

PLANNING BOARD

TOWN OF PETERBOROUGH, NH

Minutes of February 17, 2016

Members Present: Chair Ivy Vann, Alan Zeller, Jerry Galus and Joe Hanlon

Staff Present: Peter Throop, Director, and Laura Norton, Administrative Assistant, Office of Community Development

Chair Vann called the Workshop to order at 5:30 p.m.

Minutes:

No Quorum. Approval of Minutes of February 8, 2016 postponed to February 29, 2016.

Mr. Throop began by reviewing the agenda. He told the members they would address *Bed & Breakfasts* (allowed by right in any district where single family homes are permitted), *Accessory Dwelling Units (ADUs)* (bringing the ordinance into compliance with recent statutory amendment by the state), *Tourist Homes* (a new use by right subject to specified conditions and limitations in all districts where single family homes are permitted) and a *Citizen Petition* for rezoning of a parcel in the General Residence District to the Business/Industrial District.

Accessory Dwelling Units

Mr. Throop projected SB 146 and quickly reviewed the highlights of the bill. He pinpointed Section III “An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but municipality shall not require that it remain locked.”

Chair Vann interjected college towns such as Durham, Plymouth and Keene use this to make ADUs a less viable option for college students with Mr. Throop adding “and it allows for conversion *back* to a single family home and that is an advantage.”

Mr. Throop went on to point out minor changes in the draft. He told the members the draft had been vetted by the town attorney. He noted “Accessory Dwelling Units is a secondary residential living unit that is created within or is attached to a single-family dwelling or is within a detached structure on the same parcel as the single-family dwelling and is smaller than the principal single-family dwelling

unit.” He went on to say “this unit provides independent living facilities for one or more persons with provision for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit.” Pointing out 245-4 3, Chair Vann noted a dwelling located on the same lot of the main dwelling must be “subordinate to and clearly incidental to the main building.” The members then briefly discussed the number of bedrooms to be allowed. Mr. Throop indicated that the draft shows three bedrooms, with Mr. Zeller interjecting “I am in favor of no more than two (bedrooms).” Chair Vann advocated 30% of the gross living area without specifying the number of bedrooms. “If people are putting mattresses on the floor the number of bedrooms is not important” she said. She also noted the square footage for ADUs (minimum of 400 square feet/maximum of 750 square feet *or* 30% of the gross living area of the principal unit, not including unfinished attics or basements. She suggested adding unfinished spaces *such as but not limited to* unfinished attics or basements. “So it is 30% of the gross living area or three or less bedrooms is really what it comes down to” said Chair Vann. “I can live with that” replied Mr. Zeller.

The members went on to discuss adequate provision for electrical, plumbing, heating and sanitation systems. Mr. Throop noted “they do not have to be separate systems but both units must have access to the electrical panel and circuit breakers serving their units.” Mr. Zeller asked if separate meters would be required with Mr. Throop replying “no, that can be done but it is not required.” Mr. Throop then reviewed compliance with the applicable sections of the building and fire codes and parking requirements as well as the similarity of architectural style (details and building materials) should a new structure be built as an Accessory Dwelling Unit. When Chair Vann interjected she did not agree with that requirement Mr. Throop read the section that included “when the creation of an ADU requires an addition to or modification of the exterior of the existing single-family home or existing detached structure, or the creation of a new detached structure, the architectural design and details to be used shall be aesthetically compatible with and maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.” Char Vann asked “what if I have a barn and I would like a really cool casetta that is not in the style of the barn or garage? I just don’t want us to become a caricature of ourselves” she said adding “I do worry a little about homogenization.”

Mr. Hanlon arrived and Mr. Throop quickly brought him up to speed. He noted the owner of the property shall occupy the *principle place of residence* (even if living in the accessory dwelling unit) and must demonstrate to the Code Enforcement Officer that one of the units is occupied as his or her principle place of residence prior to issuance of a Building Permit for the accessory dwelling unit. Mr. Throop looked up and said “we got rid of the affidavit. Now the applicant will be given a

form to fill out which will be notarized and recorded for the next title search.” Mr. Hanlon replied “good, I am less impressed with an affidavit. They don’t do a lot for me.” A brief discussion about compliance and other apartment buildings (in every district, and not owner-occupied) in town followed.

Mr. Zeller asked if when reviewing drafts online if the members should copy other members on their comments. Mr. Throop advised against and that comments would be reviewed and discussed at public hearings and workshops.

In closing Mr. Throop reviewed the application procedure (all applications to be made through the Office of Community Development; on receipt of an application the Code Enforcement Officer and Fire Chief verifies compliance of the project with the zoning ordinance and fire code; in the event of modifications or new construction to the exterior of the building, the Code Enforcement Officer may refer the review to the Minor Site Plan Review Committee for a decision on compliance with 245-24.1B.; and the Director of Community Development will review the memorandum of adequate notice for acceptable form and completeness, “Upon issuance of a building permit for the project the Office of Community Development shall send the notice to the Registry of Deeds for recording, at the applicant’s expense. Evidence of recording shall be submitted to the Code Enforcement Officer prior to issuance of a Certificate of Occupancy” he said.

A motion was made/seconded (Zeller/Hanlon) to accept the amendment and move it to Public Hearing on February 29, 2016 with all in favor.

Bed & Breakfast Establishments

Mr. Throop noted Bed & Breakfasts are a type of lodging establishment within an owner occupied single-family dwelling which offers up to 3 to 6 bedrooms available for overnight accommodations to paying transient guests (and) to whom a morning meal may be served. “Generally 3 to 6 rooms available to let” he said adding *Tourist Houses* are a type of lodging establishment located within an owner occupied single-family dwelling where 1 or 2 bedrooms are available for overnight accommodations to paying transient guests (and) to whom a morning meal may be served. “1 to 2 rooms to let. After two bedrooms more stringent fire code requirements may apply.”

Mr. Throop noted the amendment adds Bed and Breakfast Establishments as a permitted use subject to a Conditional Use Permit and Article IX of the Planning Board Site Plan Regulations in the Family, General Residence and Rural Districts. He then reviewed the Conditional Use Permit criteria noting the proposed use does not change the character of the neighborhood and does not substantially reduce the

value of existing properties in the neighborhood. He also reviewed the standards where a Bed & Breakfast may provide a morning meal or a boxed lunch for guests but may not serve as a restaurant to the general public, shall be limited to 6 rooms for let, shall provide the minimum parking of 1.2 spaces per bedroom, and shall minimize the visual impact from public streets and neighboring dwellings through site design, landscaping or screening. Mr. Throop concluded “and any proposed projects for a Bed & Breakfast is subject to Site Plan Review by the Planning Board.” A brief discussion about the criteria followed with Chair Vann noting a lack of guidance. “This looks like a set of sticks used to beat up the applicant” she said adding “it leaves the applicant wide open to any person with an ax to grind. I worry about it.”

The members reviewed the Diversified Agricultural Business Enterprise provisions noting the subordinate use to the principal use, compatibility, aesthetic character, nuisances and resources. Chair Vann suggested they use ii, iii and iv of the Zoning Ordinance Section 245-8.E.1.c as the criteria to be used in evaluating the conditional use permit.

Chair Vann reiterated “I just worry about overburdening a neighborhood, but using the criteria gives us a place to talk about that.” The members then briefly reviewed parking (pervious versus impervious areas), visibility issues and diversion of blight in a neighborhood.

A motion was made/seconded (Hanlon/Zeller) to accept the amendment and move it to Public Hearing on February 29, 2016 with all in favor.

Citizen Petition

Mr. Throop began with “this is a citizen petition to rezone Parcel No. U003-024-000 on Route 202 South from General Residence District to Business/Industrial District.” He looked at the members and said “the citizen wants to build a barn to store some granite and antique vehicles with incidental retail. It is a fine use for this lot.”

A motion was made/seconded (Hanlon/Vann) to accept the amendment and move it to Public Hearing on February 29, 2016 with all in favor.

Mr. Throop noted he had just one more item for the Board. “This is the age-old issue of how many square feet is the minimum lot size for a duplex in the Family District.” He reviewed the dimensional requirement for single-family and two family dwellings in the General Residence district which consisted of a lot size of 40,000 square feet for a single-family and 50,000 square feet for a two-family

dwelling. “Multi-family requires 10,000 square feet per unit” he said adding “and we have had people coming in wanting to build a duplex as two single-family units. It is very confusing.”

Chair Vann interjected “if we allow a duplex on 20,000 square feet and a single-family home on 10,000 square feet I don’t know why this would not be allowed if it supports that density.” Mr. Throop replied “but you don’t (allow it).” Chair Vann replied “well we ought to. My feeling is that if the lot is acceptable for a duplex there is no reason not to construct two single-family homes on 10,000 square feet each” adding “some say this will dramatically change the character of the town but I think we need to have that conversation and start to talk about it in a rational way.” A brief discussion about the Traditional Neighborhood Overlay Zone also followed. In conclusion Mr. Throop noted “I suggest we do not try to tackle this question this year, we need more time to think about it, look at setbacks and other dimensional requirements and see if they make sense.”

He noted Section 245-6 4. where “Open Space Residential Development on parcels that include land with in the Family District and another district in which Open Space Residential Development is permitted, two dwelling units or lots may be transferred to a permitted district for every 50,000 square feet of land within the Family District for an Open Space Residential Development. In cases when less than 50,000 square feet (but at least 40,000 square feet) are in the Family District, one unit or lot may be transferred to a permitted district.” He also noted we need to discuss this. It is like a can so of worms and they are squiggly.” Chair Vann interjected “We should move that out of there and integrate it with OSRD.”

The members then briefly reviewed what was on the agenda for February 29th

Next Meeting:

February 29, 2016 at 6:30 p.m.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant