

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

Minutes of January 14, 2013

Members Present: Rick Monahon, Rich Clark, Alan Zeller, Barbara Miller, Audrey Cass, Tom Weeks, and Ivy Vann.

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

Chair Monahon called the meeting to order at 7:02 and introduced the Members and Staff. He noted “tonight we have a pretty full agenda that I would like to go through expeditiously but we will stay as long as we need to.”

Chair Monahon noted the first item on the agenda was a new application for 36 Grove Street. He noted “I see Len in the audience so I will turn it over to him.”

Mr. Pagano replied “thank you” and told the Board “we are back with a new application based on the information that the previous application was burdened with the property line passing through the garage structure.” He went on to note “a survey has yielded the property line actually jogs around the garage and misses it by about eight feet.” Mr. Pagano went on to say “we will still be asking for a waiver for the side and rear setbacks.”

Mr. Pagano told the members that the survey “brought to light that our application is essentially identical to what it has been.” Mr. Pagano went on to review the intended mixed-use redevelopment of the building (mercantile, and residential). He pointed out the Board had voted to approve a reduction in the parking requirement from 8 to 4 spaces “and with the new application we are requesting that again” he said.

Mr. Pagano reviewed several of the issues that were discussed at the previous hearing (a note about the building being in the Groundwater Protection Zone, the removal of the dumpster to the north of the building and use of the dumpster located by the Twelve Pine building, and the removal of impervious pavement to the north that will be replaced with grass and pervious material).

Mr. Pagano explained that he did not have the lighting plan but the fixtures would be wall-mounted lanterns (traditional copper) incandescent with the landscape lighting similar to what is there now (small white lights) “which is effective and looks terrific.”

Mr. Pagano noted his presentation had been made in an earlier hearing “so for the sake of efficiency I’d like to hand this back to the Board for questions.” Mr. Pagano then introduced Ted Fellows, a Civil Engineer and Tom Hanna, a Land Use Attorney, were also available to answer any of the Board’s questions.

Chair Monahon replied “thank you and thank you for sparing us a repeat presentation.” Ms. Vann

agreed interjecting “we saw the plan, it is pretty clear.” Chair Monahan asked if a waiver for the parking would be necessary, Ms. Vann replied “it is a new application; we would have to vote on it again.” A discussion about the parking waiver request (reducing the mandated eight parking spaces to four) followed. Mr. Weeks suggested the approval be conditional on getting an easement for the two spaces.

A motion was made/seconded (Vann/Miller) to waive the parking requirement for the building at 36 Grove Street to four parking spaces on the condition of receipt of an easement for the two parking spots not located on the lot where the building sits. All were in favor except Mr. Weeks who voted against the motion.

Chair Monahan noted “the other issue is the lighting plan and approval would be conditional to receiving that.” Ms. Vann asked about balconies on the river side of the building with Ms. Ogilvie noting “yes, they are planning on balconies and will need a Permit by Notification by DES.” Chair Monahan agreed noting “that approval would be dependent on successfully meeting the DES requirements.”

Attorney Hanna offered some draft language for the balconies being approved as part of the site plan subject to DES permits. Ms. Vann asked if the zoning approval of the balconies would be from the ZBA or an Administrative Decision by the Code Enforcement Officer. It was noted that Mr. Carrara would most likely write an Administrative Decision that would be mailed to the abutters. Ms. Ogilvie added “and then there will be a 30-day waiting period” (for any appeals). Ms. Vann asked if Mr. Carrara had written a decision with Ms. Ogilvie replying “no, he is reviewing the application and if he does not feel comfortable writing one it will go to the ZBA. Ms. Miller asked “is there any way to encourage him?” Ms. Ogilvie replied “no.” It was also noted that Mr. Carrara would be asked to write an Administrative Decision about the small triangular portion of land located in the Groundwater Protection Zone. Mr. Weeks asked if the Lighting Plan would have to be brought before the entire Board “or can it go to OCD for review?” The members agreed the Plan could go straight to OCD for review. Mr. Weeks asked for confirmation that the lights were less than 150 incandescent with Mr. Pagano replying “yes.” Mr. Weeks noted a 500 gallon grease trap on the plan with Mr. Fellows replying “no, no, no. That is in to get the attention of people like you.” He briefly explained the status of the building’s drainage system and noted “it is there in case we need it” referring to the potential of a bakery on the lower level of the building. He concluded “it is a part of the mechanical interior plan (MEP) that would go to Dario.”

Ms. Vann interjected “I think we are ready” adding “I move we **approve** the site plan application for 36 Grove Street subject to the following conditions:

- A note is placed on the plan that the site is located in the Groundwater Conservation District
- A Lighting Plan be submitted
- Appropriate approval be obtained for the balconies (either via Administrative Decision from the Code Enforcement Officer or the Zoning Board of Adjustment, whichever is appropriate).
- The applicant obtain all state and DES permits applicable to the construction of the balconies on the river side
- Legal Language for parking easement for the two parking spots

-Legal Language noting building's right to use a trash dumpster although located on another building lot

The motion was seconded by Ms. Miller. Before the Board had a chance to vote the waiver for the setback requirements was raised by Ms. Ogilvie. Ms. Vann asked if that would be a condition or would they just vote to approve the waiver.

Chair Monahan tabled the current discussion to discuss the request for a waiver of the setbacks. The members briefly reviewed the plan. Ms. Vann asked what the setback in the Downtown Commercial District was with Ms. Ogilvie replying "15 feet." Ms. Vann asked "what is left?" Mr. Fellows replied "about 6 to 8 feet." Mr. Pagano stood and measured the plan, turned and said "7.5 feet, that is what I see." Mr. Weeks noted "there is criteria for that" and read the applicable language.

Ms. Vann noted "I would say we are good." A motion was made/seconded (Vann/Clark) to approve the request for a waiver of the setbacks for the parcel with all in favor.

Chair Monahan returned to the motion made by Ms. Vann who repeated her motion for approval based on the six conditions.

With a motion made/seconded (Vann/Miller) to approve the application with condition was granted with all in favor.

The Public Hearing ended at 7:30 p.m.

Chair Monahan noted the next item on the Agenda was a status report on the Community Planning Grant by consultants Carolyn Radisch of ORW Landscape Architects and Planners and Roger Hawk of Hawk Planning Resources.

Ms. Radisch began with an overview of the progress to date on the Peterborough Residential Zoning Project (Infill Ordinance). She noted an initial Stakeholders Meeting followed by two Community Workshops where recurrent themes were articulated. The concerns involved the protection of wetlands and aquifer recharge areas, natural resource protection, and protection of community character demonstrated in historic neighborhoods (including the buildings themselves as well as the scale and forms of homes in the neighborhood). Ms. Radisch noted "these days people decide where they want to live and then find a job there. Place-based way of thinking amongst the younger generation" adding "and Peterborough is a nice place." She also reminded the Board that "there is nothing left in the General Residence District (to develop)."

Mr. Hawk posted a large graphic as she pointed out "the older streets have a much tighter development pattern." She briefly reviewed and remarked about the historic fabric of the town. Mr. Hawk continued with an in-town lot dimensions analysis. After a brief review he noted "a lot of what you have in town does not meet your zoning." He went to note "by and large half of what you've got does not meet current requirements so what standard for density is reasonable and what it too much?" "What feels right?" he asked.

Chair Monahan interjected “this is a great start” adding “but from a position of standing advocating this at Town Meeting is going to get you the question of will the impact of changing the zoning impact my taxes?” He noted “that will be their first question.” A brief discussion followed with Mr. Hawk concluding “my understanding is that taxes are *not* based on potential, they are based on what you have.” Mr. hawk added “the other part is that this is intended to be an overlay and underlying zoning would not change. The change only occurs when the subdivision (an upgrade) occurs.”

Ms. Radisch noted this type of information should be available to the public. Ms. Ogilvie noted she would include that information on the Fact Sheet she was working on.

Mr. Weeks asked about a property owner who “may have 4 units and wants to keep 4 units but enlarge them. “ He asked “if the addition encroaches the setback who would you go to?” (meaning the ZBA for a Variance or the Planning Board for a Conditional Use Permit). Mr. Hawk relied “my understanding is that the CUP for the Planning Board is only used when *increasing units* is the intention.” Ms. Vann agreed noting “the purpose of the ordinance is to create more units.” Mr. Weeks replied “someone will ask.” A brief discussion about the dimensional requirements for density with particular attention to the character of the neighborhood, streetscape and the distances between neighbors followed. “I see this almost like going street by street” said Ms. Monahan. Ms. Monahan also mentioned the demolition of 5 houses in 5 months (and with her fingers in quote marks) added “because they could not be repaired.” She spoke briefly about recycling materials to keep landfills from filling up.

Richard Fernald introduced himself and asked about the mile radius (shown on the map in quarter, half, three-quarter and one mile radii for the center of town). He noted the large lots “in the outer limits” and cautioned about development to simply make money. Sharon Monahan introduced herself and disagreed, “these neighborhoods resist increase in density” she said adding “and I would like to remind the Planning Board about it.” Ms. Monahan noted she had had discussions with people who “are already against it and said they would vote against it when and if it comes up at Town Meeting, period.” Another brief discussion about lot sizes, setbacks and zoning districts followed. Ms. Radisch explained and gave a few examples of the concept of Transfer Development Rights. Chair Monahan noted the unintended consequences of someone buying a house to rip it down to make two houses. “We will have shot ourselves in the foot if that were the outcome of this” he said. Mr. Hicks referred back to the underlying zoning restrictions. Duffy Monahan advocated reusing barns and a brief discussion of rural farm expansion and in-town apartments followed.

Mr. Hawk concluded by noting the ordinance would most likely evolve with slow incremental changes over many years “as individual home owners make decisions about taking advantage of the ordinance.” Sharon Monahan replied “this is wonderful, a marvelous job, kudos to you.”

Ms. Radisch and Ms. Ogilvie briefly reviewed the time frame for completing the ordinance in time for Town Meeting. Ms. Ogilvie noted the final Public Hearing would be March 11, 2013 “in order to get the language into the warrant. So we are looking at 6 -7 weeks to get this done.”

Mr. Hawk noted they would be done by mid-February. Ms. Radisch concluded the workshop date

of January 28th would be fine for their next update.

Next Meeting:

Monday, January 28, 2013 Planning Board Workshop 5:30 p.m.

Mr. Hicks noted he would like to talk to the Board about his property. "I would like to continue the conversation we started after Town Meeting last year" adding "there were more misrepresentations than truths last year and I would like to try again." Chair Monahon replied "we are absolutely open to talking about the use of your property" adding "no one would resist you coming to us about an ongoing conceptual discussion."

Mr. Hicks noted the two existing shopping plazas in town were two cash cows with absentee landlords. "They have no competition" he said.

Mr. Clark referenced a newspaper article that had come out just before Town Meeting last year. "That editorial killed you" he said adding "you had no time to respond or give the public some time to digest your idea." Mr. Hicks replied "I just know what Planning Board support has done in the past. I would like a chance to see if we could work something out." Mr. Hicks also noted that he still travels out of town to do his shopping and that he is not alone. "Market Basket (in Rindge, New Hampshire) is a good place to see your friends" he said.

A brief discussion about development in general followed. Mr. Hicks noted an 80/20 ratio of residential to retail occupation in the town. Mr. Weeks noted the push to encourage development in the Downtown and existing plaza areas.

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant