

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of January 18, 2017

Members Present: Chair Ivy Vann, Alan Zeller, Joe Hanlon, Bob Holt, Jerry Galus, 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. “Welcome to this regularly scheduled Planning Board meeting. Tonight we have an application from Eversource to cut and trim trees and brush for powerlines on scenic roads so I am going to turn this over to Mr. Crane.”

David Crane introduced himself as an arborist for Eversource Energy. “We are proposing several things for Old Dublin and Old Jaffrey Roads” he said adding “one is a change of service at 302 Old Dublin Road.” He told the members the resident had done some upgrades to his house including moving his service line. He noted a tree that would need to be trimmed but when inspected closely it was noted the tree had a moderate amount of decay and was leaning toward the primary line. “It had a high risk of falling so it will be removed” he said.

Mr. Crane went on to note a Red Maple leader (a main terminal leader of the tree emerging from the trunk) and a faster than expected growing Yellow Birch would also be trimmed. He then pointed out the majority of trimming that would occur between Elm Street and Goyette Drive. “It is 4 to 5 pole stretch with some new poles set (which are taller) that have some limbs very close to them, especially with the snow on the trees.”

Mr. Crane pointed out the one location on Old Jaffrey Road where trimming would occur. “A customer had called and asked us to remove the tree. We found a few branches over our wires that will be trimmed. The tree has quite a bit of decay but it leans away from the wires so if it fails it will not interfere with them.” He added “there is also a dead limb on the Oak tree beside it that we will remove.”

Mr. Crane concluded “we will use Asplundh Tree Company for the work and every land owner will be contacted before work is started.”

A motion was made/seconded (Galus/Holt) to accept the application as substantially complete with all in favor.

Without further questions from the Board or the public a motion was made/seconded (Zeller/Galus) to approve the request by Eversource Energy to cut and trim trees and brush for powerlines on Scenic Roads with all in favor.

Ms. Von Mertens noted the Asplundh Tree Company parks their trucks at the Community Center on Elm Street. She asked “so they pay for privileges there?” Mr. Crane replied he did not know. Ms. Von Mertens explained that the three-acre lot on the corner of the Community Center is a conservation easement held by the Harris Center and mentioned refuse had been discarded there. Mr. Crane immediately replied “I am disappointed to hear that. I will speak with them tomorrow. If the trash is theirs it will be addressed.”

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of January 9, 2017 as written with all in favor.

Chair Vann noted the next item on the agenda was the Public Hearing on a draft zoning ordinance adding a new Traditional Neighborhood Overlay Zone (TND II). The purpose of the proposed ordinance is to increase opportunities in town for smaller houses on smaller lots. Before getting started Chair Vann introduced the Members and Staff and noted Ordinance Consultant Carol Ogilvie was patched in via speaker phone. She also took a moment to give a brief background of the proposed amendment “and how we got to where we are today.” She explained how three years ago the Town had adopted the Traditional Neighborhood Overlay District (TND I). She explained this overlay district would allow village and neighborhood type developments in appropriate areas. “Options that do not exist with the current underlying zoning” she said. She went on to say water and sewer must already exist so the existing infrastructure would be used reducing costs to taxpayers. “It allows for the kind of housing people want (smaller houses on smaller lots) *and* helps to protect the Rural District” adding “the other thing is the fact that it will be nice to have more of the parts of Peterborough we love best.”

Chair Vann gave a brief explanation of the MTAG Grant they were awarded from the New Hampshire Finance Authority. “it is 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 their outreach booth, posters and a visual preference questionnaire. “We have had four public meetings 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 citing the adoption of the Traditional Neighborhood Design Overlay District (TND I).

Ms. Vann then noted an earlier map of potential locations “was unclear and unnecessarily distressing to many of us” adding “that (map) is to never be seen again.” She reiterated “you must have town water and sewer. If you have water but no sewer you cannot do it.” She did note that a request by Town Administrator Rodney Bartlett to consider DES-approved community septic system for developments of 25 units and more due to the possibility of dewatering” (a process where water extracted from wells does not return to the aquifer). “So this was a choice in the ordinance but we took it out with the notion that the Planning Board could request such a system as a condition of approval” she said,

Chair Vann briefly reviewed the ordinance’s requirements on storm water management, no specified lot sizes but a maximum lot coverage of 40% (including parking and driveway), dimensional requirement and design standards. She told the group there would be additional hearings and that they had submitted the ordinance for review by the Town Attorney. She noted anything larger than a single or two family home or a duplex would be subject to full Site Plan Review.

Chair Vann reviewed *permitted uses* (residential of single-family, two-family and multi-family up to a maximum of ten units in one building); *on-residential uses* (personal or professional services and retail primarily intended to serve the neighborhood as long as they remain secondary and incidental to the dwelling with the intent there be only one non-residential use per dwelling without having to apply for a Conditional Use Permit for additional uses); and *neighborhood scale* (an allowable area of any non-residential use, either single or combined, shall not exceed 1000 square feet).

Mr. Holt noted “so the Steering Committee felt strongly that things were more complicated than they needed to be. This is a good thing for clear direction. It says you can do this thing by right for single-family or two-family housing. This is how things can grow incrementally.” He noted the adoption of alternate ways to develop were bigger developments “out at the edge of town” that had not worked out so well. “Spreading things out is more expensive” he said.

Chair Vann told the group a favorite story” she described an 800-foot long road in town with five houses on it. She explained 10% of taxes paid go to the Department of Public Works “It is allocated to DPW for everything they do” she said. Ms. Vann went on to say “if you took every penny they pay in taxes to repave the road it would take 30 years. We cannot afford that type of development. This (ordinance) is one way of trying to discourage that and do better incremental development with what the town already has and putting houses where houses already are.”

From the audience Becky Sakellariou introduced herself and asked “if a developer wanted to put in water and sewer would they have to get permission from the Planning Board?” Chair Van replied “yes,” as she went on to describe the cost associated with doing such a thing (lift station, water and sewer pipes and road) “would be about \$500.00 a running foot.” She looked to Mr. Belletete and said “right Jack?” Mr. Belletete replied “yes, and would have to adhere to the TND Standards. “

Francie Von Mertens mentioned the joint meeting Planning Board and Conservation Commission scheduled for the next night. She noted her questions revolved around intent of the ordinance, affordability and finding the missing middle Ms. Chollet had talked about. Chair Vann replied “we cannot legislate affordability. What we can do is allow for smaller lots on which to build smaller homes that are less expensive. We cannot guarantee less expensive but without this we *know* we will not get it.” Ms. Von Mertens cited the development constructed under TND I with a selling price in excess of \$390,000. “Young people cannot afford that” she said.

Jack Belletete noted his property off Church Street had been originally approved for 28 units. He told the group he would construct less units if they were allowed to build single-family homes on smaller lots, at a lower price. He also noted such a development would be nicer looking and be reasonably priced. “It does allow us to step back in time, into the 1950s were you were able to have a small house on a small lot in a neighborhood. Free simple lots is the key, where you own your own home and mow your own lawn with no condo fees. It may not be so close to the Downtown but it is its own little community, developed in a more affordable manner while maintaining the rural character of the town” he said.

Chair Vann asked that a slide of Mr. Belletete’s parcel with an artist’s conception of how it may developed be shown. Mr. Belletete interjected that the slide “had *way* more units” than he would put there. Chair Vann replied “it (the slide) just shows what is possible.”

Loretta Laurenitis asked for clarification on the DES-approved community septic system that was noted earlier. Chair Vann replied “it is no longer provided as an alternative, it is out of the Draft because the Planning Board has the ability to request one as a condition of approval if they thought that was best.” Ms. Laurenitis continued “and town water, no wells?” “Right” replied Chair Vann.

A brief discussion regarding the process (requirement and installation of a lift station) and cost (upwards of \$140,000 for the extension to the Church Street parcel) of extension of town services followed with Mr. Belletete cautioning “you have to factor that in.”

Ms. Von Mertens noted parcels very close to Cunningham Pond had been identified as potential locations with Chair Vann interjecting “that is the wrong map, we must never look at that map again.”

Ms. Laurenitis then asked for clarification between the TND I and the proposed TND II, pointing out the original TND was more restrictive. Chair Vann replied “that is a good point” adding “the primary reason for differences between TND I and TND II is that TND I is already in the developed part of town.” Mr. Throop noted the requirements were more restrictive in TND I with impervious lot coverage being no more than 25% in the Family District and no more than 35% in the General Residence District. A brief discussion about the ordinance’s setbacks followed. The Steering Committee had not set a minimum setback but did set a maximum so buildings are not way back on the lot. Tom was distressed by the lack of a minimum setback. “That is a ditch we do not need to die in so we put one in” she said.

Ms. Laurenitis pointed out the dimensional requirements in the Family and General Residence Districts. Mr. Throop noted the setbacks would be determined by taking an average of the existing setbacks of structures on either side. “If there are no adjacent dwellings the setback is at least two feet but not more than 20 feet from the front property line” he said. Mr. Holt interjected “it is OK to have houses close to the road.” Chair Vann noted “TND I is in the most compact areas of town and TND II is for the less developed areas of town.” A brief discussion on building design and standards followed. Chair Vann noted TND II allowed for mixed use “with a typical street building with retail on the street level and dwelling units above.” She told the group she envisioned the buildings to be quite close to the street. “They would be a part of the streetscape” she said. Ms. Laurenitis interjected “I am not still convinced.” Chair Vann replied “well that was our thinking.” Ms. Laurenitis asked “why not use the same Conditional Use Permit application for TND II as TND I?” Chair Vann reiterated “single-family and two-family homes are by right, anything else must go to the Planning Board,” She

added Conditional Use Permits in TND I are required because you are in an existing neighborhood.”

Mr. Holt added “our first inclination of by right was so that people could build and do so easily as long as they follow the standards.” “I was looking at it for the abutter’s point of view” replied Ms. Laurenitis. Mr. Holt cited the existing conditions and the underlying zoning could result in a big, ugly house. Chair Vann added “and anything more than the single and two-family home must come to the Planning Board for the full monty.”

As the group moved on to the purpose and intent of the ordinance Chair Vann suggested stronger language for the re-use of structures and discouraging demolition “but we cannot prohibit demolition, we are not a home-rule state. That is not something the Planning Board can fix.” “That is a real problem” said Ms. Von Mertens adding “your brain immediately goes to the worst case scenario.” A brief discussion about the language and the intention to prevent demolition and its unintended consequences followed with Mr. Holt noting “we cannot prevent it, not now or in the future. State regulations prevent *us* from preventing it.” He did add “with all the conflict and consternation at least the borderline cases are largely cut and dry No one will demolish a house that is move-in ready.”

Chair Vann noted the maximum 40% lot coverage would prevent putting a giant house on a small lot. Hugh Breyer introduced himself and noted under the current zoning a McMansion could be easily built as long as the developer met storm water management and drainage requirements and you are in line with your neighbor’s roof lines.

Ms. Von Mertens noted only one development had resulted for the adoption of TND I. “Eight units is not bad for two almost three years” she said adding “but how many of these do we want in town?” She went onto stress the importance of an accurate map depicting potential locations where the ordinance could be used.

Ms. Ogilvie reiterated the Steering Committee’s consensus not to identify particular areas “Because we don’t know where they might be in the future” adding “by identifying specific areas, we may be eliminating other appropriate parcels or even identify parcel that end up not being appropriate.” Mr. Holt added “Carol is right, we may pick a spot and then realize we missed the mark. We want density where we have infrastructure so that it does not add to the town tax burden.” Mr. Holt also reiterated incremental development “not 50 new homes a year.” Chair Vann added if the development is too big the Planning Board would deny it on the premise of premature and scattered.

Mr. Hanlon noted his concern about no lot size. "It is a little alarming" he said adding "I think it should have some teeth." He went on to mention the growing pains were going to be inevitable. Ms. Sakellariou went back to Mr. Belletete's lot and asked if the number of lots shown could be approved. Mr. Holt replied he did not believe it would be citing *premature and scattered development*. Mr. Throop cautioned against relying on that citation when adopting a new ordinance that encourages increased density. Chair Vann interjected "we just want to know what the good things that can grow out of this, things we cannot get now."

Hugh Beyer introduced himself and asked "why are you scared?" I see interaction, a walk to church, great trick or treating, maybe a corner store? Why be scared?" Mr. Ward interjected "and for \$90,000 each, that is over 5 million in taxes." Chair Vann cautioned on a value per acre analysis but noted "dense neighborhoods do pay for themselves."

Jamie Conley introduced himself as a relatively new resident, having moved here in 2014. "We were looking for a closer-to-town location with a community feel and we lucked out finding a house on Pine Street" he said. He went on to say that streets like Pine Street could not happen with current zoning adding "we need that housing availability to attract people. You can't force anyone to do anything but the intent is to allow people to do what they like. It is a good process that allows a customer to buy a house in the area that they see as attractive and serves the community well."

"Let's get back to Loretta" suggested Chair Vann. Ms. Laurenitis asked about various housing types with mixed development with Chair Vann noting "we are talking about a place where people can live their whole lives, perhaps moving around or downsizing but staying in the same area." Ms. Laurenitis then asked "have you given any thought to how abutters are notified?" Chair Vann reviewed the abutter notification process. Ms. Laurenitis then asked about home business regulations and if retail would be allowed. A brief discussion about home business permitting followed.

Mr. Belletete said he believed the town needed to have more invigorating housing that is more affordable. "This is a good direction" he said adding "I think this a good ability for the town to have, to allow floating areas to develop more affordable housing. It is not dramatic, it is not complicated, and that is what we need." A very brief discussion about Mr. Belletete's land off Church Street and how he extended town sewer (via a pump station) to Lobacki Drive followed.

Ms. Von Mertens noted the importance of incentives for developers. "When you have density by right, what bully pulpit do you have?" Chair Vann reviewed the

standards of TND I (front of home faces the street, garages to the side and back, units look like homes, front porches). “They have to do that” she said. Ms. Von Mertens interjected “have to, I like that more than encouraged.” Mr. Holt noted the authority to regulate how a house looks and how big it is. “You don’t get that with the underlying zoning. The language accomplishes the intent.” Chair Vann reiterated the ordinance for strictly for single and two family houses and duplexes. “Anything larger would have to go through full Site Plan Review” she said.

Chair Vann looked around the room and asked “anything to add? We have lots of notes to address for the next version.” Ms. Von Mertens interjected “it is a big deal.”

Ms. Ogilvie told the group “we are again in a bit of a learning curve here.” She noted the TND I was a radical piece of zoning for the town that had been in place for three years. “We’ve had the opportunity to see how that is going and how to move through this ordinance as it goes forward.” Mr. Galus asked “are the DES Guidelines appropriate and adequate?” “We think so” replied Chair Vann.

Mr. Holt concluded by telling the group “this would be like turning back the clock.” He noted he’d been looking around town and thinking about the parts of town he liked and what parts of town he felt needed improvement. “Then think about when these areas were constructed. (Pre 1970, after 1970 when zoning was introduced to the town) and what you prefer. I think we need to turn back the clock.”

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant