

**PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire**

Workshop Minutes of January 23, 2012

Members Present: Chairman Leandra MacDonald, Bill Groff, Rick Monahan, Audrey Cass, Richard Clark, Allan Zeller and Ivy Vann.

Staff Present: Carol Ogilvie, Director Office of Community Development; Laura Norton, OCD Administrative Assistant

The Peterborough Planning Board held a Workshop on January 23, 2012 in the Selectmen's Meeting Room of the Town House. The Workshop was called to order at 5:15 p.m. by Chair MacDonald.

The Workshop was called to order at 5:15 p.m. Chair MacDonald introduced the Board and Staff.

Setbacks for Sheds

It was noted a new "Paragraph D" is added to the regulation. The addition regards setback exemptions that allow single story storage sheds, playhouses and similar structures up to 120 square feet to be located five (5) feet from the rear or side property lines. Richard Fernald introduced himself as a resident of Cheney Avenue. Mr. Fernald questioned the definition of a roof noting a shed that had been built "one inch from my property line" and had since been moved "five feet away." Mr. Fernald described the dimensions of the shed being used to store wood. He noted the flexible membrane cover or roof. Code Officer Carrara briefly explained the difference between a flexible membrane versus a rigid cover noting "in our regulation as long as it is not rigid is it OK." It was also noted that due to a recent change, the regulation should state "similar structures up to 200 square feet." Mr. Zeller asked for clarification on the five foot setback for the front with Chair McDonald replying "we did not address that specifically, but the only time you will have a front setback of five feet is in the Downtown Commercial District where the setback is zero."

Shoreline Conservation Zone

It was noted that approved uses of water impoundments, dry hydrants and fire protection ponds should be added to the Shoreland Conservation Zone so that ZBA approval is not needed for these public safety issues. It was noted that these were already included in the Wetland Protection Overlay Zone.

Downtown Commercial District Height Standards

It was noted that in the proposed regulation the height of structures in the District may be up to 65 feet high provided they comply with all fire codes relating to height and construction. One member asked "where did the 65 feet come from?" Ms. Ogilvie replied that after this amendment had been discussed several times "the Board asked for a reasonable number and I chose 65 feet." She and the Code Officer briefly reviewed the consideration of sprinkler systems and standpipes in many town buildings as well as the town's 100 foot aerial Ladder Truck in the decision

process. Ms. Vann asked “what is the current height restriction?” with Ms. Ogilvie replying “50 feet.” Mr. Monahon asked “is this of behalf of the Granite Block?” Ms. Ogilvie replied it was not on behalf of any entity. Ms. Vann asked about the height of a story with Mr. Monahon replying “12 times 4 is standard.” Ms. Vann noted “my sense is a 4-story limitation would be a good thing in the Downtown.” Mr. Carrara interjected that the 50 foot standard is an average noting “the structure could be 40 feet high one side and 60 feet high on the other.” Mr. Carrara also noted the height and size tables from the State of New Hampshire. Mr. Monahon noted they were talking about the height issue “a standard we might consider changing for the downtown.” Mr. Monahon re-reviewed the standards for floor-to-floor construction noting that with regards to underground construction “you don’t count what goes down.”

Chair MacDonald concluded by asking the members “do I sense the Board likes the 65 feet or is it too tall?” “I like it” replied several members at once. Mr. Monahon disagreed noting “I am not happy with it” adding “65 feet is 5.5 stories.” Mr. Monahon suggested before they go any further they get an idea of how tall the tallest building in the Downtown Commercial District is. The members agreed the tallest buildings included the Guernsey Building, the Town House and the Granite Block. Mr. Monahon also noted the International Building Code (IBC) embraced complicated calculations on height levels and advised “we should make our number determination on at least how the IBC would restrict it.” Ms. Vann interjected “so could we add language like *as determined by the IBC?*” “That is another way to say it” replied Mr. Monahon. Mr. Carrara noted “it gets complicated” adding “height and area tables from the State Fire Marshall’s Office get involved and can be even more restrictive than the IBC.” A brief discussion followed with Mr. Monahon concluding “the only danger of changing the town height limit is that we open up a possibility of getting taller buildings which may be significantly more visual impacting that we are ready for.” Chair MacDonald noted “we are not in agreement this needs more research, let’s move on.”

Nonconforming Buildings

Chair MacDonald noted this amendment would allow existing legally nonconforming buildings or structures that have nonconforming setbacks to be enlarged or changed as long as they do *further* encroach into the setback and that the height may also be increased provided it does not exceed the maximum height for the district or the prevailing height on the street and does not block sunlight or air. Ms. Ogilvie noted that over the past years there have been proposals that come in and come up against this, making a variance necessary. Ms. Vann noted “the crucial point is the maximum height of the district.” Mr. Carrara noted “again, it can get complicated.”

A brief discussion about conformity and nonconformity as well as the potential for expanded conformity and nonconformity followed. The members used a recently renovated/rebuilt property on Elm Street as an example. The members discussed the underlying zoning of the district, the prevailing issues, and the fact that the nonconforming portion of the structure may not increase in height while the conforming portion may. Ms. Ogilvie noted “we are really trying to get away from regulating in the definition.”

New or Amended Definitions

The members briefly discussed the amended definition of Buffer, the deletion of Fast Food Service (use not stated in the ordinance) and Setback (definitions already in place) and the

definition of Roof. This definition states a rigid building element constructed of solid materials such as wood, metal or concrete and held in place by structural supports to protect what is underneath it.

Richard Fernald again introduced himself as a Cheney Avenue resident with 27 years of experience on the Planning Board, 21 years as Chairman.

Mr. Fernald spoke about how zoning was brought to town and how the citizens were initially horrified. He noted through modifications of the zoning plan and public education he helped lead the way and zoning was adopted in 1970.

Mr. Fernald went on to explain the dimensions of a wood shed constructed very close to his property line and challenged the definition of "roof." This shed was covered with a plastic covering "and I object to that too" he said. He noted the setback and said "the zoning says a 30-foot setback and nothing can supersede zoning." He noted the current setback of the structure is about 8 feet. A brief discussion about Mr. Fernald's situation followed with Mr. Fernald advocating a better definition for storage sheds or playhouses. "Plastic tarps still block the view" he said. Mr. Clark noted he understood Mr. Fernald's frustration but noted "you can nail down the definition of a structure but it will still have loopholes in it and they will be found, they always are." Chair MacDonald noted "you cannot stop people who don't care about doing stupid things in their yards."

Mr. Carrara noted he just had to follow the letter of the law "and a structure consists of structural supports with a roof" adding "right now hoopsheds and membrane structures are not considered structures." "They are pretty ugly" interjected Chair MacDonald with Mr. Carrara replying "that is your opinion."

Mr. Fernald reiterated the dimensions of the shed and concluded by noting "I don't think you should allow that type of thing to invade the frontage."

Parking Requirements

Ms. Ogilvie noted that the schedule of minimum parking spaces should be reviewed and that there were three uses (conference facilities, educational facilities and churches) that were not in the schedule but should be because they are permitted uses in the ordinance. She also noted "there is a vagueness with *parking facility*, there is not definition for it." She reviewed the Table of Minimum Parking Requirements and the coordinating Perimeter Setbacks. She noted the Table is read as X number of parking spaces per 1,000 square feet of gross floor area or as otherwise noted.

The members had a brief discussion about a definition provided by Mr. Weeks of any building structure or land that has been developed for the purpose of parking vehicles. They also reviewed the Tables.

Definitions

Chair MacDonald noted "this has been talked about. Let's move on."

Chair MacDonald suggested the Board skip over the re-zone requests for Route 202 and Old Street Road parcels for the time being.

Sprinkler Exemption for Agricultural Buildings

Ms. Ogilvie noted a request had come from the Agricultural Commission to allow agricultural buildings up to 12,000 square feet be exempt from the Town's Sprinkler Ordinance. The current ordinance requires sprinkler systems be installed in all buildings or additions greater than 5,000 square feet.

Dan Holmes introduced himself as a member of the Agricultural Commission and the Manager of Sunnyfield Farm. He told the members "we bumped up against this when we planned to renovate our barn" adding "and that ended it for us."

Mr. Holmes also asked for clarification on another piece of information he had heard. He asked "if the value of the renovation exceeds half the value of the structure it requires a sprinkler system. Is that true?" Chair MacDonald replied "no, if we exempted agricultural buildings it would not matter." After a brief discussion the members agreed the request was reasonable.

Rezoning

The members went on to discuss a request to rezone an area on Route 202 where several parcels are zoned Rural but with the exception of one lot have all been used for non-residential purposes or uses. It was noted the lots are non-conforming for their size and one is a private residence. The members discussed the fact that while not technically called a gateway as one member noted "it does serve as one." Ms. Vann noted she had no problem with rezoning the lots to Commercial "but Commercial Use does not allow residential use." Chair MacDonald asked "why would we zone for a more intense use?" One member asked "are we just trying to clean thing up here?" Ms. Vann noted "you can change the use but you would not be able to change the density, there is not much more you could do with the lots" adding "I do not feel strongly one way or the other." Mr. Monahan interjected "the town is not hurt by changing them" adding "and I know Carol likes things to be in order."

Another rezone request was for three lots on Route 202 by Scott Mitchell Road. It was noted that these lots also have a history of non-residential uses. The request was to merge them into the Commerce Park District. One member asked if Mr. Warpala was in favor of having his lot rezoned with Ms. Ogilvie answering "he would love to have his parcel rezoned, he no objection to a change."

Ms. Ogilvie projected a map on the screen and the members reviewed the 200 foot setback for the Commerce Park on Route 202. Chair MacDonald commented on the historic fabric of the area with the old house located on Mr. Warpala's lot adding "the setback would pretty much swallow him up." Mr. Monahan noted "the really important issue is that the gateway feeling could be significantly threatened with anything that encouraged tearing down a relatively historic building (home)." He went to note "the point being made is that this may create an incentive that the site is more valuable with the building gone and that is a mistake."

Chair MacDonald interjected “they are having trouble moving these properties” with Ms. Vann noting “that is not a reason to rezone.” Mr. Monahan simply added “there is your gas station.” Additional discussion about gateways and corridors followed, with the Board concluding that since there is no existing district that would make any of these seven lots conforming, there would not be much gained by changing the zoning.

Monadnock Community Healthcare District

The members viewed a map of the MCH campus. Three parcels of land recently purchased by the Hospital were pointed out and the request to expand the District to those parcels was discussed. Chair MacDonald expressed her concern about the hospital’s infrastructure and expansion beyond that. “This land is outside their campus” she said. A brief discussion about the internal circulation of the facility and access via Parmalee Drive followed. The members also briefly discussed a parcel that had been rezoned to the Healthcare District by the homeowner through a petition in 2007. Mr. Clark asked “so only MCH is in the district?” adding “no one else (residences etc.) is in the district?” Mr. Clark also asked about the amenities of the district.

The members noted the fact that merely purchasing a parcel does not automatically bring it into the Healthcare District “you cannot do it by right” said one member. Another member agreed noting “you cannot just merge the lot you must get a zoning change.” It was also noted the Amy Miller lot (rezoned by her petition in 2007) was rezoned before the Hospital bought it “and then they just merged it” said Chair MacDonald.

Ms. Von Mertens spoke briefly about infill on the campus. She noted “infill is a good idea” adding her thoughts on how visually displeasing sprawl was. As for the campus she noted “in a residential area it is quite an entity.” Chair MacDonald replied “nobody disagrees with that.” The members then went on to discuss the campus topography and potential for infill. They also discussed parking requirements with Mr. Carrara interjecting “parking drives the coverage.” Ms. Cass noted that parking garages conserve land use with Mr. Clark replying “only when they are pushed to do it after they run out of space and need more parking.”

Mr. Groff noted “Hospitals all over the country are getting into a Rivermead type thing where they are building housing with assisted living and long term care opportunities.” Another member mentioned doctor offices and even rehabilitation facilities right on the hospital campus may be possible.

With the campus discussion concluding Mr. Estes noted the Fitness Trails that used to run along the perimeter of the campus. He added “there is no longer a continuous circle of trail that can be used by the public and patients.” Chair MacDonald briefly reiterated her disappointment that there was no sidewalk up Parmalee Drive but noted she was working with the Hospital CEO to eventually get some sort of a public access to the campus available (potentially by using the old, original driveway off of Route 202).

The members were advised that if they did not support the rezoning amendments the requesting parties could file a petition, the deadline for which was February 8, 2012.

After additional discussion about the internal circulation of the Healthcare District, the potential (or not) for additional curb cuts on Old Street Road Ms. Vann concluded “I think we make them do the heavy lifting” adding “let’s not do this as a Board, the next go-around will be to have a conversation about the 25-acre minimum lot size.” The members went on to discuss the future plans (or lack thereof) with Mr. Monahon noting “right now there is no specific proposal for a building or even a use.” Ms. Vann agreed noting “it would be good to have a better idea of that they are thinking.” Another brief discussion about the internal circulation of the campus, the potential for additional curb cuts and access concerns followed.

Infill

Ms. Vann recused herself and left the meeting.

Chair MacDonald began with voicing her concerns after conducting an experiment at her home. She told members “I took my measuring tape and long-suffering husband out to measure my lot.” Chair MacDonald explained that she did indeed have the necessary frontage to be able to subdivide her property. She reviewed the schematic of her lot with the other members and stated “it turns out I can create a 6,000 square foot lot in my front yard”. She looked at the members and asked “is that really what we want to do?” She went on to note “when you really look at it 6,000 square feet just seems *so* small.”

A brief discussion of the goals of infill followed that included an estimate of how many parcels really fit the criteria. They discussed changes in the character of neighborhoods as well as what one member asked “what drives this whole thing anyway?” Chair MacDonald noted “I don’t think one size fits all in the General Residence is a realistic thing.” The members went on to discuss dimensional requirements for the different districts. In referring to the potential complexity of infill one member noted “when we have requirements for the districts then we start putting overlays on them and you can forget about it.” Mr. Fernald interjected “that sort of thing happens all the time in communities without zoning or restrictions.” Mr. Fernald also warned against the members committing “sewer-cide” by focusing so intensely on the town sewer system being a major component of the goals. Richard Estes voiced his concern for preservation of green space (noting “adding homes will do away with that”) and the micro climate and how it is affecting the trees and agricultural lands.

The members went on to discuss a potential perception by the public that as one member described as “you wake up one morning and all of a sudden all of your protection is gone.” They discussed a scenario of two land owners meeting the criteria and agreeing to put a house between them. Mr. Monahon noted “I am not saying people won’t take advantage of that but not everyone thinks that way.”

Chair MacDonald concluded by noting “I think we are using a hammer on something that is more in need of a feather duster.” She went on to suggest that perhaps it could be neighborhood specific with a subcommittee to “review the spirit of the law versus the letter of the law.” A brief discussion about the variance process and what defines “hardship” followed. Mr. Monahon concluded “you buy a lot and then claim a hardship then zoning does not make you rich.” The conclusion of the Board was to not put the infill proposal forward to public hearing.

Dan Holmes introduced himself again and spoke briefly about the agricultural potential of several parcels of land in town. He explained the soil values of prime farmland and sited several parcels. "There is an enormous potential value as agricultural lands" he said adding "we need to be considering that for a number of reasons. We are also looking down the road at an economic landscape that would make it even more valuable."

The members briefly discussed the food supply in the state (which is approximately three days) and the "bits and pieces of what we have (agricultural land)" as being extremely valuable. One member asked if an Agricultural Chapter for the Master Plan could be created with Ms. Ogilvie replying "yes it could." With a big smile Mr. Monahan interjected "I think that would be a terrific idea." Ruth Holmes agreed noting "that sounds great."

Anything else?" asked Chair MacDonald with Ms. Ogilvie interjecting "I would like just one second to show you a graph." She projected a graph of a survey of subdivisions in Peterborough from 2003 to 2011. It showed a total of 68 lots created "all in the Rural District except for two in both Rural and Family." Ms. Ogilvie went on to note "of the 28 applications since 2003 only five *did not* involve the Rural District." She concluded by noting "this will continue to happen until we figure it out." Mr. Monahan thanked Ms. Ogilvie noting "that is a good data point." Mr. Clark noted "the economics of building is that you use the land until you run out" adding "I know what you guys are trying to do but I don't know how to do it." Mr. Monahan replied "I can't tell you either."

A very brief incidental discussion about timbering the trees on the old Common area followed. One member noted "it used to be all graze land" with another noting the dense forest that stands there now.

The workshop concluded at 7:50 p.m. with Chair MacDonald noting "the one thing you cannot do is stop time."

Respectfully submitted,

Laura Norton,
Administrative Assistant

Approved February 13, 2012