

PLANNING BOARD
Town of Peterborough, New Hampshire

Minutes of April 8, 2019

Members Present: Ivy Vann, Alan Zeller, Sarah Steinberg Heller, Tyler Ward, Jerry Galus, and Joe Hanlon

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

With the absence of Chair Holt, Vice Chair Vann (Ms. Vann) called the Workshop to order at 6:30 p.m. noting its purpose was to provide a public informational session to review and answer questions about the proposed 2019 Zoning Amendments that will appear on the ballot on voting day (May 14, 2019 at the Peterborough Community Center on Elm Street). “We are only taking questions directed to Mr. Throop without commentary as *that* time has passed” she said adding “we just want you to know when you get there what you are being asked to vote on.” Ms. Vann concluded by noting “we have 13 zoning amendments and 2 citizen’s petitions.”

Mr. Throop told the audience he had prepared a PowerPoint presentation detailing *what* is being proposed, *why* it is being proposed and *how* it is different for the original ordinance. As a handout of the zoning amendments was distributed, he noted “italics indicate new language, strike-throughs represent language that has been eliminated and the gray box at the top gives a brief purpose statement for the change.” Mr. Throop concluded by noting “zoning was first adopted in 1970 and as the Town and statutes, evolve the ordinances need to evolve as well. Many of the amendments involve definition tweaks, there are a lot of housekeeping items” adding “I’ll walk you through the slides, if you have any questions, speak up but please refrain from opinions or advocacy for or against.”

Planning Board Zoning Amendments:

Amendments 1-4: Mr. Throop began with the amendment to 245-4 *Definitions* by reviewing the addition, modification, and deletion of specific language and qualifications of use of several definitions. He noted the additions were for greater clarity in the ordinance, while the modifications were for greater specificity. Throughout the discussion on the definitions in the amendments Mr. Throop noted

what they had really done was “put *like* uses in *like* buckets to get the definitions to align.” A question was asked to clarify the Bed & Breakfast amendment.

Amendment #5: “This amendment allows clinics that provide outpatient treatment for substance abuse as a permitted use in the Monadnock Community Health Care District” said Mr. Throop.

Amendment #6: “This amendment eliminates the requirement to obtain a Special Exception for siting a church in the General Residence and Rural Districts” said Mr. Throop adding “this is to assure compliance with federal law.”

Amendment #7: “This amendment will eliminate the need for a Special Exception for siting commercial establishments that are limited in scope and intended to serve the needs of the residents in the retirement community district and eliminates criteria that cannot be objectively measured” said Mr. Throop citing the Rivermead Campuses as a perfect example.

Amendment #8: “This amendment will separate an existing paragraph in the groundwater ordinance into two paragraphs for greater clarity. One paragraph relates to a sewer connection requirement pertaining to all *new* residential development and the other paragraph relates to impervious service requirements for all new development” said Mr. Throop adding “the amendment clarifies what applies to what.” A question arose about the requirement to hook up to town water and/or sewer if those lines became extended and available in a neighborhood. Mr. Throop suggested citizens review the Town Code on this (Chapter 161 *Municipal Sewer Systems*) and referenced the ability of a land owner to request a waiver from the Select Board from the connection requirements of the code.

Ms. Vann noted she had spoken with the Town Administrator “about this very issue and Peter is correct” adding “it is when their current septic system fails the resident would be required to connect to the municipal system. This amendment is a clarification, there are no changes to the standards.” Mr. Throop added “I want to make it clear that all new residential development must connect to the municipal lines in accordance with the Town Code.”

Amendment #9: “This amendment will improve the protection of the Wetland Protection Overlay Zone” said Mr. Throop noting the ordinance changes the exemption for sedimentation/detention basins to *pre-existing* sediment/detention basins as well as allowing stormwater management and utility systems to be installed and maintained subject to a Conditional Use Permit. Ms. Vann interjected

“points b. and c. of the amendment came directly from the Conservation Commission.”

Amendment #10: “This amends the workforce housing section of the zoning ordinance which I am not sure has ever been used” said Mr. Throop. He went on to say, “it clarifies that multi-family workforce housing is permitted in any district that permits multi-family housing and adds language that multi-family units must remain affordable for a stipulated period of time, in this case 25 years per the Planning Board, as is required by the Statute.”

Amendment #11: “This amends off-street parking to eliminate detailed criteria giving the Planning Board increased flexibility in reducing the number of parking spaces proposed during a site plan review” said Mr. Throop. “It includes allowing tandem parking and portions of the driveway in front of a carport or garage to meet the minimum parking requirements” added Ms. Vann. Mr. Throop noted the Planning Board will work with the applicant to provide sufficient parking given the particular scope and scale of the use, affording flexibility to adequately meet the applicant’s needs.

Amendment #12: “This amends the conditions and criteria for Special Exceptions by deleting conditions for appeals from the section as well as deleting and replacing all existing criteria with new, general criteria” said Mr. Throop. He added “this amendment simplifies the existing criteria, which has forced the ZBA to move out of its jurisdiction and into Planning Board Site Plan Review in the past. He further clarified that those special exception uses with specific criteria provided, no longer need to be evaluated for the general criteria.”

Amendment #13: “This amends the “duration of approval” of a Special Exception or Variance with language that is consistent with state statute. It does *not* modify the existing two-year duration of approval” said Mr. Throop.

Citizens’ Petitions:

Re-Zone: Mr. Throop gave a very brief review of what a citizen’s petition was and he told the audience that “the language that is submitted is what is voted on.” He went on to note that in the past, petition language has been submitted that was difficult to interpret or made the intent of the amendment unclear “but the two were received this year are pretty straight forward and clear” he said.

Mr. Throop read the first petition to re-zone a parcel on Laurel Street from the Family District to the General Residence District. He pointed out the lot on a map provided in the handout at the beginning of the workshop and told the audience

“the Planning Board voted to support this petition.” Even with its current wording?” asked someone from the audience. Mr. Throop replied ““yes.” He went on to review the dimensional requirement changes between the two Districts confirming “it will allow more density”.

Repeal: Mr. Throop read the second petition to repeal the Traditional Neighborhood Overlay Zone II (TNOZ II) and amend the Traditional Neighborhood Overlay Zone I (TNOZ I) concluding “the Planning Board voted not to support this petition.”

A brief discussion about the merits of TNOZ I followed by some hypothetical questions and “what ifs” with a particular attention to the *minimum requirements* of water & sewer stating that lots must either be already served by town water and sewer or are able to connect. It was noted that a particular lot could *not* connect to the town sewer system without *extending* the line. As a discussion of the phrases “already served and able to connect” commenced Ms. Laurenitis interjected “if that is true Laurel Street cannot extend the municipal service and TNOZ I cannot be used.”

Mr. Throop replied he would have to review the proposal and the ordinance, and that he was not prepared to discuss a specific project as this session. “We are here to discuss the proposed amendments and petitions and that is what I am prepared to speak to” he said.

Ms. Monahan interjected she had a handout of what neighborhoods may expect if the Overlays were not repealed (TNOZ II) and amended (TNOZ I). Mr. Throop reiterated this was a public information session with no space for advocacy of the repeal and rezoning of the TNOZ Overlays.

Ms. Heller interjected “Sharon if you have a question just ask it” adding “this is not up for public discussion and why the repeal should be supported.” Citing the handout Ms. Monahan had brought Ms. Heller noted she was free to hand that out in the lobby, *not* in the meeting room. Mr. Throop agreed noting “this is a public information session, not a place for advocacy and out of respect for everyone in the room I’d like to keep it that way.”

When asked about the sense of the Board to not support the petition Mr. Throop replied “in their defense the Planning Board wrote these ordinances” with Ms. Vann adding “and we would be sorry to see them eliminated. We feel we have delivered a good thing to the town and would hate to see them disappear.”

When Ms. Reinhardt asked if the citizen’s petition to repeal TNOZ II passed would the Planning Board spend the next year developing a different ordinance to bring to

the 2020 Town Meeting with Ms. Vann replying “I don’t know what the Planning Board as a whole will do but if the TNOZ II is repealed that will be the second defeat of a zoning code in two years (which) sends a message that the town is not interested. I am not sure we have anything left, I don’t know if we have that (effort) left. We may just leave it.” From the audience Ms. Reinhardt interjected “but isn’t there a compromise?” Mr. Throop noted updates to the Master Plan Chapters (Vision Statement in 2015, and the Housing Chapter which is currently being worked on as well as other sections as deemed necessary by the Master Plan Steering Committee) and noted a desire to reach out to the community through neighborhood meetings, to gather people to talk about what we have learned, what the needs of the town are, and what might work in their neighborhoods. “We hope for good dialogue to incorporate into the Master Plan while creating a basis to consider additional amendments” he said. When asked about a time frame Mr. Throop replied, “we are planning to work on outreach over the summer for input on zoning in the fall.” Ms. Vann reiterated her concern that if the town does not seem to be interested in the things they claim they want and the ordinance is repealed “we may just leave it.” Mr. Zeller agreed noting “we are running out of steam.”

The Workshop adjourned at 8:05 p.m.

Next Meeting: May 20, 2019

Respectfully submitted,

Laura Norton
Administrative Assistant