

Planning Board

TOWN OF PETERBOROUGH
Tuesday, October 21, 2013 – 7:00 p.m.

Members Present: Jerry Galus, Rich Clark, Ivy Vann, Tom Weeks, Audrey Cass, and Barbara Miller

Staff Present: Peter Throop, Director and Laura Norton, Administrative Assistant, Office of Community Development, Dario Carrara, Code Enforcement Officer and Carol Ogilvie.

The Public Hearing was called to order at 6:00 p.m. with Vice Chairman Ivy Vann (Ms. Vann) introducing the members. She noted the first item on the agenda was a Design Review for the Divine Mercy Parish "but we are going to reverse the order and go to the Traditional Neighborhood Design Overlay."

Before continuing Ms. Vann looked to the audience and noted "I would like to say something" and proceeded to explain that while she was a land owner in town "this ordinance does not and cannot apply to my property." Ms. Vann then turned the meeting over to Caroline Radisch from ORW Landscape Architects. Ms. Radisch began by thanking the Board and the audience for their attention and noted "I would like to walk you through the ordinance as it now stands." She began with "this started about a year ago" and gave a generalized timeline of the public forums, interviews, workshops and hearings. She noted the workshop last month "and now another public hearing" she said.

Ms. Radisch presented a slideshow that explained why the project was created in the first place. She pointed out residential growth is in the rural area and the lack of opportunity to develop housing closer to the center of town. She noted "age and demographics across the board report it is easier to live in town." She went on to note the ordinance would allow additional units in the Family and General Residence Districts if they met the criteria for frontage and overall size. She also noted design criteria "to make sure the existing neighborhood patterns are considered in new development."

Referring to a projected map, Ms. Radisch pointed out the boundary (a pink line) that included parcels in the Family and General Residence Districts extending approximately ½ mile out from the center of the downtown. She looked to the audience and said "we have heard the question *what is the need for such an ordinance?*" and briefly explained the dimensional requirements for the Rural District specifically the 3-acre minimum lot size. She noted the proposed ordinance would allow for more compact development while taking advantage of existing public infrastructure. She noted annualized municipal costs for different densities (high density to medium density to rural, as well as cluster to rural sprawl). She noted those costs were "up to 60% higher in more dispersed areas than in town areas."

A brief discussion of the benefits of having more concentrated areas followed including traffic, potential less impervious surfaces, improved accessibility, more efficient delivery (and receipt) of consumer goods. Ms. Radisch noted the sensitivity of the "small town" feel of Peterborough reiterating the criteria integrated when considering the character of a particular neighborhood. She noted the 10-foot setback and told the audience "we have changed the language to allow the Planning Board latitude in determining the best setback. Ten feet makes sense in some contexts but not in others. It will be a case by case basis."

When asked about any Fire Department concerns Ms. Radisch replied "they have expressed no concerns with this proposal." She went on to describe her experience with other communities. "The major theme is fitting in with the neighborhood, that is the element of making this successful and compatible" she said adding "infill is generally more costly for developer but there is more value to buyers."

When asked how many properties were involved Mr. Radish replied "68 constrained parcels and 47 unconstrained parcels, 115 in total." She went on to define both constrained (steep slope, wetlands, a house in the middle of the property) and unconstrained (clear, dry, flat land). She noted the unconstrained lots were hatched in pink while the constrained lots were hatched in black. "This is pretty conservative I think" said Ms. Radisch, adding "if you got 30 infill homes you are saving the equivalent of 90 acres in the rural area. It makes a difference." She concluded by noting "some may want to do this and some may not, it depends. I don't see more than a couple a year being built as far as rate goes." Ms. Miller asked about the owner's control over the decision use this ordinance with Ms. Radisch reiterating "if your lot meets the criteria, it is an opportunity only you can *choose* to take."

Ms. Vann thanked Ms. Radisch and opened the meeting up to questions from the Board adding she would then open the meeting to the public. She asked if anyone in the audience wished to speak that they please identify themselves for the record.

Ms. Vann also noted she would like to clarify one thing "and that is the question of tax impact." She went on to say "in other words no one meeting the criteria will be taxed for two lots unless they *subdivide and create* two lots." She went on to say "I just want to make that clear, it has come up a lot." Ms. Vann opened the hearing up to questions and concerns from the Board.

Mr. Weeks noted *Setback Requirements* where the front, side and rear building setbacks are determined by taking an average of existing developed lots on either side of the project (on the same side of the street). A brief discussion about whether the side and rear building setback from the equation were consistent with what the board had previously agreed to. Ms. Vann noted that the intent of the Board was that only the front setback should be determined in this fashion.

Mr. Weeks noted *Building Design* when considering the height, scale and mass of the building as well as the sizing, and orientation of doors, windows and rooflines "shall reflect other existing residences within 300 feet of the property in both directions on both sides of the street."

He went on to note "*Building Orientation and Location of Parking*" describes "garages and parking pads should be located to the rear of the lot" adding "that is a little bit off, that should be changed to say parking areas."

Mr. Weeks pointed out the *Design Guidelines* that showed pictures that were not consistent with the design. He again noted the 300 feet in each direction should also consider both sides of the street pointing out only one side of the street was pictured.

This sparked a discussion about a change in the language with the members revisiting *Building Design* and discussing changing the height, scale and mass of the building as well as the sizing, and orientation of doors, windows and rooflines reflecting the **existing** residences within 300 feet of the property to **adjacent** or **neighboring** residences within 300 feet. After additional discussion and re-reading that section of the ordinance the members decided to leave the language alone and correct the illustrations to reflect the language.

Ms. Vann opened the meeting to the public and Ellen Derby introduced herself saying "I live in the area and have an uneasy feeling the Planning Board is taking on a lot of responsibility. It appears property is being taken away from the people who own it making Peterborough a less welcoming place by making it more restrictive." She went on to say "it seems like power is being taken away from people who live there" and concluding with her concerns about increased traffic ("we already have a traffic problem") she said. "Adding more housing adds more cars. People will not walk everywhere" she said and asked "do you have a plan on how to deal with extra housing in a constrained area? I walk (High Street) and I will say it is not dangerous, it is hazardous." Mrs. Derby also noted for the amount of housing on Union Street "very few people walk it. I am also uneasy that the Planning Board is looking at design review, taking that on should be left to the owners of the property. Thank you."

Charles Derby introduced himself. He told the Board he wondered about discouraging building in the rural areas to fill up the town and maintain a rural village. He looked to the Board and asked "how long will that go on for until it is full and we go back to the rural? How long will that take" he asked adding "and that is not a rhetorical question."

Heidi Stonehill introduced herself and noted her house was on a constrained lot "but there is no sewer on my street." Ms. Vann replied "if you do not meet the criteria of town water and sewer you do not qualify." A brief discussion and review of the map followed with four (4) additional lots on Laurel Street being excluded from the ordinance boundary. Both Ms. Vann and Ms. Radisch noted (absolutely) "the map [indicating which properties are constrained and not constrained] is not a part of the ordinance."

Mr. Weeks noted "this brings us back to the question of the criteria of town water and sewer" and asked "does it state you must be connected now or have the ability to connect on the frontage?" Ms. Radisch explained if you have the town services running on your frontage and you are connectable "you meet the criteria." Ms. Vann added "but if you extend it to a new building on a new street you are not meeting the criteria."

Richard Fernald introduced himself. He asked several questions about the setbacks with Ms. Vann reviewing the formula for the setbacks where "in no instance will a front setback be less than 15 feet or greater than 50 feet, Minimum side and rear setbacks will not be less than 10 feet and may be greater if the Board finds unusual characteristics exist and a greater setback more in keeping with the neighborhood and streetscape."

Mr. Fernald asked "how do people feel about it?" Ms. Radisch quickly reviewed the publicly noticed workshops late last year as well as the public hearings noting "we heard people that were in favor and those who are not in favor."

Mr. Fernald replied "this whole idea concerns me somewhat" adding a bumper sticker he saw reading "Don't Californicate Oregon" and referring to the residential density California has "might not be appropriate." He also noted his concern with increased traffic.

Ms. Vann noted the constrained lots reassuring Mr. Fernald "there is a relatively few number of lots that may or may not ever be created" adding "you need to remember this is not a huge number of houses. The Planning Board made an effort to make sure any new houses are respectful of the neighborhoods."

Loretta Laurenitis introduced herself. She began a question about connectivity on large undeveloped parcels. She specifically asked about the Country Club on High Street. Ms. Radisch noted there were no public services at that location "and the building of a new street or road into a lot would disqualify it."

David Simpson introduced himself and told the members "there *is* town water and sewer on the frontage to the Country Club's property." Mr. Clark interjected "excuse me; the Country Club is not even on this map." A brief discussion about the natural breaks of the map boundary followed. Mr. Simpson questioned potential property interests subject to the proposed ordinance with Ms. Vann noting "I do not have any property interests eligible for this overlay district."

Mr. Simpson asked "do you have a quorum of the committee present?" Ms. Vann replied "yes." Mr. Simpson asked "if you approve it what are the next steps?" Ms. Vann replied "it goes on the zoning ballot at town meeting and you vote on it." She added "zoning is always done by ballot." Mr. Simpson spoke about the arbitrary process of introducing this ordinance "versus a zoning ordinance in black and white." He noted another concern was determining the number of areas in the pink and out of the pink and the population of each. "That should be a significant factor to have in considering this."

Mr. Simpson asked about tax differences and a brief discussion on current use followed. Ms. Simpson asked how large a parcel would have to be to qualify for current use with Ms. Vann replying "10 acres" adding "but current use is a state law, and even if it were not it would not be a Planning Board matter."

Ms. Laurenitis interjected "to be clear, it is 10 acres in any district." She then asked about the school parcel being within the boundary. Ms. Vann replied "again, the boundary was set by natural breaks." Ms. Laurenitis asked about Ms. Vann's property with Ms. Vann noting she could

subdivide her land by an ordinary subdivision process, and that her land did not meet the criteria for being eligible.

Andrew Dunbar introduced himself and thanked the members for their hard work. He went on to note "the Vice Chairman is the only one who lives downtown" adding "I am struck by the logic." Ms. Cass quickly noted she lived on the very cusp of the boundary "that would be 2 so 33% of the Board lives downtown" she said

Mr. Dunbar spoke briefly about his traffic (an increase in traffic volume and speed) noting "I do not agree with your conclusion, there will be more driving, because there are less things to walk to." Mr. Dunbar noted that many services once available in the downtown had left. He also expressed his concerns with the 10-foot setback and the suggestion only a small number of new homes would be built each year. He looked at the Board and said "this ordinance doesn't affect any one of you."

Francie Von Mertens noted a Heritage Commission member had spoken in favor of the ordinance in a previous meeting. She noted for the record that the member (Debbie Kaiser) was speaking personally and not as a representative of the Heritage Commission. She also asked that the Planning Board request comments from Conservation Commission in writing.

Tyler Ward introduced himself as a member of the Heritage Commission and asked "would you like a letter of endorsement from us?" Ms. Vann replied "that is up to the Heritage Commission."

Mr. Dunbar spoke again about his concern over the ten foot setback noting "a house ten feet off your property imposes something on us even the Board would not want" he said, Mr. Simpson interjected "and sound travels a lot longer than ten feet." Mr. Weeks noted a current condominium project where the set back was zero feet.

Rod Christy introduced himself saying "first of all I would love a copy of that map." He was told an electronic copy would be sent to him. Mr. Christy got up and pointed out his house on the map and his concern that homes could pop-up behind him. He spoke about the charm of the neighborhood and said "this would drastically change our neighborhood" adding "the 8 to 5 traffic and grade school traffic is immense, and this will only add to it." Mr. Simpson interjected "it changes the sense of a small town" as he pointed out an area where two houses were depicted in a workshop "right beside my property."

In closing the public hearing at 7:25 p.m. Ms. Vann announced "if this is voted to ballot you will vote it in or out. The Planning Board cannot impose this on you, I ask you to think about the purpose of the ordinance."

Richard Fernald introduced himself and asked "is this a public hearing?" Ms. Vann replied "yes." Mr. Fernald noted the public notice listed the Divine Mercy Case first on the agenda and asked if the Board could re-arrange the agenda. Ms. Vann assured him it was perfectly legal to re-arrange an agenda. She closed the public hearing at 7:28 p.m.

A motion was made/seconded (Cass/Miller) to accept the proposed ordinance and move it to ballot with all in favor. Ms. Vann then said “let’s get on with Devine Mercy.”

Peter Brown introduced himself and asked about the public hearing on the Business/Industrial District. Ms. Vann noted the Divine Mercy Preliminary Review was scheduled next. Mr. Brown interjected “if I may” adding “as a point of order if you changed the agenda once you can certainly change it again.” Ms. Vann asked if he was requesting the Business/Industrial District be next on the agenda with Mr. Brown replying “yes, as graciously as possible.” A motion was made/seconded (Miller/Cass) to hear the Business/Industrial District agenda item next with all in favor.

Ms. Vann reviewed the intent or goal of the proposed ordinance was to add uses that were removed for the Industrial district when the Business/Industrial District was created in 2007 as well as add to and clarify definitions for the permitted uses in that District. “We talked about this last week” she said and asked “does anyone have any concerns?” Mr. Weeks noted his concerns about allowing personal services in the district (barbershop, hair dresser, shoe repair) as well clarification on their signs. Mr. Brown explained how he had recently been granted a Variance for a new sign on Route 202. He went on to thank the members and the Office of Community Development “for taking up this issue and reviewing it, making corrections and additions. In this economy it is a big plus and helps the Business/Industrial District which in turn is good for the town, thank you.”

Francie Von Mertens introduced herself and noted “there are huge ramifications here” adding “personal services is what the downtown is for. It is a huge departure to allow them out there.” A brief discussion of personal services ancillary to other businesses followed with Ms. Von Mertens noting personal services should be allowed as business support services “but not as a stand-alone business that far from the downtown.” She noted previous discussions regarding the plazas being run down with no one wanting to go into them. “No, no, no” she said “that is where they belong.” She reiterated “this is huge so I will say it one more time, it is a huge thing and we should fully explore this.”

Mr. Brown replied “with no disrespect” and briefly described the gasps he heard when the Planning Board was initially informed of the uses taken out. “How ridiculous it was and how the uses should be put back in.” He looked to the Board and said “this is what you looked at this is what you met about.” He added “having a fitness center or a day care belong because people will use them.” He again looked to the Board and asked “in reality will either of these come in? Probably not but it *is* a possibility.” He concluded with “these uses need to go back into the District. It is not huge, this is life today, this is business today.”

Loretta Laurenitis introduced herself and asked for clarification on the definition of healthcare. Ms. Vann noted the definition was under health care facilities, where except for long-term residential related uses such as assisted living facilities and nursing homes.

The public hearing closed at 7:44 p.m. A motion was made/seconded (Zeller/Miller) to accepted the proposed amendment §245-10.2 and move it to ballot with all in favor.

Design Review for Divine Mercy Church

Before getting started Ms. Vann reintroduced the Board and noted "so everyone is aware, this is a general discussion on a design review, nothing is binding. The purpose is to have the Planning Board hear about the plan and then offer what we would like to know more about or issues that concern us." she went on to say "once we do that we will open the meeting up to the public for questions or concerns."

Chris Nadeau introduced himself as a Project Manager with Nobis Engineering. He described the location of the proposed church as 161 Wilton Road "about half way between Lobacki Drive and Pine Street." He noted the parcel was 14 acres that was in the General Residence District. He gave a brief history of the parcel being approved for 52 condominium units in 2008 "but nothing was developed." He noted the plan was to subdivide the parcel into two 7-acre lots with the church on one lot and residential units on the other. He concluded by noting the church would seat 312 people with a Function Hall seating 102. He then introduced Father Gerald Belanger. Father Belanger stood and thanked Mr. Nadeau. He told the Board and the audience that when he came to St. Peter's Church eight years ago "it was a stand-alone church with just under 500 families." He noted "now the congregation is a conglomeration of three churches, St. Dennis, St. Patrick's and us with a total of 830 families" adding "we have grown but the facility has not."

He noted the church was built in 1869 with the Rectory following in the early 1900s. "Little has changed except for our growth" he said adding "we need a larger space and a new home that is accessible to those with disabilities." He noted some of the problems with the current church including steep, narrow steps to the basement hall and no restroom on the worship floor. "It is quaint but it simply cannot meet our needs." Father Belanger also noted things other churches do (noting blood drives and community suppers as examples) adding "we want to be able to do that, we are community minded and we do about \$35,000.00 in charitable work to people in the surrounding areas without consideration of race, creed or color."

Mr. Hallee then gave a brief history of how the church had gone to the ZBA in September to get the use of a church approved as well as allow the construction of an access road in the Shoreland Conservation Zone. "There will be an 800 foot access road into the sight" he said adding "and the location of the church will be oriented so that when you drive in it will lay directly in front of you." Mr. Nadeau noted the original plan called for 150 parking spaces as he pointed out the new plan for 120 parking spaces. He noted the water and sewer was being figured out with Jack Belletete interjecting an option for an easement and a pump station that would require less construction along Route 101. Mr. Nadeau noted the other 7 acres are set to become residential so something will be done. Ms. Vann asked "so something will be done and regardless of that is he (Mr. Belletete) willing to provide it?" Mr. Nadeau replied "yes." Mr. Nadeau and Mr. Belletete also briefly discussed whether or not the access road would be a private or town road with Ms. Vann interjecting "it can be a town road as long as it meets the standards to which it must be built." Mr. Nadeau concluded with a brief discussion about the preliminary storm water plans noting they believed they would disperse, treat and control on site. He then introduced Jonathan Hallee of Warren Street Architects to give a broad overview of what is proposed.

Mr. Halle began with the entrance pointing out offices, restrooms and the community room. “It is very Peterborough” he said adding “white clapboard, stained glass and brick. It is very simple in character and modest in detail.”

Mr. Hallee told the Board and the audience that they planned to use the stain glass window in the church as well “but they will be used as interior windows of the sanctuary. It is very, very simple.” Mr. Hallee concluded by noting more involved details regarding the lighting and landscaping plans would be available at site plan review.

Mr. Nadeau continued with the relationship of the parking to the building pointing out all the parking for the church was in the front. “We want people to see the church as they come in and not have to go around back to park” he said adding “this is a unique property that cannot be seen from the road.” In closing Mr. Nadeau noted their NHDOT approval for the curb cut and asked if the Board would be requesting an additional traffic study. He thanked the Board and the audience for their attention adding “feedback and comments are welcome.”

Mr. Weeks began with a short list of concerns beginning with the parcel number. He noted the parcel should be referred to as U019-001-000, not U19-1. “That is the old numbering system” he said adding “and when you subdivide it the parcel should become A and B or U019-001-100 and U019-001-200.” He suggested they consult with the Office of Community Development and Assessing clerk Leo Smith for specifics.

Mr. Weeks then told the applicant he believed they would need a Conditional Use Permit for the driveway in the Wetland Protection District. Mr. Nadeau noted their Special Exception approval for weeks before with Mr. Weeks replying “that is not for the Wetlands.” A brief discussion followed with the decision to consult the Office of Community Development and the Code Enforcement Officer about the original approval several years ago. “If it has expired you will need to come in for a Conditional Use Permit per §245-15 K (1).

Mr. Weeks then asked about the road frontage adding “I assume this is a private road.” He also inquired as to why they had not considered having the existing frontage of the lot be the church parcel versus the other way around as well as noting “you will have nine towns coming to a site on a private road, which is a non-residential use. He concluded by noting he assumed the church would want a sign on Route 101 (with a size limit of 6 square feet) and that there would be screening intact for the car headlights impacting the residential side of the development as well as a lighting plan. He concluded with suggesting every attempt be made to locate the parking lot to the side and rear of the building.

Ms. Miller also encouraged putting the parking in the rear of the building and asked “can you explain why you want the parking in the front?” Mr. Nadeau spoke briefly about the grand entrance to the church and the convenience of parking and walking straight in the front door. Ms. Vann interjected “or to the side perhaps” with Mr. Nadeau replying “we do have do have some side parking” and reiterated consideration for those parishioners with disabilities as well as some of the challenges of the site itself (including a natural crest of the land) and the fact that the building cannot be seen from the road.

“I am not really in love with that being a presenting thing” said Ms. Vann adding “from a design standpoint we prefer not to have the parking in the front.” She also asked if they had thought about pervious paving. Mr. Nadeau replied they had not noting their disappointment with the instability they have seen with the products. “What about grass paver?” asked Ms. Vann to which Mr. Nadeau replied “we have done a lot of research on grass paver and found they do not survive well.” A brief discussion about rain gardens, swales and traditional pavement in heavy traffic areas followed. It was also noted that a landscaping plan for the parking lot would be available for site plan review. Ms. Vann replied “that is good because the current green does not look adequate to me.” Ms. Cass noted her concern with the traffic at the location. She also asked if the applicant had considered adding a second story so as not to consume so much land. Mr. Nadeau replied “yes, we have looked at eight different concepts and iterations of the design with the construction management” adding “we have gone back and forth but it is safe to say the Parish would like to have everything on one level.”

Ms. Vann looked to the Board and asked “Can I get a sense of the Board on the parking questions?” adding “what message would we like to send? That it be where it is? That it *not* be where it is?” adding “the ordinance says every attempt should be made to put the parking in the rear.” Both Mr. Zeller and Mr. Clark noted they were fine with the current plan and the other members indicated they were not fine with the plan. “So we have two that are fine with the parking and four that do not care for the parking in the front.” She went on to say “that is a lot of asphalt, 80 spaces ten by twenty feet is a lot of asphalt. If the parking stays in front we will have to look really hard at those landscaping issues in and surrounding the lot.”

A brief discussion about the residential component (both the potential residential as well as Lobacki Drive) and screening followed with Ms. Vann noting “I question the road frontage as well. I find the division of the parcel and allocation of the road frontage to be convoluted, I agree with Tom.” Mr. Belletete noted the road would most likely become a town road with the residential development (most likely 26 units) on a cul-de-sac. This led to another brief discussion about the sewer system and whether it would be gravity fed or require a pump station. Mr. Weeks interjected “I am sure those conversations will be taking place.” Mr. Belletete noted a pump station would be necessary if Lobacki Drive were to be tied in. “No one wants pump station if you don’t have to have it, I understand that” he said.

With no more discussion from the Board Ms. Vann opened the meeting to the audience. There were no questions. Mr. Nadeau asked for clarification on the traffic study question reiterating the DOT had approved request for a curb cut. Ms. Vann asked “is there still a need for a traffic study? Does anyone advocate the need for it?” Mr. Zeller interjected “I thought DOT was the boss” with Ms. Vann replying “yes they control access on to state highways but in theory we could ask for an additional study be done.”

A brief discussion about peak hours, the impact of 100 or so cars on traffic and hours of use thresholds followed. Ms. Cass did note the additional opportunities for events and functions may increase peak hour traffic. Ms. Miller asked about the last known traffic counts and no one was sure when the last ones were collected. Mr. Weeks noted his concern for those people not familiar with the town “coming down (Route) 101 from Temple and waiting to turn left into the church with traffic coming up behind them doing the speed limit.” He asked “does the state take

that into account?” Mr. Nadeau explained peak vehicle turning and the waits involved. He noted the area “was nowhere close to tripping a left- hand turning lane.” A motion was made/seconded (Cass/Zeller) to accept the NH DOT approval in lieu of a traffic study by the town with all in favor.

Ms. Vann thanked the church for coming before the Board for preliminary consultation.

Moving on, Mr. Throop noted he had two quick things the first of which was the latest edition of the New Hampshire Planning and Land Use Regulation books. He noted he ordered a hard copy for each member. “The second item has to do with last week’s meeting.” He went on to note the four individual public hearings presented adding “the Innovative Subdivision Design and the Home-Based Business ordinances had changes that are considered substantive.” He reviewed the timeline for having a second public hearing on those two items and explained Wednesday, November 6, 2013 at 6:00 p.m. met the statutory requirements. He noted “We will have Joel here that night.” Ms. Vann interjected “yes, Joel had not resigned or left town, he will be here.” She looked t the members and asked if the date was good for each one. “I am just thinking about a quorum” she said. The members all agreed they were available and would attend this special meeting.

Ms. Ogilvie asked for clarification on the Traditional Neighborhood Overlay District ordinance had been moved to ballot. A brief discussion about responding to correspondences received followed with the members agreeing a Board response in most cases is not appropriate. One member noted “it is best to encourage those who have questions or concerns to attend the meeting and ask their questions. That is what public hearings are all about.”

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant