

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of April 11, 2016

Members Present: Chair Ivy Vann, Alan Zeller, Ed Juengst, Rich Clark, Bob Holt, Jerry Galus and Matt Waitkins

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

Chair Vann called the public hearing to order at 6:30 p.m. noting “this is the regularly scheduled meeting of the Planning Board” noting “we have nothing for the public tonight but loads for us to discuss.”

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of March 14, 2016 with all in favor. A motion was made/seconded (Zeller/Clark) to approve the Minutes of March 21, 2016 with all in favor.

Proposed Amendments to Planning Board Subdivision Regulations:

Chair Vann noted the purpose of the meeting was to go through the Planning Board Regulations and discuss proposed amendments “to tidy them up, close loopholes and make them clear so they line up with the things we have on the ballot.” She reminded the members as they go through the regulations that “they belong to us, they are not voted on at Town Meeting but we do have to have a public hearing before the Planning Board votes to change them.”

Mr. Throop began by suggesting the members go through each article noting the bolded italic language represents additions or changes in the regulation and the strikethrough represents deletions, adding “this is not a comprehensive rewrite, I have just addressed a couple of sections” he said.

Article II Definitions

Mr. Throop noted “Some of these are the same language changes proposed to the zoning ordinance on the May 10 ballot. Our goal here is to ensure consistency between the Zoning Ordinance and the regulations”

Article III *Subdivision Review Procedures*

Mr. Throop began by saying “there are a handful of things that have been on my mind since I got here” adding “one is to revise the language around the preliminary conceptual consultation. The Board has talked about the value of having an applicant for subdivision come to the Board for advice at an early stage. This proposed change this is really codifying what you want to do.” He reviewed the proposal that included (basic concepts of the project, zoning district, Master Plan goals, natural characteristics and features of the site with a map and survey or sketch of some basic design of the project).

Chair Vann added “and the word *inspection* has been changed to *visit*. Inspection is an unfortunate word. It is not an inspection, we just want to look.” She also noted Preliminary Conceptual Consultations would be required for major subdivisions (which used to be defined as ten lots or more, now four lots or more or one that involves a road). Mr. Throop interjected “this helps address comments you raised when you discussed the Open Space Residential Development (OSRD) section of the ordinance.”

Mr. Throop reviewed the notification process for preliminary conceptual consideration (posting in local newspaper and notifying to all abutters via first class mail at the applicant’s expense.) Chair Vann added “I think one place the abutter gets unhappy with a proposal for development is when they perceive the developer has gotten their first inning in with the Planning Board. With notification the hope is they will not feel they started off at a disadvantage.” Mr. Throop added “Design Review and Public Hearings will continue to have the notification process by certified mail at the applicant’s expense.”

Article VI *Subdivision Design Standards*

Lots: Chair Vann noted “this has to do with clarifying that the minimum width is the same as the minimum frontage required for the district and the requirement of being able to place a square box whose sides are equal to the minimum lot width to avoid the creation of long skinny tails to make the acreage requirements.” Mr. Clark noted irregular lots with constraints (wetlands, steep slope) may be responsible for the weird appendages. “This is where the regulation comes in” noted Chair Vann. Mr. Clark replied “so you we are trying to make squares.” Chair Vann reiterated the subdivision regulations belonged to the Planning Board and reminded the members of their authority to waive requirements as they saw fit. As she went to the white board to explain here response Chair Vann told the members “this is about lot width. Period, end of story. Nowhere in the ordinance does it specify what the minimum lot width is so we are declaring it is the frontage.” Mr.

Throop reiterated the attempt to codify the language as it is already being interpreted. “this is not a new standard” he said adding “the language is already there it is just not clear.”

Mr. Holt noted that the way he read the ordinance “it does not solve the issue.” He noted the ordinance reads “within all newly-created lots it must be possible to place a square box whose sides are equal to the minimum lot width for the district.” He also went to the white board and pointed out (as he drew a square at the edge of the boundary line of a lot) “it cannot be done here.” A brief discussion followed with Chair Vann suggesting approaching the problem from another angle. “Is another way to prevent the creation of extremely narrow lots with extended appendages to just prohibit them?” She asked. Mr. Throop reminded the members “the waivers are not too arduous.” After additional discussion Chair Vann suggested they take the Article off the amendment list for now pending more research. Mr. Clark reiterated “so you are trying to make squares.” He noted working on a lot that is triangle shaped and noted “I would not be able to do anything with this land” adding “or I would have to come to you for permission even though I have the frontage and the acreage.” Chair Vann replied “let’s take this off the list for now. Peter (Throop) and I will do some research and propose an alternative. We can revisit this next month.”

Article X Performance Guarantee

Mr. Throop began “This amendment seeks to address issues with Security. The town attorney advises that the town should not allow for bonding. He recommends letters of credit or cash.” He also noted the amount of the security would be based on the projected cost of the project and be reviewed by the Director of Public Works or another designated professional. “The timing and method of its release will be approved by the Director of Public Works, the Director of the Office of Community Development and the Town Attorney” he said. He concluded by reviewing the release or partial release of the security and its time frame and noted “regulatory changes tend to be incremental. Bits and pieces change over time as you learn your lessons.”

Appendix A Street Standards

Street Layout: Mr. Throop told the members much of this proposed language was drafted by former OCD Director Carol Ogilvie. “We are not changing anything here we are just taking out stuff related to driveway regulations that is already addressed in another area” he said.

Pedestrian and Bicycle Access: Mr. Throop noted that the changes here involved noting sidewalks may be allowed to be on one side of the street (formerly required) unless otherwise approved by the Director of Public Works and that sidewalks will be a minimum of 5 feet wide (taking *out* the requirement of sidewalk being no closer than 20 feet (from 22 feet) to the street centerline).

Mr. Galus asked for clarification on the letter of intent for payment of electrical services. "I assume that is for the applicant?" he asked. Chair Vann replied "I think it is for the utility company" with Mr. Throop agreeing and noting "it is for the utility company." Chair Vann interjected "it is confusing" (between the installer and the utility company) adding "either way we need to make it clear so it doesn't become a stick to beat someone with in the future."

A brief discussion about sidewalks and access ways to crosswalks as well as what and when granite curbing versus other types of curbing is appropriate followed.

Private Roads: "This is just a correction of a typo" said Mr. Throop. He noted the Regulation indicates that the maximum of dwelling units allowed on a private road is 10 and the maximum number of lots served by a private road is 20. "It needs to be the other way around, it should be a maximum number of dwelling units is 20 (because of duplexes) with a maximum number of lots being 10."

Construction Supervision: Mr. Throop told the members "this was added this afternoon" adding "what is important here is that the word *bond* or *bonding* has been replaced with the word *security* throughout." Mr. Holt pointed out a missed change out of the terms in (8) *Release of Reduction of Performance Bond* which was corrected by Mr. Throop.

Article VI Condominium Developments: "This is a new section providing guidance for both the Board and the applicant related to condos" said Mr. Throop. He noted "Carol (Ogilvie) had drafted most of this. He told the members "most (developers) use the OSRD or something similar for these types of projects, not all but most." Chair Vann asked "is this residential or business?" Mr. Throop replied "both but we need to check on it to make sure it does not pose difficulty for commercial divisions." Chair Vann agreed noting "we want to make sure our condo regulations do not make it harder and harder to do." Mr. Throop interjected "again we are codifying what we are doing here" adding "and we have waivers to fall back on if we discover problems along the way."

Article I *General Provisions*

Applicability: Mr. Throop reviewed activities that do not require site plan review. He spoke briefly about changes in uses of a property and projects under 2000 square feet unless otherwise specified (including the potential for significant neighborhood or environmental impacts anticipated by the Office of Community Development Director or the Code Enforcement Officer). Mr. Throop noted an example of such a decision in a recent request for a change in use from a bank to a restaurant. “You need to get eyes on it” he said noting the applicant who had requested a Minor Site Plan Review was ultimately sent to the full Planning Board for Site Plan Review. Mr. Throop noted “the applicant can interpret the ordinance differently than the administrators. It saves angst to be required we get eyes on it.” He also noted that small changes via Minor Site Plan Review “helps us keep records of things and helps keep the GIS up to date as well.”

Proposed Amendments to Planning Board Site Plan Regulations

Article V *Site Plan Considerations*

Performance Guarantee: Mr. Throop told the members this section was updated to reflect the exact same language in the subdivision section.

Article IX *Conditional Use Permits*

Mr. Throop explained the termination and transferability of Conditional Use Permits. “We are deleting the reference to Ag Business Enterprise uses as all Conditional Use Permits terminate after 12 consecutive months of nonuse” he said. “Use it or lose it” interjected Chair Vann.

Thanking Mr. Throop Chair Vann went on to reiterate the removal of Article VI *Subdivision Design Standards - Lots* “and assuming there are no other major changes I think we are ready for a motion.”

A motion was made/seconded (Galus/Holt) the proposed amendments to the Planning Board Regulations (as discussed) be moved to Public Hearing with all in favor.

Complete Streets Webinar:

Chair Vann noted a series of webinars (“a little show and tell” she said) on traditional and incremental development. “I have talked about this a lot” she noted adding “the mission is to look at the financial realities facing America and a model

of development that allows cities, towns and neighborhoods to become and remain financially strong and resilient.” She cited several short webinars referred to as Curbside Chats hosted by Chuck Marohn, Founder and President of Strong Towns. The webinars featured *Traditional Development*, *Strong Towns* and *The Illusion of Wealth*.

When finished Mr. Throop briefly explained the Capital Improvement Program and how important it is to be looking out more than six years out. “We are looking forty years out *and* at all the community assets (Police, Fire, DPW Fleet and Road Management) to know where the cliff is” he said. Chair Vann spoke briefly about incremental growth and traditional development patterns. She also suggested a value-per-acre assessment for Peterborough noting “we think we know where the value is but it would be interesting to know if we are right” she said.

Next Meeting: April 28, 2016 at 6:30 p.m.

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant