introduced herself and asked about the living units. Ms. Alpaugh-Cote pointed out the Garden Apartments (which are actually condominiums) on Cheney Avenue and noted, "this is similar, the same idea in the footprint with one- and two-bedroom units." Ms. Monahan asked, "so multiple housing pattern?" Ms. Alpaugh-Cote replied, "yes."

Francie Von Mertens introduced herself and asked how the neighbors are noticed in the case of a citizen's petition article. Mr. Throop explained all abutters were notified via first class mail, "which is required when under 100 people are effected." "Thank you," replied Ms. Von Mertens.

Libby Reinhardt introduced herself and asked, "are the units affordable and how do you define affordable?" Ms. Alpaugh-Cote explained her plan for purchasing the lot and extending municipal sewer as well as her intent for net zero units, "avoiding huge utility bills and [maintaining] affordability in the future." She also noted the potential of building the project on a Land Trust. Ms. Reinhardt asked about prices. Ms. Alpaugh-Cote replied, "in the ballpark of \$150,000. This is a step in the right direction."

Nanci Ohnesorge introduced herself and asked, "how many units?" Ms. Alpaugh-Cote replied, "6 units." Ms. Ohnesorge asked, "so a boarding house?" "No," replied Ms. Alpaugh-Cote as she went on to reiterate her plan for small, affordable, sustainable, individual living units.

Mr. Galus asked for an explanation of the major differences in the neighborhood if the rezoning occurred. Ms. Vann noted that the major difference was the dimensional requirements between the two districts. "In the Family District, if you get a Conditional Use Permit under TNOZ I, the lot size is 10,000 square feet. If you were in the General Residence District, the minimum lot size is 5,000 square feet." She went on to say, "so this allows a limit of 3 units [in the Family District] to 5 or 6 units [in the General Residence District] and makes it possible to pencil."

Loretta Laurenitis introduced herself and asked about any responses from abutters.

Clark Ohnesorge introduced himself and told the Members he had a list of abutters that were opposed to the petition. He cited a narrow street, the congestion of more housing, invasion of light and noise pollution, potential affects to the property values, and a "change to the nature of the Family zone."

David Despres introduced himself. "I am not an abutter, I live on Scott Street," he said. Mr. Despres also noted his concern with traffic "overwhelming a road system not adequate for the present level of traffic." He also noted the potential impacts to property values, telling the Board, "the makeup and impact of one neighborhood impacts the other neighborhoods as well." He questioned the setting of a precedent.

Placing his hands in a time-out gesture, Mr. Ward told the audience, "this petition *goes before and is up to* the town voters, not us." Ms. Laurenitis interjected, "but you [the Panning Board] vote to support it or not." Mr. Throop confirmed that was true, "but either way the petition goes to Town Meeting for a vote."

Ray Cote introduced himself and noted, “we hear about infill all the time. This is infill. There will be small houses, one and two-bedrooms, for young people to start out and senior people to retire in town. We need a balance of people in town and we need affordable housing.”

Sam Blair introduced himself as an abutter (times two). “I don’t like change, it is scary,” he said, “but I support this proposal. We talk about how important it is to have affordable housing and if I am not willing to have something in my backyard it makes me a hypocrite.” Mr. Blair went on to say, “and let’s face it, 10 Laurel Street is *not* a botanical garden. Change may be a good thing.”

Mr. Zeller asked about the square footage of the lot. Mr. Kaufhold replied, “about 40,000 sq ft.” An unidentified individual from the audience said, “1.4 acres.”

Mr. Carrara asked, “does the Planning Board vote to support or not support the petition affect anything?” It was noted that the sense of the Board, supportive or not, was stated below the petition on the ballot.

Mr. Galus urged caution when making a decision. “Consider zoning versus use,” he said, “if the district is changed, regardless of what happens to a project, the district *remains* changed.”

Ms. Monahan noted the neighborhood had town water with septic systems. “How will the extension of the sewer line impact abutters? Will they be forced to connect?” she asked. Mr. Throop explained the town code would require users to connect to the extended line if they were within 100 feet of the line. Residents may request a waiver from the Select Board if their septic system was in good working order. It was noted that as a septic system eventually fails, the homeowners would be required to tie into the extended line. “The extended line will provide a connection stub for each residence as they build out the line” said Mr. Throop.

A brief discussion about Laurel Street and its density in proportion to the size of the street, additional traffic and safety issues followed.

Andrew Dunbar introduced himself and asked about affordability, adding, “I’d like to hear about it but not from Ivy.” Chair Holt said, “Ms. Vann is an expert in these zoning issues, and I am disgusted that you would dismiss her expertise. This is a petition hearing. The affordability of the project is not under discussion right now.”

Mr. Ohnesorge asked about the abutter notification timeline. Mr. Throop reiterated the notifications were posted and sent according to state statute.

A motion was made/seconded (Galus/Carrara) *not* to take a position in favor or against this petition with all in favor but Mr. Zeller.

Public Hearing: Zoning Amendment #15 Proposal by Citizen Petition:

To repeal 245-15.4 “Traditional Neighborhood Overlay Zone II” in its entirety and delete any reference to it appearing throughout the zoning ordinance.

(and)

To amend 245-15.3 “Traditional Neighborhood Overlay Zone I”, Paragraphs E-3 and E-4 by deleting the words shown in ~~strikeout~~ and adding the words in *italic/underline* to read as follows:

Lot and Yard Standards: The following minimum lot and yard standards apply to subdivisions or the addition of dwelling units that do not involve subdivision. If a subdivision is proposed, each lot must meet these minimum standards. If no subdivision is proposed, the existing lot must meet these minimum standards before any additional dwelling units could be approved. —

	<u>Family District</u>	<u>General Residence District</u>	
a. Frontage:	75 feet	50 feet	75 ft
b. Lot Size:			
i. Single Family:	10,000 sq. ft	5,000 sq. ft	7,500 sq. ft
ii. Two-Family:	10,000 sq. ft	7,500 sq. ft	7,500 sq. ft
iii. Multi-Family:	NA	5,000 sq. ft plus	
		2,500 sq. ft	6,000 sq. ft
		—for each unit—	for each unit—

Setback Requirements: The front building setbacks shall be determined by taking the average of existing developed residential lots located on either side of the project parcel, on the same side of the street, based on the most recent Town mapping, as measured along the adjacent street frontage from the lot proposed for development. In no instance shall the front setback be less than ~~fifteen (15) feet~~ **twenty (20) feet** nor greater than fifty (50) feet. Minimum side and rear setback requirements shall not be less than ~~ten (10) feet~~ **twenty (20) feet** and may be greater if the Planning Board finds that unusual characteristics exist, and a greater setback would be more in keeping with the character of the neighborhood and streetscape.

Colleen Stone introduced herself and noted she was the representative for the Citizen’s Petition Amendment to repeal the Traditional Neighborhood Overlay Zone II (TNOZ II) and amend the Traditional Neighborhood Overlay Zone I (TNOZ I). “Both of which allow for substantial increased density in all of our neighborhoods,” she said.

Ms. Stone told the audience, TNOZ II allows commercial uses in residential areas as well as rural areas that have sewer and water connection capability. She went on to say the Petition “is to repeal TNOZ II in its entirety,” and proceeded with several bullet points of concern:

*Allowing 5000 sq ft lots with 50-foot frontages, front setbacks of 2 to 20 feet and side and rear setbacks as narrow as 5 feet. After reading current Dimensional Requirements for the Family and Rural Districts, she told the Board, “this is a drastic taking of space, air, and light that will greatly alter the character of our residential neighborhoods.”

*Allowing accessory commercial uses and buildings as well as multi-family housing of up to 10 units. “That is not currently permitted in the Family and Rural Districts” she said, “but the TNOZ II overrides this.” Ms. Stone also noted repeated requests for a map of the neighborhoods (lots) included in the TNOZ II, “but we never saw one.”

*Allowing TNOZ II to be applied to residential neighborhoods not currently on municipal water and sewer by simply having a developer pay to extend the municipal lines to those neighborhoods with the *only* approval needed from the Director of the Department of Public Works.

“There has to be another way,” said Ms. Stone. “Rezoning an entire neighborhood on the approval of the DPW Director? Without neighborhood consultation and input and without a vote by the Town? This is *unlike* any other zoning change, including the [Laurel Street] petition we just heard.”

Ms. Stone continued with an explanation of the amendment of TNOZ I, “as it applies to the General Residence District.”

*Allowing zoning that is not allowed in the General Residential District. “We have multi-family buildings in the General Residence District but not with 16 units per acre” she said, “units should be reduced to 7 units per acre, much like Governor Square.”

Ms. Stone told the audience, “I have lived my entire life of 57 years here, I have seen changes.” She cited Elm Street in Milford with gateways very similar to Peterborough with homes along streets like Grove and Concord Streets. “It has changed over time. Multi-family homes and commercial business line the road. The historic houses are no longer there.”

Ms. Stone concluded by asking the Board to support their petition. “It is an opportunity to clear the slate. Clear the slate, have a conversation with the

townspeople, and define what is appropriate zoning to protect the future of our town from the threat of runaway development.”

As Ms. Monahan distributed a comparison chart of residential zoning with sewer and water for the towns of Milford and Peterborough as well as the City of Keene, she pointed out that Peterborough was denser than the other two, “even Manchester!” she said, “and that does not make sense.”

Noting the charm and character of the town, Ms. Monahan told the audience, “we have been lucky. The Vine Street and Divine Mercy [Church Street] projects have created very expansive and expensive housing that has attracted out-of-staters. But we need to take into account *why* people want to live here, what is attracting them to live *here* and commute to their jobs. “If people want to move to the city, they would move to the city” she said, “we need to get real and think about *that*.”

Ms. Monahan went on to review some additional research she’d done on potential development with TNOZ II and what she believed to be inappropriate development for Peterborough. She noted several large undeveloped tracts of land that can be developed if water and sewer could be extended and the DPW agreed to it. “With TNOZ II we are under threat” she said.

Ms. Laurenitis agree noting the minimum lot size in the Rural District is 3 acres. “This could be reduced to 1/8 acre lots allowing 24 units,” she said. Ms. Laurenitis went on to say TNOZ II criteria is meant to discourage development in the rural areas of town “but that criteria is contradicted by the Overlay allowing extensive urbanization of the same (and) without any neighborhood engagement which is contrary to what the voters had asked for.” Ms. Laurenitis also asked for clarification on the requirement be located 20 feet back from the front of the house. “That seems arbitrary” she said, “it is not natural and organic when regulations like these are set. Telling people they must park in the back is defining development.”

Agreeing with Ms. Stone, Ms. Laurenitis noted that repeated requests for a map with defined boundaries of the Overlay (including a list of properties) went unanswered. She said that identifying specific locations for the Overlay was difficult because the water and sewer lines are not fixed and may have extensions. “If they are not well defined, how can this be a requirement?” she asked.

Ms. Laurenitis told the Board she had reviewed prior Planning Board Meeting Minutes on the TNOZ II. She summarized: TNOZ allows for higher and denser development on the fringes and outer edges of the town’s larger parcels (but) was limited to the existing infrastructure thus limiting any extension into the Rural District. “That is not what happened,” she stated.

Ms. Laurenitis went on to say the TNOZ II criteria included the creation of affordable housing. She referenced earlier meeting and workshop minutes where the housing price goals at that time were \$200,000 or less. Citing publicized sale prices of homes in two developments recently completed with the TNOZ II Ordinance (Vine Street and Church Street, ranging from \$284,000 to \$445,000) she noted, “that did not happen either. We were told if we found the Overlay was not working, it can be repealed or amended at Town Meeting.”

In an attempt to hear all concerned citizens, Chair Holt asked Ms. Laurenitis to allow others to ask questions. “We will get back to you, I promise,” he said.

Mr. Despres stood again and cautioned against the slippery slope that seemed evident to him. “We need to be careful about opening Peterborough up to this form of development,” he said. “We appreciate your time and if reconsideration takes time, so be it. Let’s not put ourselves in a position to ruin our product because we will *all* suffer from it. I am strongly in favor of this repeal. We need to get back to something that is more sane.”

Ms. Reinhardt agreed and added “we appreciate all the work spent but we need to repeal TNOZ II and take this next year reaching out to the neighborhoods. Clear the slate, start from where we are without TNOZ II and go forward as a team.”

Hugh Byer introduced himself and with a smile disclosed he was married to a member of the Board. Mr. Byer noted the scope of changes in the petition and the lack of a public review process. “So, the petition wants to replace a zoning ordinance that has been in the ordinance for years” he said. Someone from the audience interjected, “about two years.” Mr. Byer went on to say, “TNOZ I has been around since 2014 and TNOZ II since 2017. I am talking about both. The zoning ordinance allows housing people want to move in to. It is a good thing.”

Mr. Byer went on to say, “people want to move to a place that is close to town with a vibrant community and neighbors they can talk to, not on to 5-acre lots.” He told a brief story of when he moved into a small town in New Hampshire 20 years ago (Amherst, NH) “no one could build in the town center (and) we are seeing the same thing here.” Mr. Byer cautioned the Board and audience “backing out without thinking about it carefully is a problem.” He concluded by noting, “people have the right to know what they can do with their property and without trying to get *all New Hampshire* on you I agree with that. When you look at the arbitrariness of zoning you see there is nothing here that is arbitrary. What we need is extensive discussions in planning a community on livability of neighborhoods together with experience and knowledge in mind regarding zoning.”

Ms. Von Mertens interjected, “this is a complicated and human process, but I have a level of discomfort to approve density quite similar to TNOZ II’s density.”

Mr. Cote agreed with Mr. Byer noting the current zoning had gone through extensive public hearings and workshop prior to being adopted by the Town and suggested a similar due process for a repeal.

Andy Dunbar introduced himself and asked for clarification on the adoption of the two Traditional Neighborhood Overlays. “Mr. Byer said they have been in use for years, how long is that?” He then noted he would like to hear from someone “besides Ivy.” Chair Holt replied, “Ms. Vann is experienced and distinguished in this field and I am disgusted that you would not rely on her expertise here.” Mr. Throop told the group “the Overlays have been in discussion a very long time.” He gave a brief history of the creation and adoption of TNOZ I (2014) and TNOZ II (2017). Mr. Dunbar replied that relative to the amount of time we have had zoning in this town (since the early 1970s). “That is not a very long time,” he said.

Ms. Taylor was concerned about the ramification of a repeal and asked, “would we go back to the underlying zoning?” Mr. Throop replied, “yes, the TNOZ II is an Overlay Zone to the underlying zoning.”

Ms. Reinhardt noted she was in support of repealing the TNOZ II and tweaking the TNOZ I so that it is less expansive. “TNOZ II is fairly new and the basis of the zoning simplification amendment that was refused by the Town last year. We need to repeal it, take a deep breath and start new discussion,” she said.

“OK,” said Chair Holt. “Loretta, I promised I would get back to you.”

Ms. Laurenitis began with a suggestion of working with larger employers in the area (for instance Monadnock Community Hospital, Rivermead and New Hampshire Ball Bearings) about affordable staff housing on their campuses.

She noted the Master Plan Steering Committee was working on an update of the Housing Chapter “and since the TNOZ II was proposed and adopted without that being done now is a good time to repeal TNOZ II and amend TNOZ I,” she said. She reiterated the Planning Board’s assurance that if the ordinance was not working it could be rescinded. “You said we could take it away,” she said.

Ms. Laurenitis cited Ms. Monahan’s research on density and in agreement with her noted many New Hampshire cities were less dense than Peterborough “with none of them having a minimum front setback of 2 feet or side/rear setback of 5 feet. None of them. We are going beyond what cities do” she said.

Lastly, Ms. Laurenitis addressed the potential for non-residential accessory uses and the potential for the intense commercialization that could arise.

Ms. Vann took a moment and noted it has been 5 years since the adoption of TNOZ I and 2 years since TNOZ II. “65 housing units built and 20 more in the pipeline” she said adding “that represents about 200 acres of rural area not being developed.” She told the audience “the West Peterborough District is less restrictive than this Overlay Zone and I haven’t seen the explosion people seem to think is coming.” She concluded by noting “if the town does not encourage development where the infrastructure already exists, development moves out to the rural areas without social, emotional or philosophical sustainability for the town of Peterborough. That is all I have to say.”

Mr. Carrara looked to the audience and said “this is difficult for me. I have a house, but I cannot afford it and I am moving into an apartment.” He asked, “when was the last time any of you looked for housing?” Huh? Tell me. Where are the people like me going to live? Where am I going to live? I was born in the hospital here, this is just as much my town as anyone else’s. I have a 9-year old who cries because we can’t have the two cats in a rental. I ask everyone who is afraid of this density, where am I supposed to live? What am I supposed to do?”

“Are we ready for a motion?” asked Ms. Vann. “I am *so* ready for a motion” replied Mr. Carrara.

A motion was made/seconded (Vann/Zeller) to take a position of not being in support of this petition with all in favor but Mr. Ward who abstained.

Before proceeding Ms. Vann told the audience, “when talking about the first petition article my unwillingness to support it had nothing to do with the density and all to do with where it lay in the neighborhood and being separated from General Residence by 2 or 3 parcels. I want to make that clear” she said.

Public Hearings:

Proposed Zoning Amendment #11: To amend Section 245-32 “Off Street Parking” to eliminate detailed criteria that must be met before the Planning Board can reduce the number of required parking spaces for a proposed use during Site Plan Review, and to allow tandem parking to meet parking requirements for new residential development under certain conditions.

Mr. Hanlon once again said he was uncomfortable with this amendment. Ms. Vann replied, “we have done a poor job of explaining what we are doing and how we count the parking places. We are not changing the rules of parking, this just explains officially how we are counting the parking spaces.”

With Mr. Hanlon content with that answer (“OK, you won me over again” he’d said) and no other questions from the Board Chair Holt opened the Public Hearing to the audience.

Ms. Monahan asked, “this is for new development and not commercial right?” Ms. Vann replied, “it does have to do with commercial” and reiterated the amendment is an attempt to “make it clear how we count the parking. We allow tandem parking but have not exclusively said so (so) now we are to reduce the amount of impervious cover.” A brief discussion about tandem parking, garage setbacks from the front of the dwelling and codifying where the two parking spaces are designated followed with Ms. Vann concluding, “this has turned up in our design standard over and over again.”

A motion was made/seconded (Vann/Galus) to move the proposed zoning amendment to ballot with all in favor.

Proposed Zoning Amendment #12: To amend 245-41 “Conditions for Appeals and Criteria for Special Exceptions” by deleting “Conditions for Appeals” from the title of the section; delete and replace all existing criteria with new, general criteria and clarifying that the general criteria will only apply when specific Special Exception criteria is not provided elsewhere in the ordinance.

Mr. Throop noted the amendment’s purpose is to provide clarification and simplicity in the application of the general Special Exception criteria. He gave a brief overview of the amendment noting the Board had engaged the Zoning Board of Adjustment for their comments and concerns.

Mr. Dunbar noted the amendment stated, “the proposed use and site design will not adversely affect abutting properties” and asked, “how do you qualify or define adversely affect abutting property owners?” Mr. Throop replied, “it is a judgement call the ZBA will make. This is not intended to be as arduous as a Variance.” He went on to say, “a use may be permitted but depending on the scope of that use it may need special attention.” Mr. Throop also noted the amendment was similar to language used by other towns and that the Town Attorney had reviewed it and had no issues with it.

Ms. Laurenitis briefly reviewed a model used by the City of Lebanon noting “they apply the general criteria even if special criteria exists. I like what the city does, I prefer it that way,” she said. She also noted concerns about traffic and access issue being considered with Mr. Throop, noting, “those are all considered in Site Plan Review.” “That is what I don’t like about this,” replied Ms. Laurenitis.

Ms. Monahan briefly review her suggestion of using the condensed (6) criteria, use the special criteria if indicated and adjust the punctuation in the amendment to

conform the action. A brief discussion about the research done on Special Exceptions by the Code Officer, review and input from the Town Attorney and seeing the ZBA getting involved with Site Plan Review as a conflict followed.

With no other discussion Chair Holt asked if the Board was ready for a motion. Mr. Carrara said, "I am a member of this Board, but I am also a member of the ZBA, so I am recusing myself." Ms. Steinberg Heller was appointed to sit for Mr. Carrara.

A motion was made/seconded (Vann/Zeller) to move the proposed zoning amendment to ballot with all in favor.

Other Business:

Review Reversal of Involuntary Merger: Mr. Throop told the Members they were formalizing a process regarding a reversal of involuntary mergers "and I just wanted to make you aware" he said adding "under state statute you can separate them through an administrative process." He noted the town had seen several requests in the past month. He concluded "there is no action necessary on your end."

Senate Bill 152 Regarding Third Party Inspections: Ms. Vann told the Members this was an act relative to third-party inspections conducted pursuant to Planning Board approval. "Essentially it says that if the Planning Board requires a third-party inspection during a construction process, they will develop a scope for the project inspection and solicit proposals from 3 or more qualified firms (and) select the lowest bidder that meets the requirements outlined in the request for proposal.

Mr. Galus interjected "that could delay things immensely" and asked, "can we take a position on this?"

A brief discussion followed with the Members unanimously agreeing to write a letter of opposition to the Bill. "That is the best thing to do unless everyone is dying to go testify against it" said Mr. Carrara. Ms. Vann told the Members, "as a Member of the Legislature letters of support or nonsupport do mean something to us." She then volunteered to draft the letter.

Ms. Van also updated the Members on Senate Bill 561 which would enable language to allow a town to prohibit formula retail (more formally referred to as Chain Stores). "It died in Committee" she said.

The meeting adjourned at 8:50 p.m.

Next Meeting: April 1, 2019

Respectfully submitted,

Laura Norton

Administrative Assistant