

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

Minutes of July 9, 2012

Members Present: Chairman Rick Monahon, Joel Harrington, Alan Zeller, Rich Clark, Alternate Jerry Galus, Alternate Audrey Cass, Tom Weeks, Ivy Vann and Barbara Miller, *ex officio*.

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

The meeting was called to order at 7:00 p.m. by Chair Monahon. He welcomed the audience and introduced the Board and staff. He noted the first item on the agenda was a Site Plan Review for the Peterborough Players and read the case.

Peterborough Players Site Plan Review: A request for a public hearing on a site plan review application filed by Richard M. Monahon, Jr. Architects on behalf of the Peterborough Players to construct seven (7) residential cabins to house summer personnel at the Players' location at 55 Hadley Road, Parcel ID # R011-004-100 in the Rural District.

Chair Monahon noted "the presenter of this application is David Drasba from my office so I will recuse myself." Chair Monahon then took a seat in the audience. David Drasba stood and introduced himself noting "as you heard I am from Rick Monahon's Office." He began a PowerPoint presentation when Vice Chair (Mr.) Harrington interjected "I think we should approve the application as complete before we go any further. Then we will be happy to hear it."

Ms. Miller noted "I am on the Board of Directors for the Players" and asked "should I recuse myself?" Mr. Harrington asked her "do you have any financial stake in this decision?" Ms. Miller replied "no." At that time Mr. Weeks interjected "I was a part of a group that went on site to take some pictures for the Fire Department" and also asked "should I recuse myself?" Mr. Harrington asked him the same question. Receiving the same answer he noted "you have no financial stake, and if there is no objection from your co-members neither of you have to recuse yourself." There was no objection and Mr. Harrington noted he would entertain a motion to accept the application.

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

Mr. Harrington briefly outlined the procedure for the hearing. He noted "Now that the application had been accepted as complete we will hear the presentation; entertain questions from the Board then questions from the audience. We will then close the Public Hearing and deliberate."

Mr. Drasba introduced Dana Ryan (Building Committee for the project) and Keith Stevens (Managing Director of the Peterborough Players) who were both in the audience. He explained that the staff and actors involved with the Summer Theater are currently housed throughout the community adding "this would provide an opportunity to accommodate our housing needs on the existing site." Mr. Drasba pointed out Middle Hancock Road, Hadley Road and the location of the housing on a graphic. He identified the buildings shown and the open field where the proposed

cabins and community center would be located. Mr. Drasba noted a deed restriction of a 50-foot setback “that was originally added for additional protection for the property owners to the north” adding “but that property is now owned by the Players.” He noted a requested condition of approval showing the proper adjustment to the deed. He also pointed out the location of the six residential cabins and the community center. He noted minor grading would be necessary with a new access driveway leading to the community center with pathways connecting the cabins. He noted that while the cabins would be occupied May through September “the community building will be used all year long.”

Mr. Harrington asked “who will be using it?” with Mr. Drasba replying “just the Peterborough Players, for office space and meeting rooms.” He noted the building would house a kitchen, central dining hall, laundry room and bathroom. He addressed the utility issues, pointed out the well that services the theater and described the proposed septic (a gravity fed system), electrical (a new transformer with underground circuits to each building) and lighting plan in detail. He noted the community center would have a full basement while the cabins would have crawl spaces only. He added a condition of approval for a fully designed septic system is being requested.

Mr. Drasba concluded by showing the members several elevations of the proposed buildings. He pointed out five of the cabins were identical with one being ADA compliant. He noted that each cabin had four bedrooms off a shared hallway, each with its own door (exit) to the outside.

“And that is it” he said adding “I would be happy to answer any question you may have.” Ms. Vann inquired about the dimensions of the dining hall and how many people it would accommodate. She added “so I guess the residents will be doing their own cooking, unlike camp.”

Mr. Weeks noted the driveway “is less than the driveway standard for a house” adding “there could be some problems with access getting the Ladder Truck down there.” It was noted that a discussion with the Fire Department resulted in “the Chief thought a 12-foot width would be adequate.” Mr. Weeks also asked about the lack of basements for the cabins and a pile of rocks that could be removed to increase the radius of a portion of the road for emergency access.

There was no further discussion from the members and no questions or comments from the audience. The Public Hearing was closed at 7:25 p.m.

Mr. Weeks asked again if he should recuse himself “I am a little concerned” he said adding “I was part of a group that went down there to take pictures.” Ms. Vann reiterated that the members had no problem with that fact “and as long as the applicant does not consider that a problem you are all set.”

Ms. Vann went on to note “I move we approve the plan with the conditions of an adjustment to the deed (removing the 50 foot privacy setback), that the driveway meet the twelve (12) foot access requirement and/or Fire Department approval, with an ease of the inside radius to the corner of the road behind the existing Theater and that the pathways to the cabins be constructed with 12-foot wide compacted stone suitable to accommodate the weight of emergency vehicles. Ms. Vann’s motion was seconded by Mr. Clark with all in favor.

Consultation with Craig Hicks regarding Elderly Housing Project:

While waiting for Mr. Hicks to arrive the members agreed it was not appropriate to discuss his case. Instead Ms. Ogilvie gave a brief review of the Decision rendered March 5, 2012 by the Zoning Board of Adjustment.

Ms. Ogilvie noted the applicant had been bounced between the Boards in a struggle to determine the appropriate density for the project. "They sent him to the Planning Board and we sent him back" adding "ultimately they approved his application with a very long list of conditions that included a final visit to the ZBA after Site Plan Review for an approval of the density number." Ms. Vann interjected "and they (the ZBA) retain the authority to reduce that number if they so choose."

Ms. Miller noted the burden to the applicant having to go back and forth. Chair Monahan replied "it appears it was their decision to make but they would not make it." The members briefly discussed whether or not the benefits to the town outweighed the impact to the neighborhood. Ms. Vann noted "the question is, *is the maximum allowable density justified for the parcel* and further, *who makes that decision.*" Mr. Weeks interjected "the ZBA" to which Ms. Vann replied "I agree."

The members briefly discussed the town's parking regulations. Ms. Vann concluded by noting "I think we should think about the role of Special Exceptions in the town of Peterborough. It is not clear to me that Special Exceptions are a concept that is working well for us in a lot of cases." She added "it is my sense that allowing housing for the elderly (for example) by Special Exception means we are not planning for that use, we are waiting to be bopped over the head with a request for that use. Our current situation is burdened and not getting us what we want."

Mr. Hicks arrived and Chair Monahan noted he was present to further discuss his proposed elderly housing project. He noted he would turn the floor over to Mr. Hicks for an informal discussion. Mr. Hicks began by saying "I am in a conundrum as to which way I should go." He briefly reviewed his ZBA experience and how he was sent to the Planning Board for a density determination. "I got sent back to the ZBA and now I am here again" he said adding "I am asking you *how* do I get out of this Ping-Pong match?"

Mr. Hicks referred to plans for a similar project in Hooksett, New Hampshire. He noted the Hooksett model is a sixty (60) 2-bedroom unit facility on 7.9 acres, "mine is 7.8 acres" he said. Mr. Hicks complimented the Hooksett model noting "they kept it simple, they did not pay attention to the particulars that have nothing to do with density," He reviewed Peterborough's definition of elderly housing (55 years of age or older) and the language of §245-43 where by Special Exception the Board shall permit a density level not more than ten units per acre for this type of housing. Referring to traffic Mr. Hicks reiterated the trips-per-day was actually an average of 3.7 not the erroneously calculated 15 trips-per-day. "It has been determined the road can handle it and it has great access to Route 101." He reviewed the parcel's proximity to town and shopping plazas as well as the intended utility upgrades that would benefit more than just his parcel for fire protection. "The benefits outweigh the negatives" he said, and looking at the members noted "both Boards have said there is not enough information, so I am asking you. What do you need?"

When Mr. Zeller asked for clarification on the elevation Mr. Hicks reviewed the graphic, pointed out the entrance and the parking area. "When we get all done you will see it is not a Vale Street, not even a Main Street in grade" he said. Mr. Zeller asked "you said you walk out to the parking?" Mr. Hicks replied "parking is in the back, the front of the building looks east, there is no reason to waste the view on parking." Mr. Zeller replied "thanks, I just did not envision it well." The members went on to briefly discuss parking spaces and storm water management.

Mr. Harrington noted "I have difficulty with the ZBA throwing this to us" adding "it (the density) is clear, it says 10 units per acre." Mr. Harrington noted his frustration concluding "this is where I am at. This just does not do it for me." Mr. Hicks interjected "it is like putting the cart before the horse" with Mr. Harrington replying "that is what I think." Mr. Hicks noted "that is why the ZBA deals with uses not site design."

The members reviewed the ZBA Decision of a *potential* density of not more than 10 units per acre. Chair Monahan noted "I know this is a conundrum but there is just not enough information" adding "perhaps if you brought a simple plan to the table." Mr. Harrington suggested "his parcel is 7.8 acres let's give him density for 77 units." Ms. Vann asked "would we be opposed to saying to Mr. Hicks that our reading of the zoning ordinance leads us to believe that he can build, by right, 77 units on this parcel?"

Chair Monahan pointed out the Decision states *potential* density with Mr. Hicks interjecting "and nobody is going to spend a dime on potential." Mr. Harrington noted "here is the issue; I don't think we can amend what the ordinance says without a plan in front of us. My concern is that we say yes to 10 units per acre then we see a plan that makes us rethink the 77 units. I don't want to find this Board in a position like that." Mr. Weeks agreed noting "we need a little wiggle room." Ms. Ogilvie noted "the dilemma is that there is no application before you, but if you were to say yes to 77 units tonight it is not binding, there is no guarantee."

Ms. Vann asked Mr. Hicks "so if we arrived at a number, I am not sure we could but just suppose, then what would you need to take back to the ZBA?" Mr. Hicks replied "that number." He added "I take that back to them and then move on to Site Plan Review, that is your check and balance here." The members briefly discussed the potential of a conceptual review that included parking and landscaping requirements, road widths, and a layout of the building. Ms. Vann interjected "that is still not binding." Mr. Harrington noted "can the site accommodate the use. That is the question." Mr. Hicks pointed out the proximity to the shopping and support services of the town, as well as the walkability of the site. He noted the access to US Route 202 and NH Route 101, that the 22-foot wide Mercer Avenue could accommodate the traffic (reiterating the 3.7 versus previous reported 15 trips-per-day). Mr. Hicks noted the availability of Three-Phase power and the utility upgrades he had mentioned earlier that would significantly improve fire suppression efforts for this parcel and beyond. Mr. Harrington noted storm water management was a huge concern. He also noted several abutters had attended previous meetings and personal safety and traffic were their major concerns. Mr. Weeks asked what criteria should be used to determine the number of units. Ms. Vann replied "we have to choose a number that is relative to the size of the parcel and what the ordinance says can go there so we should recommend 10 units per acre. Everything else gets addressed at Site Plan."

Mr. Harrington smiled and said “10 units an acre, I said that a half hour ago. The law is the law, you can do what the law says” he said.

Chair Monahon asked for a sense of the Board with Ms. Vann suggesting “the sense of the Board after reading the Special Exception regulation §245-43 for elderly housing in Peterborough is that ten (10) units per acre is the allowed density and it is the general agreement of the Board to that sense that 78 units be allowed in Mr. Hicks request before us.” All members agreed.

Mr. Hicks thanked the Board for their time and stated that he would think about whether to come back to the Board with a more detailed plan; if so, he would be in contact with Ms. Ogilvie.

Minutes:

A motion was made/seconded (Vann/Harrington) to approve the Minutes of June 11, 2012 and June 25, 2012 with all in favor.

Report out of Planning Board Members serving on other Boards:

Chair Monahon noted the Master Plan Steering Committee was back in action and had a meeting scheduled for Wednesday. He noted their focus would be reviewing the current chapters for necessary updates, as well as the completion of a Municipal Facilities chapter. “You will be hearing from us” he said.

Ms. Miller noted the sale of the GAR Hall was almost complete. Mr. Harrington asked about any conditions of sale with Ms. Miller noting that with a preservation easement, the outside of the building would not change, the statues and cannon balls would remain property of the town and that a sliding scale profit sharing schedule had been established if the building were to be re-sold within a predetermined number of years. Mr. Weeks asked about the driveway and a brief discussion about the options followed.

Mr. Zeller noted “when we were last here we discussed requesting a sidewalk be installed during the reconstruction of the Route 101 Bridge.” He asked about the status of their request. Ms. Ogilvie replied a letter from the Planning Board to the Board of Selectmen had been sent but was unsure of any further action. Ms. Miller noted she would follow up to make sure the request was forwarded to the NH DOT. Mr. Harrington asked “do we pay for that?” Mr. Zeller replied “we will have to pay for the maintenance and upkeep but not the construction.”

In closing Chair Monahon apologized for missing the last meeting but noted that “according to the minutes, it was a very lively discussion.”

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved August 13, 2012