

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of December 12, 2016

Members Present: Chair Ivy Vann, Alan Zeller, Joe Hanlon, Bob Holt, Tom Weeks, Matt Waitkins, Rich Clark, 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. and introduced the members and staff. She then appointed Mr. Weeks to sit and noted “we have two things to do tonight, the first of which is a Site Plan Review for the proposed construction of a credit union branch with drive through located at 99 Grove Street, Parcel Number U018-069-000. The project proposes to remove the existing former gas station/retail space and construct a 2,422 square foot branch building with single driveway.” As she then looked up she said “I will turn this over to Chad.”

Chad Branon stood and introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire. He also introduced Gregg Rosen and Zach Rosen from NES Group. “We are seeking site plan approval for the GFA Credit Union Branch at the intersection of Route 101 and 202.” Mr. Branon reminded the members he had been before them on September 12, 2016 for a preliminary review of the project and had intended to present his site plan review on November 14, 2016. He noted the issue they had encountered with their NH DOT permit and the resulting reconfigurations they shared with the Board at the November meeting. He pointed out Sheet 2 of the site plan showed the one directional flow of traffic and one curb cut for the project. “Otherwise the site design is the same as previously presented. The aisle widths for the drive-thru are 14 feet but we did narrow the entrance and some of the radiuses” he said. Mr. Branon also reviewed the drainage plan with a reduction in the overall impervious coverage of the lot noting they had received their NHDOT permit that morning.

“We have been working with town staff since November and we have some minor clean up items but in general we have worked diligently through the process and made the modifications requested by this Board” he said. He went on to point out the location of the raised crosswalks (ADA compliant), modified utility connections and the lighting plan. He noted the concerns Mr. Weeks had conveyed in his correspondence to the Board (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 driveway that passes in front of the building and compliance with the sign ordinances) had all been addressed. “We have satisfied those concerns” he said. Mr. Branon also noted they had continued their “good, open conversation with Jim (Stewart, closest abutter). He noted the Variance they had secured from the ZBA for the drive-thru intercom system and pointed out the screening for the generator and utility pads on the north side of the building (a 3-foot high stockade fence) as a visual barrier along Route 101.

In conclusion Mr. Branon noted a waiver request from Chapter 233 of the Site Plan Regulations, Appendix B2. for the parking lot landscaping. “The regulation requires at least one tree be 4 inches in trunk diameter for the parking isles. We propose using tree diameters of 2.5 to 3 inches. They are much easier to find and heartier (better growth over time)” he said. He then noted “that summarizes the general modifications we have made since November 14th.”

Greg Rosen pointed out the screening for the generator had been depicted “but we have not decided on putting the generator in yet.”

When Chair Vann asked if the members had any questions Mr. Waitkins suggested “if we are approving waivers over and over for an ordinance shouldn’t we change the language of the ordinance?” Chair Vann replied “yes it is in the site plan regulations and we need to change the tree caliper requirements that.” Mr. Waitkins asked “so we will change the regulations?” Chair Vann replied “yes, it is clearly a thing that ought to be fixed.”

With no other questions a motion was made/seconded (Weeks/Zeller) to accept the application as substantially complete with all in favor.

Chair Vann then opened the hearing to the public. “Anyone want to talk about the GFA on the corner? Anyone?” she asked. Mr. Weeks interjected “I have a question” adding “in regards to average lighting on the site.” A brief discussion followed about an inconsistency with light fixtures (resolved) providing average lighting (Mr. Branon has the profile and can produce it but does not have it with him this evening). Mr. Rosen interjected Branon that they typically follow the New York standard for security 24-hours a day for the drive-thru which will not dim below a level of safety hazard. Mr. Weeks noted the regulation for the district was 1.5 foot candles. Mr. Waitkins interjected “that is a good questions, just look at Scott Farrar.” Chair Vann noted the plan would be revised before it was signed off as part of the requirements adding “the point is well taken, I don’t want to go to a shadowy ATM at 2:00 a.m.” She went on to say “the parking is to the side, the

front of the building faces Grove Street and looks like a proper building as required by the landscaping. Are we happy? Do I hear a motion?"

A motion was made/seconded (Holt/Zeller) that the Planning Board find the proposed project design for the GFA Credit Union Branch with drive-thru as shown on the plan entitled Site Development Plans – Parcel No. U018-069-000, 99 Grove Street, Peterborough, NH dated October 7, 2016 and revised November 14, 2016, as it may be revised to meet conditions of approval, prepared by Fieldstone Land Consultants, PLLC, is in compliance with the performance standards set forth in 245-9 D. Village Commercial District and the Planning Board's Site Plan Review Regulations." Further move that the Board grants the requested waiver of Site Plan Regulation Appendix B, Section (B)(2) relating to parking lot tree caliper to allow for smaller trees at planting as shown in the proposed plan and approves the Site Plan application for said project subject to meeting the following conditions prior to signature by the Planning Board Chair:

1. Revised plans shall be submitted showing all minor modifications and additions to the plan as recommended by the OCD Director and agreed to by the Applicant and as required by the Board during the Site Plan Review process.
2. A third-party review of the Applicant's drainage report and erosion control plan shall be completed by the Board's drainage consultant and the Applicant shall address all comments and questions raised by the consultant to the satisfaction of the OCD Director and the Planning Board Chair.

All were in favor.

Minutes:

A motion was made/seconded (Zeller/Holt) to approve the Minutes of November 21, 2016 with one correction with all in favor.

Public Hearing – Zoning Amendment: Traditional Neighborhood Design – Zone II: A proposed Zoning Ordinance to add a new Traditional Neighborhood Overlay Zone to increase opportunities for smaller houses on smaller lots where municipal water exists or may be extended, and subject to meeting certain requirements in the ordinance.

Carol Ogilvie introduced herself and noted "the intention here is to focus on the draft amendment itself. We have spent a lot of time over the last several months on this." Chair Vann suggested Ms. Ogilvie give the Board a review of how the draft came to be.

Ms. Ogilvie gave the members a brief history of the amendment which began with the receipt of a grant from the N.H. Municipal Technical Assistance Grant Program Grant (MTAG), a grant program awarding funds to assist New Hampshire communities that want to create or change their zoning regulations to support housing options and increase opportunities for additional housing types and styles in town. “We started in July by organizing the Steering Committee followed by a great deal of public outreach and engagement” she said adding “the grant we received for this draft ordinance required extreme emphasis on that outreach.” She noted Ms. Vann’s outreach booth, posters and a visual preference questionnaire. “We have had four public hearings that were well publicized and attended” she said adding “and the feedback we got was hearing the same things from people on what they want (smaller houses on smaller lots, walkability to town and decent, affordable rentals) and what they don’t want (large houses on large lots). She also noted examples of people included wanting to downsize or young families who want to stay in town. “It has a lot to do with zoning” she said and noted the adoption of the Traditional Neighborhood Design Overlay District (TND I) two years ago. She briefly reviewed the original overlay zone criteria (*Family and General Residence Districts, creations of lots 5000-10,000 square feet, connected to existing Town water and sewer, Performance Standards for driveways and parking, Design Standards for new home construction and the required notification to all abutters within 300 feet*) before going on to compare the new draft ordinance to it and identifying smaller lots connected to town water and sewer. “Things that apply to just the new zone ended up being a draft that is very short and very simple because the existing ordinance (TND I) already spoke so much to what people want” she said. “It is really infill development. This is where we are at.”

Ms. Ogilvie then outlined the red boundary line of the original Traditional Neighborhood Overlay District (TND I) where this infill of smaller lots and houses would not otherwise be possible as many of the lots are already non-conforming and smaller than what current zoning calls for. She noted the development on Vine Street (eight houses on just over an acre of land) as well as the potential development of a lot located at 59 Union Street. “The indication is smaller homes on smaller lots, we are going in the right direction” she said.

Moving through the presentation Ms. Ogilvie noted there were potential but not specific locations or parcels identified for the new Traditional Neighborhood Overlay District (TND II). “We know where water and sewer are located, but we don’t know where they might be in the future so by identifying specific areas, we may be eliminating appropriate parcels or including parcels that are not appropriate” she said. Ms. Ogilvie noted TND II with no specific geographic

location. She also noted that while the location must be connected to town water this draft allowed *either* town sewer or the provision of a community septic system of 25 users or more. She noted there was no minimum lot size. The maximum front setback was to be no greater than 20 feet with side and rear setbacks per the building code. “The maximum lot coverage is 40% (including driveways) and all residential types and some limited business use would be allowed” she said. Lastly, the draft shared some of the Performance and Design Standards of the existing TND I and others as applicable.

Noting precautions, Ms. Ogilvie reviewed what the subcommittee received as feed back during the public information sessions about what the town should be careful of. This included over-building the town, effects on property values, the status of existing homes in the Rural District and how to ensure long-term affordability. “We need to be cognizant about these things” she said noting “but there are certain precautions already in place (i.e. phased development) and it is pretty safe to assume with the way financing is today, builders are not building just to build.”

Ms. Ogilvie then projected several locations the overlay district may be applied including Route 101 at Church Street, Noone’s Falls, Evans Flat and Southfield Village. As she showed the graphics of potential housing in those areas she cautioned that they did not take into account wetlands or steep slope. “This was an exercise for us to see how streets and neighborhoods can develop” she said. She reiterated the public’s expressed need for neighborhood and village development (single family, duplex, multi-family, cottages, tiny homes) with decent, affordable purchase and rental pricing. “90% of the development over the past 10-15 years had gone to the Rural District. We are certain that if the current ordinance does not change in some fashion that trend will continue, there is no place else to go.”

Mr. Zeller asked “if people move out of the Rural District and into town what happens to the existing house in the rural areas?” A brief discussion about what percentage of those living in the Rural District now may move into town followed. Ms. Ogilvie stressed that young people and families don’t want the large house on the large lot (now), but may eventually move on to a larger house and lot.

The members also briefly discussed development phasing, the cost of building roads in rural areas (the idea is to put houses on roads that already exist or can be connected” said Chair Vann), and preserving the rural character of Peterborough. “It is a bad plan for us to build out there” said Chair Vann.

When Mr. Weeks asked why the ordinance did not have density requirements, it was noted that the density was based on the maximum coverage (40%). Mr. Weeks

gave a brief example (using a well-known lot on Old Street Road) for a scenario that included demolition of the building on the lot, proceeding through a review process and then building as many multi-level units as desired provided they do not exceed the 40% lot coverage. Mr. Weeks was also concerned about the other dimensional requirements of the ordinance. Ms. Ogilvie replied the draft had been sent to the Town attorney for review. “He didn’t have a lot to say but he did question why there was not some minimum front setback” she said adding “the subcommittee has not had the opportunity to discuss his comments.” Mr. Weeks noted the lack of a front setback in the West Peterborough District interjecting “if I lived there the sidewalk plow could plow my driveway.” He went on to note the TND I highly discouraged taking down existing buildings “and this does not” he said adding “so on any lot you can demo the building and then build something not having to meet density requirements. It is unlimited.” Citing the maximum lot coverage of 40% Chair Vann replied “no it is not Tom.” Mr. Weeks noted “this overrides our regulations so the question is *what is the setback* if I tear down a building?” Chair Vann replied “our goal is to encourage more density in places where there is infrastructure instead of spreading things out over the Rural District.” A brief discussion about build-out in certain areas of town (advantages and constraints) and the ability of the Planning Board to review a request and say **no** if the infrastructure was not there followed.

Subcommittee member Jack Belletete spoke briefly about the two hats he wore (subcommittee member and developer) throughout the process of creating the ordinance. “We need to have growth” he said as he pointed out that over his 40-year career he had never seen the lull experienced in the past 10 years. “Nothing like this” he said adding “allowing small, non-condo(ized) lots that are owned and you can do as you see fit with is the way to go.” He also spoke about one of the potential locations mentioned in Ms. Ogilvie’s presentation (Route 101 at Church Street). As the owner of the lot he said “I would not even come close to the density shown. With 6 acres available I would have 25-30 units and if I could build them and sell them all in 3 years it would feel like I had died and gone to Heaven.” He went on to say “the reality of sales and home ownership is not the same anymore, younger people want to rent. I think it is a good idea.” Mr. Hanlon asked about the number of houses with Chair Vann replying “the goal is make streets.” Mr. Belletete added “free simple lots is the key, where you own your own home and mow your own lawn with no condo fees.” Chair Vann noted “you begin to see half-acre lots with two or three homes on it. That is my response to that.” Mr. Holt noted his lot was less than a half-acre and has a suburban feel. “You don’t get the rural sense of half acre lots” he said adding “and we don’t want to legislate out innovative use.”

Ms. Laurenitis asked if the posted notice was the same one published in the newspaper. After review it appeared the notices were different. Chair Vann again reiterated “this is our first public hearing, we will sort it out.” Ms. Laurenitis asked “so this is allowed in any district?” Chair Vann replied “yes, as long as there is access to public water.” Ms. Laurenitis noted her concerns about the setbacks with Mr. Weeks noting the ordinance called for building design, parking and driveways, to the extent applicable, will have plans in accordance with the standards outlined in the Site and building Design Guidelines appended to TND I. “That is not really clear” replied Ms. Laurenitis and a brief discussion followed about matching the setback to other houses in the area and what Mr. Weeks had just said. Ms. Ogilvie noted “this is set up like TND I, you are free to do this in the Rural Zone if you meet the criteria but a 5,000 square foot lot with a 30-foot setback is impractical. You have a smaller lot so you have a smaller setback.”

Ms. Laurenitis asked “is the intent to be affordable?” Ms. Ogilvie replied “zoning cannot mandate affordability. All we can do is offer a wide range of housing to meet a wide range of needs and hope they become more affordable.”

“Are tiny houses allowed?” asked Ms. Laurenitis. Chair Vann replied “yes, the regulation says at least one room must be 120 square feet” adding “and that tiny house should go on a tiny lot. Putting a tiny house on a half-acre lot is not affordable.” Chair Vann also told the members the Master Plan Steering Committee was working on addressing the question of affordability. “One way is to get small apartments in a single building, an economy of scale type of thing” she said. Ms. Laurenitis told the members “a part of the purpose and intent of this ordinance should be affordability.” Mr. Holt noted his understanding, replied “we are not able to mandate it. Purpose and intent can say providing smaller lots could and would be more affordable but we cannot require it.” “We cannot” echoed Chair Vann.

Ms. Ogilvie noted the use of Planning Board incentives such as density bonuses to get builders to do affordable housing. She went on to say “as we got into the nuts and bolts, we discovered no minimum lot size was seen clearly as a very generous approach. We just could not come up with other incentives.” Mr. Holt added “this is the first tool in the toolbox to get us there.” It was also noted that the Master Plan Steering Committee would be starting an update of the Housing Chapter in February. “They will be discussing using zoning to get what the people say they want” said Ms. Ogilvie. She noted the option of a DES approved community septic systems as an alternative to be connected to town sewer when constructing new communities. “It is a system of 25 users or more. Rodney (Bartlett, Town Administrator) had asked us to consider them because of the possibility of

dewatering” (a process where water extracted from wells does not return to the aquifer) said Chair Vann adding “it is a choice in the ordinance.”

Apologizing that he had not attended the previous meeting on the draft ordinance Mr. Weeks had several questions regarding the setback requirement of no more than 20 feet or equivalent to homes on either side and the questions of what zoning applies if there are no neighbors in the area as well as other issues associated with the draft. Chair Vann reminded the members and the audience “this is our first crack, our goal is to make things currently not possible, *possible*.” She went on to acknowledge there were still many concerns “but they are not insurmountable. We *know* what we are going to get if we do *not* change, this is the preferred way to go.” Mr. Weeks interjected “I like the ordinance.” Chair Vann replied “thank you Tom.”

Rod Christy introduced himself as a High Street resident. He had several concerns including missing the goal of a walkable community. “I live a couple of houses from the Elementary School and you cannot get parents to walk their kids to school. If we had an influx of millennials maybe, otherwise they drive. That goal is unlikely to be accomplished” he said. Mr. Christy had concerns about financial costs as well as the cost to the nature of the town. He noted the loss of green space and increased traffic, adding the already dangerous 5-way intersection of High, Main, Union, Vine and Elm Streets was even more treacherous with the new units on Vine Street and the filling of the new Scott Farrar facility. “I have not heard plans to care for current problems with parking and traffic” he said adding “I would like to see more of a balance in the discussion, not just recognizing the advantages but also the costs.”

Mr. Holt noted that the walkability aspect in TND I was the Downtown and the walkability of TND II was within newly created village nodes and neighborhoods. He noted a trend of more people evacuating Boston (“it is coming, that is why I am here” he said) and the resulting cost to the rural areas and farmlands. “That is a larger cost than what we want to bear. This is better than *that* cost” he said.

Mr. Christy reiterated the traffic and parking problems in the Downtown because everyone is driving. “The only one walking in my neighborhood is Ellen Derby, she walks everyday” he said adding “we have not heard the other side, the cost of having this infill.” Mr. Waitkins agreed noting “the average speed on my street is 20 miles per hour and everyone goes upwards of 15 miles over that (and) nothing is being done about it.” Chair Vann replied “that is a conversation I have with Rodney (Bartlett, Town Administrator) all the time, we need to keep that conversation going. Remember, this is the first public hearing on this.”

Loretta Laurenitis introduce herself and asked about best management guidelines and design standards. She pointed out the Vine Street development “is all cookie – cutter houses that do not fit the neighborhood” and asked “how do you insure this does not happen?” Chair Vann replied “we lead, cajole, persuade and send people back to the drawing board. We have design standards but it is difficult.” Chair Vann went on to say “We cannot be too restrictive, we are not a home-rule state, there is a limit to what we can do.” She noted more variety in the Vine Street project would have been good. “All the houses meet the street, we did get peaked roofs and front porches but when the buyers all opt for the larger model there is nothing we can do.”

Ms. Laurenitis noted her concern about not restricting the ordinance to a specific area or district to see how it works. Ms. Ogilvie referred to her presentation noting “I think the third line says it all (by identifying specific area, we may be eliminating appropriate parcels and/or including parcels that are not as appropriate).” She went on to say “it is difficult to pick the place where this could or should happen if a landowner is interested in doing it. We started with the new villages and backed off with the hope of incremental development making a map.”

Noting the 40% lot coverage restriction Ms. Laurenitis asked about renovating a large house into several units. Ms. Ogilvie replied “yes, that can happen” with Chair Vann noting “and it would go to site plan review so all issues would be addressed.” Mr. Holt noted this may be the plan for large houses vacated in the rural areas. Ms. Laurenitis summarized “so it does not prevent development in the Rural District.” Chair Vann replied “no it does not, it adds a choice.” Ms. Laurenitis concluded “and that goes along with preserving rural land and farms.” “I agree” said Chair Vann as she noted the potential of transfer of development rights for preservation of the land may also be an option.

Citing the Vine Street development Mr. Belletete concluded it was a good example of the ordinance that is *not* affordable. “Allowing someone to build and do something *under* \$200,000 in Peterborough, that is what this is” he said.

Other Business:

A motion was made/seconded (Zeller/Hanlon) to approve the 2017 Planning Board Meeting Calendar with all in favor.

Mr. Throop announced that there would not be a Planning Board Workshop next Monday, December 19, 2016. Chair Vann reiterated they would be focusing on the

zoning regulations regarding Bed & Breakfasts (B&Bs) and Accessory Dwelling Units (ADUs) in January.

Minutes:

A motion was made/seconded (Zeller/Clark) to approve the Minutes of November 21, 2016 as written with one correction with all in favor.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant