

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of November 14, 2016

Members Present: Chair Ivy Vann, Alan Zeller, Bob Holt, Rich Clark, Ed Juengst and Joe Hanlon

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

Preliminary Conceptual Consultation – Gato Properties, 59 Union Street :

Chair Vann called the meeting to order at 6:30 p.m. and introduced the members and staff. She noted two items on the agenda for the evening, the first being the continued Preliminary Conceptual Consultation for 59 Union Street and the potential redevelopment of the parcel by removing the existing two-family home and creating four new living units using the Traditional Neighborhood Design Ordinance.

Before asking the applicant to begin Chair Vann reiterated “like last time, there will be no decision tonight.” Referring to the applicant’s first appearance in September she said “we sent Chad (Branon of Fieldstone Land Consultants, PLLC) away with suggestions and concerns as we were not so in love with what he had brought us. He is back with something new and different for us to see.” Chair Vann also reiterated the procedure for the meeting with the applicant presenting followed by questions and concerns from the Board followed by questions and concerns from the public (for and against) and concluding with applicant rebuttal. She requested anyone wanting to speak to please identify themselves for the record.

Chad Branon stood as he introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire. He introduced Sam Katz of GATO Properties, LLC as the applicant noting he was the applicant’s representative. He noted they were last before the Board September 12th and for a preliminary review and September 19th for a site visit to the property.

Mr. Brannon reviewed 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.”

He went on to say “the last time we were here we proposed a central access with a common drive to access the homes internally (which) you did not care for.” He noted the Board’s preference to have the homes facing to the street. The plan he presented was projected on the Elmo device for all to see as he pointed out the orientation of houses on Lots One through Four with entrances and driveways toward the street.

Mr. Branon briefly reviewed each home for architectural features in which the Board has shown interest in the past (setback garages, steep peaks, overhangs and farmer’s porches).

Chair Vann immediately asked about the size of the garage door on Lot One. Mr. Branon replied “it is a 16-foot door.” “Oh,” replied Chair Vann, “so it is smaller than it appears on the elevation.” “Correct” replied Mr. Branon as he went on to do a similar description of the remaining three lots.

Mr. Branon concluded by noting the overlay criteria they had touched on in their past meetings. “As you know the Traditional Neighborhood Overlay has building design guidelines (setbacks, building orientation and location of parking, building height and massing as well as architectural features).” He noted the minimal requirements of town water and sewer and the recommendation to reuse existing buildings as the demolition of an existing dwelling in order to subdivide a lot or create additional dwelling units on an existing lot is strongly discouraged. Mr. Branon continued “the Board has agreed the setbacks, density and massing were consistent with other development in the area.” He noted the condition of the existing residence and told the members “we believe the building is in such a state of disrepair that rehabilitation is cost-prohibitive.” Shaking his head in agreement Mr. Katz interjected “the estimate was more than the assessed value of the house.”

“Well I am happy with the garage on Lot 1. That is my only comment” said Chair Vann. Mr. Hanlon remarked that this was the second Conditional Use Permit application using the Traditional Neighborhood Overlay ordinance to come before the Board. He briefly reviewed the changes in the zoning ordinance to allow for smaller lot sizes and less frontage to increase density in an already populated neighborhood. “Being done by Conditional Use Permit we have some influence beyond the dimensional requirements” he said. He noted the intent of the ordinance was to create housing opportunities for retirees, single person households, young families and those wishing to downsize while staying in town. This is what gets us there” he said adding “we are looking for housing to address a growing demographic, accommodating those working in Peterborough but cannot afford housing in Peterborough.”

Returning to the existing house on the parcel Chair Vann asked if that dwelling could be salvaged and three new homes be built. Mr. Branon noted renovations cost more than building a new home. He cited potential problems from the foundation up. "As far as rehabilitation, we have never considered it" he said.

A brief discussion followed on the similar development done on Vale Street. Mr. Branon told the members all the units were under contract or sold. Discussion about their size followed with Mr. Branon noting "size is driven by the market, if people want larger homes, builders will build larger homes." He was quick to add "but this still accomplishes the goals of the ordinance" (an increase in density, walkability to town with close proximity to police, fire and emergency services, making more efficient use of the town's infrastructure and discouraging extensive development in the rural areas of town).

Before opening the hearing to the public Chair Vann remarked "I would prefer (I think, as would the neighbors) that you retain the existing house. I think there is plenty of room for four dwellings but that is my personal opinion. I would like you to think about, we can't make you do it but we can suggest it." She then asked the members if there was anything else they may be looking for. "Estimates for repair costs?" she asked. The member thought that may be pertinent. Mr. Zeller asked about the market value of the new homes. Mr. Branon replied "that is an excellent questions. I will defer to my client." It was noted the homes on Vine Street were averaging around the \$320,000 range. Chair Vann was quick to note "while that is a good question it is not germane to this discussion. We don't get to decide what things cost." She then opened the hearing to the public.

Kitty Perullo introduced herself as an abutter. She began with some rebuttal about the spirit of the ordinance being affordable housing. Chair Vann interjected "the spirit of the ordinance was never intended to provide affordable housing. It was to create density within the infrastructure." When Ms. Perullo began to read the definition of affordable housing (housing costs that do not exceed 30% of a household's gross annual income). Chair Vann interjected "that is the definition of affordable housing but that was never the intent of the overlay ordinance."

Ms. Perullo noted other criteria such as the roof lines matching in height and structure. She noted the narrowness of Prospect Street (especially when cars park on the side of the street), the blind spot and erosion issues on the corner of Prospect and Union Streets and the fact that the busiest bus stop on Union Street was located at that very corner. She also asked about snow storage/removal plans. "It is a very busy street" she said adding "there is no safe way to put a building there." Ms. Perullo concluded with the driveway/deed issue with her neighbor Joanie Doherty's property. Mr. Throop told the members an attorney had gotten involved

and “may have a different interpretation of the deeds that have been presented.” Chair Vann noted “the land use lawyers will have to figure that out, tonight we are here for general concerns.”

Mr. Hanon thanked Ms. Perullo for her input and reiterated the purpose of the Traditional Neighborhood Overlay ordinance. “The big thing is an increase in density” he said with Ms. Perullo replying “I respect that but not at the expense of danger.” She concluded by thanking the Board for listening to her concerns. “We want to be a part of the solution.”

Judith Page introduced herself as an abutter and spoke briefly about the drainage issues about the site. Mr. Branon respectfully noted they were aware of the slope and that water runs downhill. Chair Vann interjected “You have to understand that with these new developments, every drop of water that falls on the development has to *stay* there. It has to be infiltrated into that site.”

Mr. Branon concluded by touching on the criteria for the Traditional Neighborhood Overlay. He noted a great deal of diversity of architectural styles and site relationships in Peterborough. He told the members “the architectural features within a certain distance from the site do not control what you can do, instead they should be contemplated and incorporated as seen fit.” He went on to tell members he had found no real consistency in the roof lines in the area but had incorporated other architectural features such as board siding, dormers and farmer’s porches. He concluded by noting “we are seeking feedback from the Board. That is why we have been here twice. We feel you have given good guidance, thank you.”

A brief discussion about the Site Plan Review and all the items that review covers followed. When asked, Mr. Branon spoke to the deed research his company had done. He distributed a copy of the deed dated November 20, 1923 which was intended to convey the west part of the premises conveyed by a deed dated October 20, 1923. Chair Vann reminded the members and audience “the town is not party to boundary disputes.”

Mr. Throop noted the separation driveways of the houses facing Prospect Street. Chair Vann suggested Public Works be contacted for their input. “No one can require shared driveways but I would say if they are too close together we propose a single 12-foot wide drive between them.”

Public Hearing Site Plan Review - – GFA Credit Union, 99 Grove Street

Chair Vann moved on to the second application by reading the public notice for a Site Plan Review for GFA Federal Credit Union to construct a 2,422 square foot branch building with a drive-through at 99 Grove Street. The project proposes the removal of the former gas station/retail space. Looking up, again Chair Vann noted “there will be no decision tonight. Because of substantial changes, this application will be continued to the December meeting.”

Mr. Branon introduced himself once again to the audience and Board members. He also introduced Tina Sbrega, President and CEO of GFA Federal Credit Union and Gregg Rosen with NES Group. He noted their original intent for the evening was a Site Plan Review for the branch building and despite being told by NH DOT that their proposed driveway permit for use of the existing curb cuts would likely be granted, “we were informed on Tuesday the driveway permit would be denied based on the proximity of the northeast curb cut to the intersection and the only recourse was to appeal the denial if we stay with the existing plan or redesign the site. “So we have come up with the only possible redesign option given the constraints of the site” he said. Mr. Branon went onto review the revised conceptual layout which provided a single, two-way curb cut 140 feet from the intersection (and) a relocation of the building essentially flipping the parking lot from the north to the south side of the building. “The entrance would still be on the east side of the building (facing Grove Street) and the drive through would remain in the back on the west side of the building.”

Mr. Branon told the members he had reached out to the immediate abutter to address any concerns “and he was fine with it as long as we were willing to provide the eight-foot fencing along his property line and the six-foot fencing along the back.” He mentioned the Variance they had received in September for the intercom system for the drive-through “which would now be actually further away.”

Mr. Branon concluded by noting the drainage was similar to the previous plan. “We have a net decrease in impervious cover” he said. He pointed out the location of the dumpster and a bike rack. Greg Rosen briefly presented new elevations for the members. He noted that even with the rotation “we were able to keep the tower feature in the same location.” He explained the exterior finishes (shingles on the tower, clapboard and stone on the building). Chair Vann told the members she had received a note from member Jerry Galus who had suggested the building look a bit more residential by removing the tower adding “but I think this is fine, I think civic and commercial buildings should look civil and commercial buildings.” Mr.

Hanlon interjected “I like the eyebrow window.” Chair Vann asked about a raised and textured walkway. Mr. Rosen replied that they would look into it. “If we can find the material to do it safely and that does not interfere with plowing we are fine with that” he said.

As Chair Vann opened the hearing to the public Mr. Branon concluded by thanking the town staff for the much appreciated assistance in getting ready to this evenings’ meeting.

Deb Kaiser introduced herself as an interested individual but also a representative of the Town’s Heritage Commission. She noted her concern about the demolition review process and asked why (again) they had not heard about the project. “It is like putting the cart before the horse” she said adding “like it (demolition) is an assumed thing.” She noted the Heritage Commission has concerns about demolishing historic structures “but we also have concerns about environmental problems.” She told the Board the former gas station was a quaint mid-century gas station with some real history but did acknowledge concerns about environmental problems. Mr. Rosen interjected they had both a geo technologist and environmental engineer test the soils. “It is a slighted site” he said. He went on to note the State of New Hampshire still had funds available for mediation of these types of problems. “We will be diligent with this, dotting our *i*’s and crossing out *t*’s” he said. Chair Vann interjected “many architects have looked at the building over time” adding “it *is* cute but its contamination and disrepair turn them away.” Ms. Kaiser reiterated her discontent that the Heritage Commission had not been notified. “We do go to the trouble to review things” she said. Mr. Throop reviewed the demolition permit process and noted there was nothing to compel an applicant to go to them before they go to the Planning Board and suggested they (Heritage Commission) investigate making an alteration to the process.

Chair Vann asked “should we accept the application as substantially complete?” Mr. Throop suggested “not yet” and recommended they continue the request to the December meeting. Mr. Branon had no objection to the recommendation but cautioned “with the timing of the purchase and sale of the property it is critical that we posture ourselves for an approval December 12th and that you know what our expectations are. He thanked the members and staff once again for working with them through an unfortunate scenario.

Mr. Throop noted concerns e-mailed from Board member Tom Weeks. This included the presence of a bike rack, a plan for interconnecting driveways or easements for construction of driveways between adjacent lots, screening for the HVAC equipment, compliance with the lighting ordinances, safe access for pedestrians while crossing the exit way and the proposed drive through from the

public sidewalks, and compliance with the sign ordinances. Mr. Branon replied they had incorporated all concern in the new plans with the exception of the interconnecting drive to adjacent lots. Several members of the Board replied at once that it was a matter of drawing in the potential drives.

Barbara Miller introduced herself, indicating that she was speaking as a resident, and thanked the Board. "GFA is a great friend of this town" she said adding "in what they do and how they give."

Ms. Sbrega also thanked the Board and staff for working so expeditiously on a decision that was out of their hands. "The changes were quickly and thoughtfully done" she said adding "we are an active community partner and this improvement allows us to better serve the residents of Peterborough."

Chair Vann concluded "I will entertain a motion to continue this application to the December 12th Planning Board Meeting." "So moved" replied Mr. Zeller with Mr. Holt adding "I second it." All were in favor.

Minutes:

A motion was made/seconded (Zeller/Clark) to approve the Minutes of October 17, 2016 with all in favor.

Other Business:

Minor Site Plan Review – GAR Hall:

Chair Vann told the members the Minor Site Plan Review Committee will conduct a public hearing on Wednesday, November 16th at 2:00 p.m. to review the proposed redevelopment of the GAR Hall (including the addition of a 480 square-foot deck on the north side of the building, reconfiguration of the stairs to access an exit on the south side of the building, conversion of the existing sidewalk on the south side of the building to a restricted access, reconstruction of the existing retaining walls to accommodate the driveway and ADA accessible access to accommodate commercial deliveries and handicapped parking).

Draft Zoning Amendment for New Village Project Overlay District (NVP):

Chair Vann told the members the Co-Chairman of this committee would be at their workshop November 21st to present their progress. She gave the members a sneak preview of the presentation regarding the Traditional Neighborhood Overlay District (TNO-1) and the NVP project (TNO-2).

Upcoming Projects:

Mr. Throop told the members the lot that formerly housed the River Center had been sold to the All Saints Church. “They will be refiguring the parking lot “but I believe we can review and approve that administratively as it is a parking lot now and will be a parking lot later” he said. He also noted the fate of the smaller building on the lot was still not determined.

Mr. Throop that a land use attorney had contacted the town was pushing-back on the board’s past interpretation of the language in *Chapter 237-19 Lots* paragraph “C” which states “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.” Mr. Throop said that it is his understanding the Board had historically interpreted the language to mean “you have to be able to put a 200 by 200 square foot box everywhere on the lot” adding “the intent of this interpretation would be to prevent flag lots or otherwise irregularly shaped lots.”

Mr. Throop went to the white board and drew a graphic to explain what can happen when there is no regulation preventing irregular lot design. With the depiction completed, Mr. Throop pointed out the narrow strip of land connecting a strip of frontage with a larger area of land wrapped around another lot. “This is a flag lot” he said adding “They create irregular geometric shapes that have limited use and can lead to encroachment problems with abutters.”

A discussion including land models, keeping the Rural District from looking like suburbia, not wanting to create irregularly shaped lots (as well as *already* irregularly shaped lots with Mr. Clark noting “when you subdivide triangles you get triangles”), and wetlands, streams and high ground. Mr. Throop added “until we amend this section of your regulations “I think you are just going to have to hold your nose and approve these types of subdivisions.”

“When you run out of good land this is what you are left with.” Mr. Clark interjected “many large land owners are land collectors and have no intention of do anything with it.” Mr. Holt suggested a way to incorporate geometry and math to get what we want for lots that are constrained without creating flag lots and rattails.”

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant