

## PLANNING BOARD

### TOWN OF PETERBOROUGH, NH

Minutes of September 12, 2016

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

**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. She welcomed the audience to the regularly scheduled September meeting of the Planning Board and introduced the members and staff.

#### **Minutes:**

A motion was made/seconded (Galus/Holt) to approve the Minutes of August 8, 2016 as written with all in favor.

Chair Vann told the members and audience there would be one public hearing followed by two Preliminary Conceptual Consultations. She noted the first case was an application for a **Conditional Use Permit** for a proposed crossing of the Wetland Protection Overlay District. “The intent of the crossing is to provide access to a proposed single family home, to be located on an undeveloped lot off of the south side of Wilton Road, Parcel No. U001-023-000” she said.

Peter LaRoche introduced himself as a graphic of his plan was projected. He pointed out the location of the parcel in reference to US Route 101 as well as where the crossing would be located. “It is at a minimal point” he said. While the details of the wetland crossing had not been designed, he noted it would be in the form of an S-curve that would also go through the town’s sewer easement. He pointed out the 50-foot setback and the wetlands as he outlined the building envelope for the house.

Chair Vann asked him about the dimensions of the lot with Mr. LaRoche replying “30 by 150 (ish) feet” adding “we still have detailed design, engineering and septic to do but we came here first to see if we can cross the wetland.” Mr. Galus asked for a better point of reference as to where the lot was located and Mr. LaRoche pointed out the Catholic Church and the four houses on Lobacki Drive the lot backs up to. When Chair Vann asked about the sewer easement Mr. LaRoche noted he would love to tie into the town’s sewer system if it was extended to Lobacki Drive. He went on to say he would contribute the cost of the septic system for his lot to that

effort. Chair Vann interjected “no question that fewer septic systems are better, especially crossing wetlands.” From the audience Rhonda Brown introduced herself as an abutter and asked about access from Lobacki Drive. Mr. LaRoche replied “there is and actually we would rather do that but that would require an extensive wetland crossing.” Mr. Throop added “the access from Wilton Road consists of a wetland crossing of approximately 50 feet with an estimated wetland impact of 500 to 700 square feet depending on the driveway width and the storm water attenuation.” He went on to note the Board should consider whether the crossing is essential to the productive use of the land outside the Wetland Protection Overlay Zone.

Mr. Galus noted the letter of support from the Conservation Commission which also noted the access from Route 101 (crossing a small perennial stream) had less wetland impact than accessing Mr. LaRoche’s preferred location off Lobacki Drive.

A brief review of the performance standards (no net loss of buffer functionality, no surface runoff directly discharged into adjacent wetlands, low impact development techniques and (if necessary) wetland mitigation with which the applicant must demonstrate compliance. Chair Vann noted Chapter 233 *Site Plan Review Regulations* “essentially repeats them” adding “so the questions is *is it necessary?* I suppose we could insist the house be build right on the road” as she looked at the members, she concluded “that is for you to determine.” Mr. Juengst interjected “the Master Plan says not to do it and that is our guide.” Mr. Hanlon agreed but cautioned “we must be very clear in our decision.” Mr. Holt noted that should the town sewer line be extended the home would already be on that side and the applicant would not have to cross the wetland to tie in later. “Good point” said Chair Vann. Lastly Mr. Galus expressed his concern over an approval without any plans. Chair Vann reassured him that conditions would be a necessity. “They would have to have a DES wetlands permit, a DOT driveway permit and of course meet all the Conditional Use Permit criteria” said Chair Vann.

Mr. Weeks suggested the Board do Findings on why they would approve the application. “I think it is essential that we draft those” he said. Citing the road entrance, the Gateway District Overlay and the recommendations of the Master Plan Chair Vann agreed adding “I think Tom is right. The sense of the Board is that we are generally in favor of this, we just want to be clear as to *why* we are in favor of this.” For future applications” interjected Mr. Weeks.

**A motion** was made/seconded (Galus/Holt) to accept the application as substantially complete with all in favor.

**A motion** was made/seconded (Hanlon/Zeller) to continue this hearing to a date and time certain of Monday, September 19, 2016 at 6:30 p.m. in the Board of Selectmen's Meeting Room in the Town Hall to enable the Chair to draft appropriate Findings and Motion for this request and requests like it in the future with all in favor.

Chair Vann read the first application for a non-binding **Preliminary Conceptual Consultation** regarding the redevelopment of Parcel No. U018-069-099 located on the southwest corner of the Route 101 and 202 intersection, for a proposed bank with drive-through operation.

As Chair Vann looked up she said "let me tell you how this works" and explained the hearing was non-binding and a time to hear a proposal and have a conversation about it with the Board's input of likes and concerns. "The applicant can ask us questions and we can give them suggestions" she said adding "while what we suggest is not required and we cannot compel them to take our advice, it gives both sides a chance to talk about the project before a lot of money is spent on engineering."

Chad Branon stood and introduced himself as an Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire. He also introduced Tina Sbrega, President and CEO of GFA Federal Credit Union and Gregg Rosen with NES Group.

Mr. Branon described the site as a defunct gas station and former children's toy and accessories store. As he distributed a graphic to the members he said "we are going to redevelop this lot." He went on to note the lot was 0.8 acres in size and located just west of the Route 101 and 202 intersection "in the Village Commercial and Groundwater Protection Districts." Mr. Branon told the members GFA Federal Credit Union was planning a new building, fencing, landscaping, lighting and utilities connection. He noted a new paved walkway and drive-through window as he pointed out the one-way (entrance: curb cut closest to the intersection and exit: curb cut to the south). He told the members the traffic pattern was currently being reviewed by NH DOT. "I did talk with District 4 Office today and the general layout we have proposed is acceptable to them" he said adding "but with the Dunkin Donuts across they just want to make sure this will work adequately,"

Mr. Branon then noted the District's mandated 30-foot buffer for any commercial use abutting a residence "and we comply" he said. He spoke briefly about fencing and screening measures they had negotiated with one abutter in particular and

concluded by noting “we offer a substantial improvement over what exists there today.” He concluded by noting they were on the ZBA’s agenda in October for their intercom system, since (Chapter 245-II 9 (D11) does not allow an amplified PA or drive-thru type intercom system if the site abuts property in residential use) “which is the case here.”

Chair Vann immediately questioned the building facing Route 101 and not Grove Street (Route 202). Citing design guidelines Chair Vann pointed out no parking in front of the building and that the business side of the building faced away from the street. “We want (Route) 101 to act like a highway and we want Grove Street to act like a street” she said. After a brief discussion it was noted a misunderstanding had taken place and Mr. Rosen confirmed the building, with some minor adjustments could in fact be placed to face Grove Street.

Chair Vann noted the entrance to the lot was wider than the exit and asked “why is that?” Mr. Branon acknowledged the entrance was two feet wider (16 feet) than the exit (14 feet) and explained the additional space was necessary for the turning angle of vehicles coming down Route 101 as well as the necessary turning range for emergency vehicles. “For a single lane?” asked Chair Vann with Mr. Branon replying “yes, because of the constraints on the site. We feel 14 feet is a comfortable width for the lane out.” “I should hope so because that is the width of the exit lane on 495” replied Chair Vann adding “that is exceptionally wide. This is the Village Commercial District and a hope is that it is a more pedestrian friendly area and a 14-foot wide curb cut does not improve our chances of that.” She concluded by noting “I think we need to talk to the Fire Chief about that.”

A brief discussion about the parking followed. Mr. Holt noted 7.5 spaces were calculated for the lot “but you have 15.” Mr. Rosen defended the need for the 15 customer and staff parking needs. A *purpose and intent* (the support of compact settlement patterns, mixed use land development and walkable communities that increase accessibility for people including a pedestrian friendly environment) conversation ensued and Chair Vann noted “the purpose of a standard is to avoid a suburban development pattern where parking is directly in front, separating the building from the streetscape.”

Mr. Weeks noted the Performance Standards included providing a plan for interconnecting driveways or easements for future construction of driveways that will provide and promote vehicular and pedestrian access between adjacent lots (without) accessing the highways. “And you will have to have a bike rack” he said. Mr. Branon suggested interconnectivity was not necessary if the area was residential. Mr. Weeks replied “we have struggled with this in the past but a plan

of where they would connect is required. Mr. Hanlon suggested an easement stating where the connectivity *would* be should be sufficient.

Mr. Rosen stood and explained the 15 parking spaces were the minimum necessary for the building and its staff. He did agree to hear what the Fire Chief had to say. “The screening of the generator is not an issue” he said adding “we want to be cooperative in every manner possible to keep the town, the neighbors and the community happy.”

Mr. Weeks asked “what is the gain to moving the building?” Chair Vann replied “it is a philosophical position. I believe all we have in town is a cute little town. We have had some community development in town that I am not in love with. We need to frame the streets and have the structure have a presence on the street.”

Mr. Zeller asked about the outward appearance of the building with Mr. Rosen describing clapboarded sides with shaker singles and cultured stone veneer. “It will be pleasant to the eyes with somewhat of a residential look” he said. With no other questions Mr. Branon thanked the members for their time and input.

Chair Vann told the members “we have another preliminary conceptual consultation and the same rules apply.” She went on to read the application for a non-binding **Preliminary Conceptual Consultation** regarding the potential redevelopment of Parcel No. U024-021-000 located at 59 Union Street. The project proposes to remove an existing single family home on the property and subdivide the property into four building lots using the Traditional Neighborhood Design ordinance.

As he distributed a color graphic of the proposed development to the members Mr. Branon again introduced himself as an Engineer with Fieldstone Land Consultants for the record. He also introduced the applicant Sam Katz of GATO Properties, LLC.

Mr. Brannon gave the members several statistics about the property (located at 59 Union Street on .48 acre of land, bordered by residential properties with Prospect Street upland and Union Street to the south). He noted the minimum lot size for the Traditional Neighborhood Design ordinance was 5000 square feet with 50 feet of frontage. “The setbacks are 15 feet in the front and 10 feet on the side and rear and the maximum lot coverage is 35%” he said adding “we feel we meet the criteria for the ordinance.”

Mr. Branon then described the conceptual development of four single family homes. “The proposal is for a cottage style development” he said noting “similar to the ones we did with the Stabile project off Vine Street.” He told the members the common access for the development would be off Prospect Street. He noted the entrance would be an 18-foot wide common drive and each home will have access with parking for one vehicle outside and another in the garage. “The layout of the site provides for the presence of the streetscape of the existing neighborhood patterns with all the fronts of the homes along the road” (a feature of the overlay zone). He went on to note the building design (height, scale, massing, sizing, orientation and spacing of doors and windows and rooflines) would reflect other existing residences within 300 feet of the site (in both directions and both sides of the street). He told the members the current structure on the site was in significant disrepair, that the applicant would raze the building and build NEW with an orientation to the existing neighborhood patterns meeting the criteria of the Traditional Neighborhood Overlay.

Referring to the graphic of the development Chair Vann asked about the curb cut off Prospect Street and the internal access for the homes. “I would like to see an entrance and an exit” she said adding “not a hammer head.” Mr. Branon briefly described the shared drive to be 18-feet wide “for good common and emergency access” adding “but we have contemplated a *16-foot* width as the lot is surrounded on three sides by streets.” As for the requirement to assess the building design of other existing residences within the 300 feet of the property Mr. Branon noted no real recurring architectural elements. “There is a variety of different types of housing, geometries and setbacks” he said. Mr. Branon concluded by reiterating “this project does comply with the criteria of the Traditional Neighborhood Overlay Zone. We would appreciate your feedback so that we can go back, reassess and be back on the next available agenda.”

Chair Vann noted “essentially you want four small houses that would be in keeping with the look of the houses on Union Street.” She went on to say “I have some concerns and here is one of them.” She asked “what is the front and what is the back of the homes? Is what faces the street (two on Union and two on Prospect respectively) the front?” Mr. Branon replied the answer is yes” adding “the access is in the rear with the home aesthetics in the front facing the road.” Mr. Weeks interjected “where is the primary entrance to the building? Off the private drive or off the street?” He went on to cite the ordinance saying “building should orient (to) and face the street. Along street frontages orient windows, the primary pedestrian entry and other building façade elements toward the street.”

Chair Vann reiterated her concern about ALL of the pavement in the back adding “I am not sure what this is, is it a private road? (and if so it would have to be built to town standards).” Mr. Weeks interjected “there are too many houses for a private driveway.”

Mr. Branon agreed the Traditional Neighborhood Design ordinance called for primary entrances and houses facing the street. “I respect that” he said as he pointed out that some of the slope problems “may be insurmountable.” Chair Vann told the members and the audience she had visited the site. “I went and looked at it” she said and with a marker in hand she traced out her preference of pushing the building back and relocating the driveway. “Cottage Courts work best when there are seven layers of separation this is not a cottage court, it is a motel” she said adding “not giving people proper fronts equates to not a good front *or* a good back.” Mr. Hanlon agreed pointing out the lack of privacy in the development.

From the audience Joe Perullo introduced himself as an abutter. He told the members there was a bus stop right in front of the current house and noted his concern of additional traffic and pedestrian safety. Mr. Perullo’s wife Kitty introduced herself and told the members “this is not appropriate, it does not meet the streetscape or the neighborhood pattern. It changes the way our neighborhood looks.”

A letter from abutter Joni Doherty was officially entered into the record and read to the members. Ms. Doherty noted her concerns about the proposed development for several reasons (the sensitivity of the new homes to the neighborhood, buildings turned with their backs to the street, garage locations, and a potentially large issue with the required setbacks). Ms. Doherty noted the preliminary plan showed the boundary of 59 Union Street ran down the middle of her driveway, suggesting the lot is larger than it is. Mr. Throop interjected that after he had read the letter he reviewed Ms. Doherty’s deed and that she appeared to be correct.

Mr. Brannon told the members the boundary determination for the property took a considerable amount of work as there was not much physical evidence and that many of the references to landmarks (such as fire hydrants) had been disturbed over time. He explained that a deed from 1893 took the measurements off the *buildings* to note (for certainty) where the boundary lines were. “Old deeds make note of that” he said adding “deeds from that time period are very detailed, they surveyed all properties. I can tell you right now we are right. She can hire a surveyor if she does not believe us but we are right. She has the right to use the driveway on our property.”

Chair Vann reiterated her concern with no front doors on the street. “I am interested in a presence on the street” she said adding “from my point of view you do not meet the intent of the Traditional Neighborhood design.” Mr. Troop interjected a comment on the density issue noting the Vine Street project as an example. A brief discussion about the steep slope to the north and the topography of Union Street followed. Mr. Throop concluded “the point of infill is to create more opportunity for housing.” Mr. Waitkins asked about the price range of the housing. As Mr. Brannon replied the units would be in the range of 1,600 to 1,700 square feet. Chair Vann interjected “that is pretty big for a cottage.” A brief discussion about the similar project (the Stabile project off Vine Street) followed with Chair Vann noting “yes they offered a range but the ones that got built were the big ones.” The members then discussed the asking price of the homes (\$310,000 (ish), and that affordable housing (by definition) cost much less than this range. Chair Vann concluded by suggesting the two northern homes access Union Street and the two southern homes access Prospect Street.

With the preliminary consultation about to conclude Judith Page introduced herself as an abutter. “I live in the brick house next door” she said. Ms. Page expressed her concern regard the number of homes, the entrance and the increase in traffic. “Thank you” replied Chair Vann.

**A motion** was made/seconded (Holt/Zeller) to schedule a Site Visit to the property prior to the Planning Board Workshop on Monday, September 19<sup>th</sup> at 6:00 p.m. with all in favor.

From the floor Mr. Clark expressed a point of order. He noted the clock in the Board of Selectmen’s Meeting Room was four minutes fast. “I was here at exactly 6:30 and the meeting had been called to order” he said. The members agreed and in the future would use a cell phone clock to call their meeting to order.

### **New Village Project Update:**

Chair Vann reviewed the grant award for the idea of wanting to create a new piece of form-based code that could be applied to any piece of land that had town water and sewer. “This would be accessible by right and people could build a new piece of Peterborough that looked like the rest of Peterborough” she said. She mentioned the public dinner meeting at the All Saint’s Church, Reynolds Hall on Concord Street scheduled for Wednesday at 6:30 p.m. She briefly described the interactive exercises, a brief presentation by Carol Ogilvie and table discussions they had planned. Mr. Juengst, Mr. Clark, Mr. Holt, Mr. Hanlon and Mr. Zeller all confirm they would attend.

**OSRD Update:**

Nothing new to report

**Master Plan Steering Committee Update:**

Mr. Waitkins gave a brief update of the progress made on the outline of the Economic Vitality Chapter of the Master Plan. “We are now figuring an outreach strategy to let the community know this is what is happening. We are doing a business needs assessment as well” he said. He noted the relationship of the Economic Vitality Chapter work as a basis for all the initiative work going on with the Economic Development Authority (EDA) and the New Village Project. Mr. Waitkins briefly mentioned a public hearing at the end of November for the Economic Vitality Chapter. “We will have much more on that soon” he said.

**Other Business:**

Chair Vann expressed her desire to serve with Mr. Clark on the Minor Site Plan Review Committee. “It just makes a lot of sense for me to be there” she said. A motion was made/seconded (Galus/Zeller) to appoint Chair Vann to the Minor Site Plan Review Committee with all in favor.

Mr. Throop reviewed several of the Administrative Decisions he has approved over the past few months. These included a small addition at NHBB, the addition of a small barn to Unit 18 at the Nubanusit Neighborhood, screening of HVAC and a fence for drainage at Scott Farrar and a viewing deck along the river at Rivermead.

Chair Vann concluded the evening with her concerns for Route 202 south of the intersection and the kind of road improvements that have been completed there. She mentioned the installation of a guardrail noting “we do not want people driving like a guardrail is necessary” adding “we need to have a heart to heart with DOT on what we imagine versus the widening and turning lanes that we don’t want there.” Chair Vann noted the potential for a new village node in the south and said “the last thing we need is a highway separating us from town and that is what that is. It is time for that conversation.”

**Next Meeting:**

September 19, 2016 at 6:30 p.m.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

## Laura Norton, Administrative Assistant

Our Survey Manager Michael Ploof provided me with the flowing statement for your use.

*The common boundary line between Tax Map Lot U024-021 (59 Union Street) and Lot U024-022 (57 Union Street) is not well described in the current deeds of record. It is not until you bring the chain of title back to 1923 do we get a good description of the common line as recited in Book 822 Volume 488. The line is described using the existing structures as calls for monuments, "Beginning at a point on the north side of said street between the house on these premises (U024-021) and the house easterly on the adjoining premises (U024-022); thence northerly and parallel with the west side of said house on said adjoining lot..." and later described as 9 feet 11.5 inches westerly and parallel from the westerly side of the existing house on lot U024-022.*

*It is not uncommon the have very vague and ambiguous deed descriptions within the "current" title references, however generally speaking deed descriptions do tend to get clearer and more descriptive as you bring them back in time.*

*To summarize we have completed a considerable amount of research and fieldwork in order to determine the boundary for the subject parcel which consisted of researching the neighboring properties to make sure there is consistency between the deeds. Given our research, fieldwork and computations we are very confident with our boundary determination with the subject property. If the abutting property owners have concerns we would be happy to discuss our work and research with them as our decisions and boundary determination represent facts. Obviously should the abutters disagree with our work they could certainly contract another surveyor to perform a boundary survey of their property.*

Please let me know if you need anything else.

Thank you, Chad

**Chad E. Branon, P.E.**

Civil Engineer / Principal



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