

# PLANNING BOARD

## TOWN OF PETERBOROUGH, NH

Minutes of April 16, 2018

**Members Present:** Chair Ivy Vann, Alan Zeller, Bob Holt, Joe Hanlon, Ed Juengst, Jerry Galus, and Dario Carrara

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

Chair Vann called the meeting to order noting “this is a regularly scheduled meeting of the Planning Board for April” and introduced the Members and Staff. Chair Vann noted two items on the agenda included a public informational session on the proposed zoning amendment and a continued workshop on the proposed amendments to the Planning Board Regulations. She gave the audience a brief update on the Public Information Session held at the Community Theatre on the 14<sup>th</sup> and what the Board expected to accomplish at this session. “We are here to answer questions for the people who came in on the process late” she said adding “please do not ask questions you know the answer to or use a question as a form of persuasion. Please do not use a question to ask about something you think ought to be fixed. Believe me, we know there are things that need to be fixed, no zoning ordinance is *ever* finished. Tonight, we are here to answer your questions so you can make an informed decision in the ballot booth on May 8<sup>th</sup>.”

Chair Vann qualified her answer to a front setback question that had been asked at the Saturday Session. She also noted the T-4 Village was based on the West Peterborough District zoning (adopted in 2004) and its zero side and rear setback requirements. She noted “we are not trying anything new except for the building forms that we think are a good

match for the buildings in Peterborough so what gets built is appropriate for *where* it is built.”

Chair Vann appointed Mr. Carrara to sit and began the session.

Peggy Leedberg introduced herself as a member of Peterborough’s Zoning Board of Adjustment, “but I am here as a private citizen” she said and asked about building forms for prefabricated and mobile homes. Chair Vann explained “manufactured housing are homes and must fit into the forms. It doesn’t matter where or how they are assembled, they are treated like houses.”

Bill Chatfield introduced himself and cited the Office of Strategic Initiatives Handbook #4 which stated existing buildings were largely exempt. Chair Vann noted an addition that was smaller than the existing parent building “is OK today and will be OK after zoning, yes, absolutely.”

David Fish introduced himself and asked for clarification why parking minimums were no longer required. Chair Vann replied the no minimum parking requirements were for the T-4 Village and T-5 Town Center Districts with the Parking Standards established in the Site Plan Regulations.

Jay Purcell introduced himself and that having found a discrepancy which he felt should be changed and asked for clarification on setbacks. He also suggested a list of changes be published after the ballot vote if the amendment was adopted. Chair Vann noted the amendment had gone to ballot and could not be changed. “It is like when you apply for a job and hit “send” with your resume attached that you notice the typo in the memo line” she said adding “it is not perfect and we have discussed alternatives for changes which include a special Town Meeting, fix things as you go and collect changes and fix everything at the end of a year rather than one by one.”

Mr. Throop told the audience that while several written requests to remove the amendment from the ballot had been received by the Board of Selectmen “it will not come off the ballot.” He noted his own concerns that the Traditional Neighborhood Overlay Design II ordinance may not provide enough direction “in terms of form, clarity and criteria” adding “with this we will have forms. Some people think it is too much, others think it is not enough. That is why we go to public hearing.”

John Kaufhold introduced himself telling the audience the new zoning amendment put his residential lot in T-4 Village which, “with tear downs around him for more commercial uses it will be a financial gain for me.” He asked about clarification on no changes to nonconforming uses in the district. Mr. Throop replied that “no changes” meant the existing language in the ordinance that addresses nonconforming uses would not change. He went on to note the amendment would make numerous nonconforming lots intown conforming. Mr. Kaufhold told the audience he felt the ordinance allowed for far greater development and commercial activity “so I will be voting no.” He also questioned where the “forms” came from with Chair Vann replying, “the drawings and building forms came from models matched from buildings in Peterborough and other New England towns so that buildings can be the correct scale and not too big for their place.” As he sat down Mr. Kaufhold said he felt the forms approach would limit the architectural freedom that was so diverse throughout the town.

Sue Martin introduced herself and asked about clarification on the form styles. Chair Vann briefly reviewed the importance of structure, size and massing. Mr. Holt added “forms are empty boxes, not what a structure looks like or where the windows and doors go. There are some exceptions, but they are empty boxes. You have architectural freedom.” Chair Vann added “when buildings are the right size and shape they make a good street.” Mr. Chatfield interjected a question about streets versus rights-of-way with Chair Vann replying, “there is no difference.”

Libby Reinhardt introduced herself and asked about a question on Site Plan Review she'd asked at the last informational session before she asked about protection for an applicant's abutters (in essence, why eliminate the Conditional Use Permit (CUP) process). Chair Vann replied the Board believed the zoning amendment and building forms were adequate to replace the Conditional Use Permit. She went on to say "Conditional Uses Permits were used to test drive the Traditional Neighborhood Design I and II Overlays and are no longer necessary. It is a hard balance, CUPs feel safer but they make it harder, infill is hard for a developer when there is more to do and we are less likely to get infill."

Ms. Reinhardt noted her concern with apartment buildings like the big yellow one at the beginning of Cheney Avenue "being allowed to march up and down the residential street." Chair Vann interjected "Libby, what is your question?" Ms. Reinhardt replied she wanted to know what the Board was thinking and how the decision was made to eliminate the protective process and language. Chair Vann noted the short answer was T-4 Residential was the former Traditional Neighborhood Design Overlay. "That was already allowed, we did not rethink it" she said. Chair Vann went on to say "there are many streets in town that have small front setbacks even for larger buildings, but Cheney Avenue is not one of those streets. The houses on Cheney do not address the street in that fashion. The goal is *not* to have a line of houses setback 20 feet with one right up against the road."

Mr. Purcell asked if size and form and massing were still intact and then "why give up the wonderful process, to give up Conditional Use Permits and the public's legal right to participate in the protections stated in CUPs that are not stated in the new code?"

Chair Vann replied "once again we believe the code we have written will adequately control the scale, size and massing of the buildings. We believe the process proposed and building forms adequately replace

CUPs. If you do not believe so vote against it.” Mr. Hanlon added the public hearing process does not change and that abutters and concerned citizens have the opportunity for input.

Sharon Monahan introduced herself stating she was confused about multi-family structures. She told the Board there was no definition for the term with Chair Vann explaining the definition did exist (multi-family consist of three units or more and multi-family workforce consists of five units or more) and where it was located. A brief discussion about what types of building forms allowed for multi-family structures, dividing larger homes into apartments and meeting state requirements for septic and well systems followed. Ms. Monahan asked about workforce housing in the Rural District with Chair Vann reviewing the state statute that allows for multi-family housing (and hence) compliance with state law in that district. She reiterated “multi-family housing is allowed in any district in which housing is permitted.” Mr. Throop cited RSA 674:58 *Workforce Housing*, “multi-family housing for workforce housing developments means a building or structure containing 5 or more dwelling units designed for occupancy by individual households.” He also cited 245-24.6 *Workforce Housing* “the purpose of this section is to provide reasonable and realistic opportunities for the development of workforce housing as mandated by RSA 674:58.”

Jason Pellettieri introduced himself and asked for clarification on the demolition of existing habitable dwellings to subdivide or create additional housing units on a lot. Chair Vann replied that demolition of habitable dwellings is strongly discouraged “but we cannot prohibit (by law) the destruction of a house if the owner wants to tear it down.”

Mr. Fish asked if the municipal facilities were adequate to accommodate additional users with Chair Vann replying Town Administrator Rodney Bartlett had confirmed they are. When asked who bore the cost of

connecting to town water and sewer in the TND II Overlay Zone Chair Vann replied, “the developer.”

Ms. Monahan asked about low to moderate cost housing (245-44), Special Exceptions, workforce housing in the Rural District and density bonuses for developers and a brief discussion followed.

Ms. Laurenitis noted her concern with the minimum lot size of 5000 square feet in the new zoning versus the 40,000 square feet and setbacks currently required in the Family District. She noted a parcel of land right beside her home that has the potential for a developer to put four houses on it. She also asked if someone could tell her where setbacks to existing buildings was in the code. Chair Vann replied “yes, it is in Section 245-2.4 T-4 Residential B. *Lot Standards, 3.C.* for an infill development where there is an existing building on an adjacent lot, the proposed building may match the setback of the existing adjacent building.” Ms. Laurenitis asked, “is that the same for T-4 Village?” Chair Vann read from 245-2.5 B. *Lot Standards, 7.* “Single family residences and duplexes in this zone shall comply with all standards for the T-4 Residential District.” Chair Vann looked up and said, “so it will apply, we want those houses to match.”

It was noted single-family and duplexes would be reviewed by the Code Officer and multi-family houses must come to the Planning Board for Site Plan Review. A brief discussion on how to interpret the regulations followed with Chair Vann noting “developers do not like to appeal to the ZBA.”

Francie Von Mertens introduced herself and noted her concern that the amendment if adopted would last a very long time. “We don’t know the future” she said adding “we’d better get this right.” Her question regarded the change in (not using) the Conditional Use Permit process and the oversight (protections) it provides. “That process guaranteed if the standards, goals and purposes were not met the Planning Board would say *no*, go back to the drawing board “and I found that

reassuring” she said. She went on to say that under the new regulation if an applicant met the setbacks and the stormwater/drainage criteria “even with the public hearings and abutter input the Board cannot say “go back. That is a big difference.” Ms. Von Mertens concluded by noting she agreed the building forms were helpful “but with Site Plan Review versus Conditional Use Permits, you have to say yes.”

Mr. Throop noted the practical approach and success of the Conceptual Consultation/Design Review process. “It has been very successful” he said adding “it is helpful in designing a project in a way that is best for the town. We work with the applicant to get through the process and create the best result we can. *How* we work with the applicant is most influential.” In agreement Chair Vann added “and that is why we have eliminated Conditional Use Permits.” Mr. Carrara interjected “we still have Conditional Use Permits in workforce housing and agricultural enterprise” with Mr. Throop adding “as well as home-based businesses under specific circumstances.”

Carl Staley introduced himself and noted the regulation uses setback language such as *may not will* or *shall* with Chair Vann replying, “we believe the language is strong enough, but we are happy to revisit that.”

Mr. Staley then asked about any impact on current property values with Chair Vann noting “infill is good. We don’t believe this code will negatively affect property values. If you think differently vote no on May 8<sup>th</sup>.”

Ann Staley introduced herself and asked for clarification on the building forms in T4 Residential and T4 Village. Confirming Ms. Staley was in T-4 Residential Chair Vann replied, “it includes cottage, house, townhouse, apartment house and small apartment building.” She also reviewed the total lot coverage was 40% including the driveway, parking, terrace, garage, etc. “so no building is too big for its lot.”

Ms. Laurenitis noted the purpose for TND I and TND II was for infill of lots by subdivision of neighborhoods in the Downtown and along the municipal sewer and water routes. She expressed her concern that T-4 Village standards would allow the right for homeowners to extend their expand and develop a potential of 170 acres of rural land and into new village nodes and/or housing developments. Chair Vann briefly reviewed the initial intent of the Traditional Neighborhood Design Overlay was to allow for higher density infilling of lots and additional residential housing near currently developed areas of town that would also allow certain small-scale business opportunities as accessory uses to a residence (and in so) creating new village nodes. “This is a reasonable thing to do. You have to decide in the voting booth but that is how we made our decision” she said.

Ray Cote introduced himself and citing pervious material being included in the 40% lot coverage in T-4 Residential noted “this makes small lots much more constrained and difficult to develop.” Chair Vann replied that in terms of heavily constrained lots “the Board has some ability to provide some relief.” She also gave the audience a brief review of how the Board arrived at the 40% (an increase from the original 25%) figure noting the T-4 Village District’s maximum coverage was 80%

Ms. Reindhart suggested some sort of ongoing information channel for the public to ask and have questions answered. Chair Vann noted the availability of Board members and Town Staff as excellent resources as well.

John Lawler introduced himself and questioned whether, if, and how new infill homes would affect property values in the neighborhoods. Chair Vann replied, “do you want to hear a story?” With a smile Mr. Lawler asked, “is it a *true* story?” Chair Vann replied, “yes of course” and went on to review the Vine Street TND I project that was constructed within the confines of the empty Catholic Church parking lot (which if it had not been exempt as a church property would have

paid taxes on a land value of \$47,000). “That property is now worth 2.4 million dollars and generates \$80,000 in tax dollars a year. It is on municipal services with no additional burden to town’s infrastructure. “This is the type of infill we want” she said adding “we have more people carrying the load for the town and school taxes.”

Kath Allen introduced herself and asked about any low-income housing in town. Several subsidized complexes were noted.

Ms. Monahan noted language about “the coordinated development and redevelopment of property in accordance with the plans developed with community members of Peterborough. What does that mean and where did that come from?” she asked. “That is the Master Plan” interjected Mr. Holt adding “but it is not exclusive to the Master Plan.” Chair Vann noted the development and redevelopment addressed buildings being re-used and updated over time. When Ms. Monahan asked who the community members of Peterborough were, Chair Vann relied “that would be you, the townspeople.” She then briefly touched on the numerous changes that had been made in the proposed ordinance amendment that were results of public input.

Mr. Fish asked about the elimination of minimum parking requirements with Chair Vann noting that elimination applied to the two mixed-use districts only. Noting the expectation of 60 new parking spots in the Downtown Chair Vann said, “we believe we have adequate parking to accommodate what the town needs” adding “it is better to let the developers and merchants figure it out.”

Ms. Reindhart asked about a limit to the number of buildings on a lot and a brief discussion of building standards for clusters followed. When Ms. Reinhardt asked about driveways Chair Vann referred her to the Driveway Standards in Chapter 239.

Mr. Purcell noted the importance of the Planning Board Site Plan Regulations. “They are really apart of the zoning code” he said. Chair Vann reiterated the Site Plan Regulations were solely owned by the

Planning Board and will use those standards when they vote to adopt them. Mr. Purcell concluded “they are critical to the zoning ordinance we are voting on.” “That is why we are here tonight” replied Chair Vann.

Mr. Cote spoke again on the pervious lot coverage in T-4 Residential being seen as a disincentive to infill with Chair Vann noting “we are trying to balance the standards with what people were comfortable with, we felt that was a fair choice.”

Mr. Purcell interjected “we do have Site Plan Regulations now that are good, if you need to modify them, do it in a timely manner.” Chair Vann replied the updated Site Plan Regulation and Street Standards were slated to be adopted in June “and we’ll have open comment on them then.”

Mr. Throop interjected that whether the amendment passed or not at the ballot “we will continue to work on this and want your input.” Mr. Galus said he found it disconcerting when he heard remarks that there was not enough public interaction and that one comment noted the public had only had two opportunities to give input. Mr. Throop replied, “this is the 13<sup>th</sup> public discussion on it” adding “and there are philosophical differences with it, that is why you vote on it.”

Ms. Martin suggested a graphic or diagram that would show the build out of density the Board was looking for. Chair Vann replied a graphic had not been platted out “but it looks like Governor Square, Vine Street, the bottom of Pine Street, the top of Main Street.” Chair Vann added “we looked at what we had and wrote code that would reproduce it.”

Mr. Lawler asked about the general, overall buildout impact the ordinance may have on the town. Mr. Juengst cited other constraints such as wetlands and steep slopes that may come into play as a land owner considered infill. Chair Vann added “I do not expect a giant influx of development.” She then asked former Code Officer Carrara

how many building permits had been issued over the past two years with Mr. Carrara replying, “twelve and eight of those were the Vine Street project.” When Chair Vann asked, “how many multi-family permits?” Mr. Carrara replied “Rivermead.” Mr. Holt reiterated the interplay of site plan, building forms and lot coverage. “It is a complex system, but these meet the facets of this system. Being less restrictive in some ways and stronger in others, removing underlying zoning that encourages suburban sprawl, creating a sustainable environment and keeping Peterborough the way it is makes sense with this system.”

Ms. Laurenitis asked for clarification on the Block and Street Standards. Chair Vann noted the District had both with Block Standard located in the Planning Board Subdivision Regulations and Street Standards intended for low vehicle speeds that accommodate pedestrians and bicycles as well. “Street Standards are not likely to change except for Cottage Courts where they would be narrower” said Chair Vann.

Ms. Laurenitis then clarified the comment she made about having limited opportunities to express questions and concerns adding “I made that statement, but I want to clarify that I meant a limited opportunity to ask questions *after* the amendment was completed.”

Ms. Martin asked if green spaces would be created as well with Chair Vann noting open space development with land set aside as well as the potential of transfer of development rights in the future “but we don’t want to unravel too many strings in the same year.”

Patty Long introduced herself and suggested “a visual would be helpful, it would be a really important thing to see.” Chair Vann replied they did not have a building type visual for every district. Ms. Long noted her concern for the fabric of her neighborhood and worried about the potential for a small apartment building with multiple families on her block.

Chair Vann briefly reviewed the density that has been accepted through the West Peterborough District and the Traditional Neighborhood Design Overlays Districts I and II. “Peterborough remains a solvent and good place that needed a little more density and accepted a little more density” she said. She went on to note the Board has been working on this since the adoption of the West Peterborough and Village Commercial Districts in 2004 “and now we are applying it in a more rational way. We think it is a good code. It is up to the people of Peterborough now” she said.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant