

**PLANNING BOARD**  
**TOWN OF PETERBOPROUGH, NH**

Minutes of October 8, 2018

**Members Present:** Dario Carrara, Bob Holt, Ivy Vann, Tyler Ward, Sarah Steinberg Heller, Joe Hanlon, Alan Zeller, Ed Juengst, and Jerry Galus

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

Chair Holt called the meeting to order at 6:30 pm and introduced the Members and Staff.

**Minutes:**

A motion was made/seconded (Zeller/Galus) to approve the Minutes of September 17, 2018 with all in favor.

Chair Holt noted, “the first item of business, or not, tonight is to open the Public Hearing for the Village at Stone Barn, have the Board accept the application as substantially complete, and continue the application having set a time and date certain for a site visit without taking testimony on the merits of the application.” He read the case:

**Public Hearing – Village at Stone Barn - “Village at Stone Barn LLC”,** is seeking **Subdivision and Site Plan Review approval and issuance of a Conditional Use Permit** for a proposed 33-unit multi-family residential condominium development and a non-residential accessory retail use of a farm to table café, on property currently owned by “Peterborough Highland Farm LLC”, located at 63 Old Street Road, Parcel No. U002-039-000. This property is located partially in the Family Zoning District and the Rural Zoning District. The proposal seeks approval under the Section 245-15.4 Traditional Neighborhood Overlay Zone II. The project requires the granting of Conditional Use Permits for: the development of three or more dwelling units on one lot; a non-residential accessory retail use; and encroachment into the Wetland Protection Overlay Zone. The project also requires the granting of a waiver of Section 245-15.4.D.1 to allow more than 10 residential units in a building.

Mr. Zeller asked for clarification on the number of units in the barn. Mr. Throop explained a request for an increase from 10 to 14 units in the barn but the

Traditional Neighborhood Overlay Zone II (TNOZ II) limits the number of residential units in a building to 10 units so the applicant has requested a waiver of 245-15.4.D.1 to allow additional units. He also reviewed the submission requirements for granting a Conditional Use Permit including a complete set plan. He noted a stormwater management report, sewer line extension detail, landscaping, lighting, a subdivision plat, detailed Wetland Protection Overlay Zone analysis, and a traffic opinion letter have *not* yet been provided.

Mr. Throop also noted that until the site visit, his staff report was limited to reviewing compliance with submission requirements, and the Board was able to determine if the application was sufficiently complete to proceed. “It is enough to get started” he said. Mr. Throop explained that a second staff report would be written and distributed prior to the October 15<sup>th</sup> meeting. He noted the Conservation Commission was scheduled to meet October 18<sup>th</sup> to write their report on the proposed Wetland Protection Overlay Zone impacts, “so that will be available for your November meeting.”

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

A motion was made/seconded (Hanlon/Zeller) to continue the public hearing to a date and time certain of October 15<sup>th</sup>, 2018 at 5:00 pm for a site visit followed by a meeting at 6:30 pm in the Board of Selectmen’s meeting room. Mr. Throop noted that the ability to take minutes at a site visit is limited, and suggested discussion be limited and questions be reserved for the continuation of the public hearing. Chair Holt replied, “my inclination is to hold public comment until we get back here [the Board of Selectmen’s Meeting Room] at 6:30 [pm].”

Prior to continuing with the next case, Chair Holt appointed Mr. Juengst to be seated, as Vice Chair Vann had not arrived.

**Continuation of Public Hearing: Four lot Subdivision and Conditional Use Permit** of a .499-acre parcel owned by GATO Properties, LLC located in the General Residence Zoning District and Traditional Neighborhood Overlay Zone I, Parcel No. U024-021-000, located at 59 Union Street. The project proposes to remove an existing two-family home and subdivide the property into four residential building lots under the Traditional Neighborhood Overlay Zone I Ordinance.

Chad Branon stood and introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative for

Sam Katz and GATO Properties, LLC. Mr. Branon noted Mr. Katz's attorney Andrew Prolman of Prunier & Prolman, P.A. was also in attendance.

Mr. Branon began with a brief review of the .499-acre site located at 59 Union Street. "It is bordered by residents with Prospect Street to the north and west and Union Street to the south. It is in the General Residence Zoning District as well as the Groundwater Protection Overlay Zone" he said.

Mr. Branon went on to note that the lot was also located in the Traditional Neighborhood Overlay Zone I (TNOZ I). He reviewed the minimum requirements of the Overlay Zone, including: frontage of 50 feet; lot size of 5,000 square feet; parking; driveways; setback requirements; lot coverage; and building design that included building height, massing and architectural features. He pointed out the lot on a projected graphic and showed the Members the house and a two-car garage with an apartment above it. He spoke briefly about the slopes and stormwater infrastructure, as well as the proposed subdivision for four residential lots. "Look familiar?" Mr. Branon asked. He added, "this is pretty much the same proposal we presented in 2016 and 2017. We had about four meetings and a site visit to see the existing conditions as well as a chance to see the inside. Mr. Branon briefly noted an appeal of an Administrative Decision by Attorney Tom Hanna. He told the members, "the regulation has since been modified and the design now complies, so we are essentially carrying this project forward as we meet the goals and objectives as outlined in the regulations."

Citing the regulation's recommendation for reuse of existing buildings, Mr. Branon told the Members that the house was in total disrepair and it would be removed. He reiterated the project's compliance with municipal water and sewer, frontage and setbacks, parking, building massing and height, crisp rooflines, farmer's porches with the main entrance orientation to the street, and other architectural features and requirements of the TNZO I. He noted, "it is consistent with the neighborhood with diversified architecture and building styles."

Referencing a projected graphic that identified lots #1-4 on the plan, Mr. Branon told the Members that they were open to the idea of moving Lot #2 down and over to the northeast corner and constructing a duplex instead of a single-family home. He noted that if that became an option, they would need to construct a retaining wall 6 to 8 feet in height. He concluded by noting they welcomed feedback from the Board. "We intend to finalize the design and wrap up the details next month," he said. Mr. Throop noted his concern with the drainage issues. He also noted they had

not yet seen an exterior lighting plan and while a landscaping plan is typically included, it was not required for a Conditional Use Permit.

A motion was made/seconded (Hanlon/Juengst) to accept the application as substantially complete, subject to the receipt of the aforementioned data with all in favor.

Mr. Carrara again noted the existing house on the parcel. Mr. Branon cited a letter he had present for consideration to the Board at the first preliminary review, which listed the estimated cost of rehabilitation. It had showed the rehabilitation costs far exceeding the benefit, negating the reality of saving the structure. He went on to say that the building had not been occupied in the past two years, so it had deteriorated even further. Branon stated, “the whole foundation is in disrepair. There is a lot of work there... The home will be demolished regardless of what happens there. It is not an option.” Mr. Ward asked, “has it been officially condemned?” Mr. Branon replied, “I don’t know if it has been officially condemned, but the town utilities people would not go in to retrieve the water meter because they did not feel safe entering the building.” Mr. Hanlon asked if there was any change with the southeast corner issue, a civil issue with an abutter. Mr. Branon replied, “no.” Mr. Carrara asked, “is the easement still intact?” to which Mr. Branon replied, “yes.”

Chair Holt noted, “it is my personal feeling that the purpose and intent of the infill ordinance is *not* to worsen slopes or make the surroundings much worse than it is.” A brief discussion about the 2:1 slope issue followed.

Mr. Galus asked for additional explanation on the duplex plan. Mr. Branon pointed out that a goal was to merge the two upper lots in order to meet the objectives of TNOZ I. Mr. Branon went on to say that “with minimal grading and earth disturbance, it will fit right into the topography.” He added, “we will turn the steep slope into a landscape feature. That is the idea at this point.” He concluded by noting, “and there is a retaining wall already in place, it is just 3 to 4 feet tall.” Chair Holt disagreed, noting that, “the intent of infill is more housing but not at the cost of worsening topography. To me, this is too much.” Mr. Zeller suggested updated renderings may be helpful. Mr. Throop pointed out that the front door orientation of the Union Street home faced Prospect Street. Mr. Branon briefly pointed out sightlines going to and coming from the Downtown. He explained that with the elevation of the lot on Union Street, it did not make sense to orient the front door there but rather orient it to Prospect Street which is in the direct line of sight for westbound traffic. He noted that the Ordinance states building orientation should be to the street (as well as windows and the primary pedestrian entry). “Union Street

may be the *dominant* street, but Prospect Street is the *prominent* street,” he said. A brief discussion about the orientation of the front door to each street followed, which included talk of the possibility of a façade entrance and the Board’s discretion to waive the standard. Mr. Throop noted that the focus on the building and lot site relationships are intended to foster pedestrian-oriented streetscapes and harmony between the new and existing homes. “It is all about how it fits in the neighborhood. This is a design objective not a design requirement,” he said. Floor plans considering the location of windows, dormers, and porches were also considered. During the discussion, Mr. Branon asked about the possibility of a shared driveway between the duplex and the left lower house. Mr. Throop replied that he recollected the original driveway was 24 feet wide and noted, “that is a lot of asphalt. If you can narrow it up that would be more palatable.” Mr. Branon concluded by noting they would revisit the floorplans and architecture of the buildings.

Chair Holt asked for a sense of the Board regarding the number of buildings on the lot “three or four?” he asked with the members unanimously replying “three.” Having heard their response, Chair Holt looked to Mr. Branon and said, “I believe that will relieve a lot of dimensional pressure for you.”

Mr. Galus asked about a boundary dispute that he recalled from the first preliminary review. Mr. Throop noted it was not the Board’s jurisdiction to get involved but any approval of the plan prior to that dispute being resolved must meet the zoning requirements, “regardless of what that resolution is.” He added, “there is still enough area and footage to meet those requirements.” Regarding the boundary dispute, Mr. Branon told the Members, “we don’t believe there is one.” Andrew Prolman stood and introduced himself at this time and told the members that he was available to answer any questions they may have.

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

Joni Doherty introduced herself as an abutter. “I am certainly in a boundary dispute” she said, adding “so I am quite surprised to hear that.” She went on to say, “I understand you [the Planning Board] do not make those [civil] decisions, and I am relieved to know you are aware of a dispute with a lack of resolution.” She asked, “can you approve a plan knowing the boundary line is in dispute?” Ms. Doherty briefly reviewed the history of her property, the details of her deed, and how for 90 years the boundary line between her property and 59 Union Street had been a straight line, not the curved line depicted on the plans. She reiterated she was involved in a legitimate boundary dispute with the applicant, she had retained an

attorney, and to date she has not received the courtesy of a response from the applicant. Chair Holt thanked her and noted that the Board would want a plan for the worst-case scenario.

A motion was made/seconded (Galus/Zeller) to continue the public hearing to a date a time certain of Tuesday, November 13<sup>th</sup>, 2018 at 6:30 pm in the Board of Selectmen's Meeting Room at the Town House with all in favor.

**Continued Preliminary Consultation** – Conceptual review of a possible 17 to 26 lot subdivision of two parcels owned by EAM Peterborough Holdings, LLC, located at 69 and 75 Concord Street, in the General Residence, parcel numbers U016-041-000 and U016-042-000. This is a non-binding consultation.

For the record, Mr. Branon once again introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative for EAM Peterborough Holdings, LLC.

Mr. Branon briefly reviewed some of the input they had received from the Members and the abutters at the September 10<sup>th</sup>, 2018 Planning Board Meeting. “Tonight, we have some proposed renderings and site layouts” he said. He briefly reviewed the Sand Hill to Concord Street project with a narrower road, allowing more space and separation for the abutters.

Mr. Branon asked Architect Michael Petrovick of Catlin & Petrovick Architects PC to present the updated design. Mr. Petrovick presented several building styles to the Members and audience. He noted trends in architecture in New England were changing to appeal to a broader audience. “We maintain the character and fabric of the neighborhood with traditional forms like colonial and craftsman style but include a different element with the living space inside” he said. Mr. Petrovick noted the appeal of smaller homes with open floor plans and updated windows. He expressed the importance of using dormers and color for individuality while again maintaining the fabric of the neighborhood. He told the Members that the larger units would be 1,300 square feet with open and flexible options as well as front porches. Chair Holt interjected, “what is the depth of the porch?” Mr. Petrovick replied, “about 5 feet.” A brief discussion about how a porch may look more like a decorative aspect to the house rather than an actual porch followed with Chair Holt noting, “anything less than 6 feet looks staged.” Ms. Vann agreed, adding, “it looks silly to be that narrow.” Mr. Carrara asked about the shed roof dormers with Ms. Vann noting, “I like them. They are more traditional and less fluffy than doghouse dormers, and they are cheaper give you more space.” “I agree” replied Mr. Ward.

Chair Holt then expressed his concern about the steep slopes. “I am concerned you may be using the overlay ordinance to make the slope worse” he said. Mr. Branon replied, “we appreciate the concern and we will show how we’ll lay into the topography.” Mr. Branon briefly reviewed the reconfiguration of moving units closer to the street.

Regarding the large apartment house to the north, Mr. Ward noted, “you have addressed the idea of knocking it down. Has there been any consideration to attempt to reuse it and make it into two or three units?” Mr. Branon replied, “the inspection was not favorable, but we will address the criteria” Minimal requirements of TNOZ I suggests reuse of existing buildings and frowns on the demolition of habitable dwellings. “Our desire is to build a community within a community and that house, in its current status and location is not conducive to that” he said. Mr. Throop expressed his concern with the steep slopes, saying, “740 to 760 looks pretty steep to me.” Mr. Branon replied, “we are still in the preliminary stages and are trying to be sensitive to the feedback from the last meeting.”

Mr. Ward asked about the size of the largest unit. The duplex, 3,655 square feet for two units, to be located in the area of the current apartment building. Mr. Ward spoke briefly about the cost per square foot for renovation or rehabilitation. Noting he was a member of the Heritage Commission, Mr. Ward said, “I would like to see an effort to try to save a bit of history on the lot. Knock down Woodman’s [the large florist shop building] if you have to, but I would like to see an attempt at least to save the apartment building.” He went on to say, “I am trying to get out in front of that and advocate for those I represent.”

Mr. Branon thanked the Members for their time and input and with no other questions from the Members he opened the preliminary consultation to the public.

Lockard Row introduced himself as an abutter and noted his concern about the accuracy and specificity of the town tax maps. Mr. Throop explained the tax maps were reference maps and not survey accurate. “For boundary lines you must rely on a surveyor and that is what we do. We use existing surveys and deeds” he said.

Patricia Row introduced herself as an abutter. She also questioned the tax map, specifically the boundary line of the proposed project to the proximity of the swimming pool located at the One Sand Hill Condominium development. Mr. Throop reiterated the tax maps were reference maps only.

Mackenzie Nichols introduced herself as an abutter and began by thanking Mr. Ward for urging the applicant to at least *attempt* to maintain the street aesthetics and integrity of the town by renovating, not demolishing, the apartment building on the

parcel. She also thanked Chair Holt and Ms. Vann for their suggestions that the front porches be deeper than five feet.

Carl Brezovec introduced himself as an abutter and asked if a traffic study would be required. Mr. Throop noted that Concord Street was a road managed by the State. “The Board can ask for a traffic study but that has not been their practice” he said. Mr. Brezovec told the Board, “we walk to town frequently. There will be a lot more people, so I would ask if there is a plan for a sidewalk. I know in front of the cemetery is a stretch but what is your plan?” Ms. Vann replied, “yes, they are required, and the elevations show a sidewalk.” Mr. Branon noted full plans for the project would be submitted with their site plan review application.

Dennis Cilley introduced himself as an abutter and reiterated his concerns about encroachment into the steep slope. “It is not as far up with your new iteration, but it seems a bit closer [to the One Sand Hill Condominiums] and I’d like to ask what is going to keep the hill from coming down on us?”

Matt Truelli introduced himself as the owner of the property and expressed his appreciation for all the feedback. He also spoke to the condition of the apartment building located at the site. “We will do due diligence on the house, but the basement is wet, the granite foundation is not great, the plumbing old, and there is quite a rodent problem as well. It would be financially restrictive to renovate; our overall goal is that the building does *not* remain.”

Mary Reis introduced herself as an abutter and also expressed her concern about the steep slope. “I agree with Dennis” she said adding, “that whole hill is a sand pit. What guarantee can you offer us and the resident of Concord Street?” Mr. Branon briefly reviewed the process of a final drainage/stormwater/erosion and steep slope plan. He noted the multiple agencies including the Community Development Staff, Peterborough DPW, and a third-party Stormwater Consultant all have input adding, “the state will also be involved with an Alteration of Terrain Bureau review. There are no shortcuts in designing a project like this.”

Ann Twitchell introduced herself as an abutter. She told the Board, “the hill is very steep. I don’t understand how you can clear cut it and make it look like Peterborough.”

Ms. Nichols spoke about the apartment building slated to be demolished. “It is right across the street from our house and very much like it our house was built in 1900, has a dirt floor and is in the flood zone. We are not going to change these things and there are obstacles in determining what can be done with it, but it is worth looking

at. Is it going to be expensive? Yes, but at the cost of taking character away from the town? It is worth looking at to maintain the integrity of Peterborough,” she said.

Mr. Branon concluded by thanking the Board and reiterating the importance of their feedback and noted “we will be proceeding with this and expect a submission in a month or so. We still have a fair amount of details to come together but appreciate all in the input.”

**Discussion: Reactions to Zoning Listening Session:**

Mr. Zeller began with a list he created consisting of seven bulleted items. “We don’t have to discuss them tonight” he said adding, “but this is a list of bullet items of the recurring themes I heard from the audience at the first two meetings:

- \*parking concerns for 4-unit buildings on a small lot
- \*workforce housing in each project
- \*keeping Conditional Use Permits in instead of “by right”
- \*many against infill in *their* neighborhoods
- \*more visual aids for proposed changes
- \*visuals of before and after impacts in any particular neighborhood
- \*abutters want more say in proposals that may change their neighborhoods

Mr. Juengst told the Members he pretty much agreed with the list. “That is what we are hearing” he said, adding that certain individuals from certain neighborhoods do not like the permitted uses in the T2 Residential District. He concluded, “they are on a roll and they are not going away.” Ms. Heller added her concern that some of those individuals do not understand zoning and some are not interested in understanding. “There is a real resistance to learning,” she said.

Ms. Vann noted she would update the PowerPoint presentation and add graphics and buildout drawings to see what it looks like under these rules. She noted potential locations for model buildouts were lots on Grove Street, one belonging to the Cotes the other across from the AllTown Market.

Mr. Carrara noted his frustration with the half-truths he’d heard at the session he attended. “Some of what I heard was flatly wrong and false” he said. “Where do they get it?” asked Mr. Ward with Mr. Carrara replying, “I don’t know but they are hearing the wrong things, not the truth. Chair Holt interjected, “people are being educated. They have heard the truth and do not believe us. They are pessimistic with

it.” Mr. Carrara concluded, “well we want to educate the public from the half-truths. Even if we must stand up with two sheets, one the current zoning the other the proposed zoning, and show them *not a lot* has changed.”

Ms. Vann noted that Sue Chollet had been recruited to moderate the sessions and that she’d made a conscious choice *not* to attend. “You have a reliable moderator. I don’t think it would be helpful for me to be there,” Ms. Vann said. Mr. Carrara suggested that it may be helpful for her to attend. Mr. Juengst agreed adding, “keeping Sue as the moderator.” Ms. Heller interjected, “I disagree, this is a listening session for us and it is the scuttle bug that Ivy is not going to be there.” Mr. Juengst asked, “what if there are questions we cannot answer?” Ms. Heller replied, “we take and add them to a frequently asked questions list to be addressed.” Mr. Throop summarized by noting, “what is important is to identify the fear underneath what they are saying. We have to identify those key things and address them. The challenge has been how to resurrect the process, so they have felt that they have had an opportunity to give input. We may have to think about extending this.” “To when?” replied Ms. Vann. Mr. Throop answered, “2020.” Ms. Vann noted a “not in my backyard” frenzy adding, “we are going to go broke if we don’t allow infill.” She observed that most people say they think change is “‘OK’, but not for *them*, not in their *neighborhood*.” Mr. Throop replied, “they have to own that, but the heart of the matter is identifying what the goals are and what is imperative to them.” A brief discussion about identification of goals and facilitation of a process for the public to come to those conclusions themselves followed. Mr. Throop noted that he felt the lot coverage with the current setbacks was the limiting factor for people. He suggested more gradual and incremental solutions to the T2, T3, and T4 Residential Zones. Ms. Vann noted her concern that in the meantime there may be a proposal to do away with TNOZ I and TNOZ II. “I have heard that,” replied Mr. Throop. Mr. Juengst suggested they get through the remaining public outreach sessions they’d scheduled for the amendment and re-evaluate. “This is not going to be the end of the world” he said.

Mr. Throop interjected, “we can go back to the RFQ, we still have \$8000.00.” Ms. Vann replied, “the objection we got with the first RFQ was that we only got one response.” Mr. Throop agreed and added, “you are right, we don’t want to go back to the RFQ the way it was written, but if we resurrect the process to gain credibility that is where we have to go.”

Ms. Heller concluded the meeting by telling the Members she’d heard attendees at the Masonic Lodge public session talking optimistically about the form-based code proposal. “They were excited about it” she said adding, “they saw the possibility of

it being very enticing to people. We just need to give them more information about what we've talked about and how it is going to look. We need a lot more visuals."

**Next Meeting:**

October 15, 2018 at 5:00 pm

The meeting adjourned at 8:55 pm

Respectfully submitted,

Laura Norton  
Administrative Assistant