

PLANNING BOARD
Town of Peterborough, New Hampshire

DRAFT Minutes of July 8, 2019

Members Present: Dario Carrara, Tyler Ward, Alan Zeller, Rich Clark, Ivy Vann, Judy Wilson Ferstenberg, Sarah Steinberg Heller, Rebecca Adey-Merrithew, Ed Juengst and Lindsay Dreyer

Staff Present: Peter Throop, Laura Norton and Kristin Bixby, Office of Community Development

Chair Carrara (Mr. Carrara) called the meeting to order at 6:30 p.m. He began by welcoming the audience followed by Member and Staff introductions.

Minutes:

A motion was made/seconded (Zeller/Vann) to approve the Minutes of June 17, 2019 as written with all in favor.

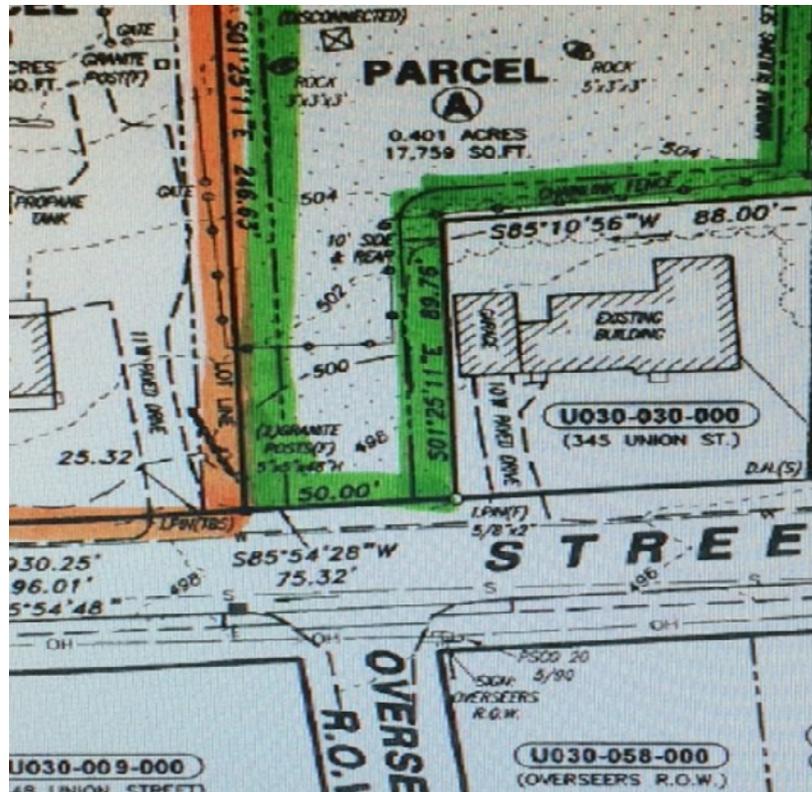
Public Hearing: Boundary Line Adjustment between two lots owned by Patricia Walker and David Labnon, Parcel No. U030-029-000 (Lot 29) with frontage at 349 Union Street and Parcel No. U030-043-100 (Lot 43) with frontage on Union Street and Altemont Street. Parcel U030-029-000 is located in the West Peterborough District and Parcel U030-043-100 located partially in the West Peterborough and partially in the Rural District.

Mr. Throop noted he had been in consult with Mr. Foley on a few issues that had been resolved and he assured the Board the application was substantially complete for acceptance and being opened for public hearing.

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

Carl Foley stood and introduced himself as Senior Project Manager with Fieldstone Engineering Consultants and the representative for the applicants.

Mr. Foley began with a general review of the lots. He pointed out parcels and their frontages noting how the two lots would change in dimension, decreasing Lot 29 from .842 to .733 acres (frontage decreases from 131.5 to 96.01 feet) and increasing Lot 43 from 6.49 to 6.60 acres (frontage increases from 14.51 to 50.0 feet).



Mr. Foley noted Lot 29 has an existing single-family dwelling and driveway with a detached shed that is connected to municipal water and sewer. He noted an abandoned well and pump house on land appended to Lot 43 that no longer has any connection and no other existing dwelling or driveway. “That lot now has 50 feet of frontage directly across the street from the access to Overseers Row with no dwelling or driveway proposed as a result of this application” he said.

Mr. Foley concluded that while the lot coverage of impervious surfaces is 80% in the West Peterborough District “this lot is in the Groundwater Protection Overlay District where the maximum lot coverage is 20% We have 19% with this boundary line adjustment.”

Ms. Vann asked for a review of the lot sizes and Mr. Throop noted for the record, because the Lot 43 was in the Groundwater Protection Overlay, the 20% maximum lot coverage “kicked in.”

As Mr. Carrara opened the hearing to the public Jeffrey Almori introduced himself as an abutter and inquired as to why the applicant wanted to change the boundary lines. “Are they going to build behind me?” he asked. Mr. Foley reiterated the poor topography of Lot 43 and the intent to increase that lot’s frontage on Union Street to 50 feet. “I am not aware of anything else at this time” he said. Mr. Almori asked

if he would be noticed in the future if a building plan was conceived. Mr. Foley replied, “any project would have to go through the town’s permitting process and anything *larger* than a single or two-family dwelling would require site plan review and that would trigger abutter notification.”

With no other questions or concerns from the public Mr. Carrara closed the public hearing.

A motion was made/seconded (Vann/Zeller) to approve boundary line adjustments between two abutting parcels as shown on a plan entitled “Boundary Line Adjustment Plan, Parcel Numbers U030-029-000 and U030-043-100, 349 Union Street and Off Union Street in Peterborough, NH. Prepared for and land owned by Patricia Walker and David Labnon, 31 Marden Road, Wilton, NH.” This plan was prepared by Fieldstone Land Consultants at a scale of 1” = 40’, dated June 18, 2019 with all in favor.

Preliminary Consultation: Conceptual Review for Beth Alpaugh-Cote on land owned by John Kaufhold located at 10 Laurel Street, Parcel No.U018-087-000 in the General Residence District. This non-binding consultation will consider a proposed concept for developing a multi-family residential development. As this is not a formal public hearing, public comment will be heard at the discretion of the Planning Board Chair.

As Ms. Alpaugh-Cote (Ms. Cote) introduced herself she presented a 3-D Model of her proposed project to the Board. She began with a description of the location of the parcel (1/10 mile from Shaw’s and CVS; ½ mile from Downtown (“even closer to the two Plazas”) and less than 3 miles from the local schools, hospital and large employers).

Ms. Cote had a Power point presentation with slides that showed the entrances to the lot (eastern, middle and western boundaries) noting she would eliminate the eastern entrance to avoid the nuisance of car headlights shining into neighboring windows.

Showing a slide of the existing storage building on the site Ms. Cote told the Board she would remove that building to allow for grading of the front lot which would allow better lot use and avoid the steep slopes. She told the Members the six units would be connected single-story, 2-bed, 2-bath units with solar on the roofs and green common areas. “Four of the units would have attached one-car garages with the remaining two having parking in the existing garage area with the living units above them or outside parking within the existing fenced areas.”



Ms. Cote told the Members she would bring in underground utilities and extend the sewer line 1125 feet up Laurel Street “which would then be available to other residents wishing to connect to it.”

Ms. Heller asked for clarification on the units and why they were connected. Ms. Cote replied each unit was a single-story, single single-family unit, each with two beds and two baths.” She went on to note they were connected because she was *not* using the Traditional Neighborhood Overlay Zone 1 (TNOZ 1) for the project and multi-family dwellings in the General Residence District must be connected. Mr. Zeller asked about the manner of the units being connected with Ms. Cote replying, “the four (staggered) units will be attached by a common wall with a breezeway connecting the other two.” Ms. Vann asked, “is it absolutely necessary they be connected that way?” adding “it is pretty awkward.” Pointing out the breezeway was a bit unusual in attaching the units over the garage Mr. Throop reminded the Members multi-family family housing in the General Residence District must be

connected. “And she had just over 60,000 square feet to work with.” Ms. Vann replied, “there is absolutely no reason she could not approach this with the overlay infill ordinance.” Mr. Throop noted the constraint of no (existing) sewer line up Laurel Street in using TNOZ I. When Ms. Vann asked about the Town’s long-time interest in extending sewer to Laurel Street Mr. Throop replied, “I cannot speak to that.” Ms. Vann went on to say, “I just think it is awkward, I think about the experience for a person walking down the street. It is not terrible, but it is not great for walkability as a whole. I would like to see another approach that is *less* awkward.” She concluded by noting “I know the rule is they have to touch, I don’t know, I am just not in love with it. I have a few ideas for more of a sense of place, a sense of enclosure.”

As Mr. Carrara agreed that Ms. Cote should investigate the TNOZ I option Ms. Cote replied she was open to other ideas, but the current position of the dwellings was for ultimate solar access “and they won’t be seen by the street. It is really for the comfort of the people that will be living there and *not* the passerby.” She mentioned the Garden Apartments development on Cheney Avenue as a model and her project “as a smaller version of that.” Ms. Vann briefly reviewed the importance of New Urbanism’s Ross Chapin’s five levels of separation between the street and the front door (street, sidewalk, yard, porch and front door for enhanced walkability).

Ms. Heller asked about the elevations and steep slope and Ms. Vann noted she’d recently read that solar placement straight south was not always optimal in total solar gain (which would allow the houses to be rearranged). Mr. Throop noted he had met earlier with Ms. Cote and had a conversation about the topography. He projected a contour design of the lot showing two-foot contour lines versus the five-foot contour lines Ms. Cote had used. A brief discussion on the slopes and site work needed to create a balance on the site that would allow Ms. Cote’s configurations to fit followed. Mr. Throop told the Members “it is more complicated and confined than it looks, I think you should see it.” He then recommended a site visit to help visualize the project.

Citing the proposed breezeway. Mr. Ward asked, “what is its purpose?” Ms. Cote replied, “to connect the buildings and the common area.” Ms. Cote noted her goal was to make housing more affordable. She reiterated the Garden Apartments model telling the Board “we did those 45 years ago and nothing since, why not?”

As Mr. Carrara opened the discussion to the public Sharon Monahan introduced herself and complimented Ms. Cote on her dedication to create affordable housing. “You have been trying to do this for a long time, this has been your dream” she

said. She then asked how Ms. Cote intended to keep the housing affordable. Ms. Cote cited covenants that would be incorporated into the deeds and using other rules and regulations for that purpose.

Mr. Carrara asked about the size of the units with Ms. Cote replying “40 by 25 feet in all, including the garage.” Mr. Carrara replied, “so about 1000 square feet.” “This is an area where you are right on track” interjected Mr. Ward.

After a brief discussion on availability for attendance Mr. Carrara concluded by continuing the Conceptual Review for a site visit to a date and time certain of July 15, 2019. He noted the site visit to 10 Laurel Street would commence at 6:00 p.m. followed by a reconvening of Members Staff and Public at the Town House for further discussion.

Preliminary Consultation: Design Review for “Woodman’s Place” owned by EAM Peterborough Holdings, LLC. located at 69 & 75 Concord Street, Parcel No. U016-041-000 (Lot 1) and Parcel No. U016-042-000 (Lot 2). This non-binding consultation will consider a proposed design for demolishing an existing house and former commercial building and developing a 20-unit residential subdivision served by a new road using Traditional Neighborhood Overlay Zone I (TNOZ I) Parcel U016-041-000 is located in the General Residential District and Parcel U016-042-000 is located partially in the General Residential District and partially in the Family District. As this is not a formal public hearing, public comment will be heard at the discretion of the Planning Board Chair.

For the record, Chad Branon introduced himself as a Civil Engineer with Fieldstone Land Consultants, PLLC located in Milford, New Hampshire and representative for EAM Peterborough Holdings, LLC. He also introduced Architect Michael Petrovick of Catlin & Petrovick Architects PC. At this time Mr. Carrara interjected “I know you are not the applicant but the applicant’s representative” and asked, “are you alright with you for me to sit on the Board?” (Mr. Carrara currently resides at 75A Concord Street). When Mr. Branon replied he has no issue with it Mr. Carrara noted “I am just asking for the record.”

Mr. Branon reminded the Members of a Preliminary Consultation “way back in October of 2018” noting they had been before the Board twice with conceptual layouts. He noted early delays in completing pertinent reviews (drainage plans, etc.) and the delay they endured with the Citizen’s Petition (Zoning Amendment 15, which would repeal TNOZ II and amend TNOZ I’s lot and yard standards such as frontage, lot size and setback requirements) as well as the subsequent Protest Petition and its legal aftermath.

Mr. Brannon noted he’s spent significant time with staff to address many of the concerns raised in those preliminary meetings. He went on to review a graphic of the site pointing Lot I (about 6 acres) and the former Woodman’s Florist building with apartment above and several outbuildings and Lot 2 (about .7 acre) which housed a single-family residence (now an apartment building where Mr. Carrara lives), “which we are proposing to remove regardless of what happens.”

Mr. Branon refreshed the Board’s memory on the initial plan presented to them and reviewed the feedback from the Board and the concerns of the abutters as well as the action taken on that feedback. “Several renditions later we have maintained the one direction flow and reduced the amount of pavement. Many site tests and engineering calculations have been performed and we have met repeatedly with staff on the best plan for the back portion of the lot” he said. Mr. Branon then noted “we would like to take advantage of our time tonight to talk about a **new** design plan and come back in August for a site plan review. “

As he distributed a new plan to the Members and Staff Mr. Branon said, “I would like to share the new plan with you now.” With the graphic projected on the screen for all to see he proceeded to review the plan for a revised cul-de-sac design (8% from 10%, the introduction of triplex dwelling units, retaining walls of 10 to 14 feet, grading and drainage plans including winter condition drainage and snow storage and the need for a LOMA and State driveway permit).

Architect Michael Petrovick briefly reviewed the new plan including the alignment of the buildings against a retaining wall. Mr. Branon noted that from a stormwater management standpoint the design was essentially the same but did review the relocation of the chamber design, catch basins, bioretention areas and storm septar systems to infiltrate the runoff.

Reviewing the minimum requirements of the TNOZ I Mr. Branon reaffirmed the project was served by municipal *water and sewer*; the *reuse of the existing building*

had been carefully considered with the conclusion that the rehabilitation cost of repairs outweighed the value of the property, and it would be removed.

The *lot and yard standards* of the TNOZ I had Mr. Branon pointing out the need for waiver requests noting that some of the Limited Common Areas (LCAs) do not meet the minimum frontage required for TNOZ I. “Specifically Units 2, 3, 13 and 14 do not meet the 50-foot frontage requirement as they are positioned on the corners of the proposed driveway.” Mr. Branon went on to say “we believe however that this would be permitted for a condominium-style development. If the Board finds this *is* a requirement, we would respectfully request a waiver to allow the dimensions proposed on this plan.”

Mr. Branon also noted while all of the LCAs met the minimum lot sizes for the TNOZ I “there were some irregularities in some of the LCA geometry.” He told the Board the preference would be to simplify the layout and eliminate the irregularities “but that would require some of the LCAs to be under the required 5000 square feet in size.” He looked to the Board and said “again, we believe this would be permitted for a condominium-style development.”

Reviewing the *setback requirements* of the TNOZ I Mr. Branon told the Members the front porches of a few of the units do extend in the front and side setbacks but noted their distance off the roadway is consistent with the surrounding neighborhood. “We would request a waiver for these porch encroachments” he said.

The *building design* has been discussed in detail using feedback for the public and town staff. The *lot coverage* meets the requirements, and *parking and driveways* requirement provides a single driveway for each unit (no shared driveways) and all along the public ways the garages are oriented to face internally.

Mr. Branon noted the triplex units (whose garages technically face the houses) “but are so far off the public road it should not be an issue.” He went on to say, “however if applicable we would request a waiver to allow them.”

Lastly Mr. Branon pointed out the zoning district line between the General Residence and Family Districts of the property. “Yellow (Family) on the top and green (General Residence) on the bottom” he said adding “two triplexes in the Family District require a waiver.” Adding “and the Board has the authority to grant that waiver.”

In conclusion Mr. Branon summarized the project as lining up well within the neighborhood with minimal disturbances. He told the Board they were looking for feedback on the waivers so they could ideally submit a site plan review in August.

Ms. Vann asked about the facades of the triplexes with Mr. Petrovick replying, “they are gorgeous!” Ms. Vann noted her concern about homes being built for autos and not homes being built for people. As Mr. Petrovick distributed a front elevation of the triplexes he noted “the duplex was just not working. They were not lending to fun architecture. We think these do lend to a better use of the property with less intrusion non the hill. It is a fun floorplan.”

As Ms. Vann had a few suggestions for the garages so that the dwelling looks like it is built for people. Ms. Ferstenberg interjected “I think it looks great the way it is and I wouldn’t change it.” She noted personal design tastes differences should not drive the project. Mr. Carrara noted the *requirements* of the TNOZ I favored Ms. Vann’s suggestions. Ms. Heller interjected it is important to realize it is not personal design involved, “it is the TNOZ ordinance.” Ms. Ferstenberg replied, “from someone who has bought and sold 14 houses on my own I know styles change, preferences change.”

Referring to the requirements of the TNOZ I Mr. Ward interjected “let’s go back further” adding “the applicant had to await the zoning results (Citizen’s Petition) pretty much because of this case.” He went on to reiterate one of the minimum requirements in applying TNOZ I included the reuse of existing buildings. He read from 245-15.3: “the demolition of existing habitable dwellings in order to subdivide a lot or create additional dwelling units on an existing lot is ***strongly discouraged***, unless the applicant can demonstrate to the satisfaction of the Planning Board that the structure is in such a state of disrepair that rehabilitation is cost-prohibitive or that the existing structure is out of character with the architectural scale and style of adjacent and nearby residential structures.”

Mr. Ward looked up and said “I am just speaking my mind, but in my view no effort has been made to save that building. It is affordable housing right now and we are losing it.” He went on to concede “the ordinance does not say demolition is *prohibited* but it does say *strongly discouraged*. This is an old New Englander that is cherished along the streetscape. I am in construction and yes, it may cost a little more to rehab the building, but they could have used it in place of the three most northerly units, providing architectural consistency to the streetscape.” Mr. Ward concluded by noting he would vote against the Conditional Use Permit required for this project as it does not satisfy the criteria.

Mr. Branon told Mr. Ward, the Board and the Public that with all due respect the building had been evaluated and the building was not deemed a candidate for rehabilitation. He noted the building had been vacant for quite a long time. Mr. Ward interjected the building was not vacant and not only had not been vacant, it was currently providing affordable housing with two apartments (top and bottom) adding “it is an existing two-family residence right now.” Mr. Branon reiterated “if it were in better shape it would have been a viable option to try to incorporate it into the project. It is not going to be preserved.” Mr. Ward replied, “I don’t really know how to say this but essentially the applicant should throw the town a bone, fix it and incorporate it into the site, that is my personal opinion. I don’t see this as good, you are trying too much to make it work ”

Mr. Branon briefly reviewed the objectives of TNOZ I and noted, “what is permitted is 31 to 35 units. Our proposal is much more consistent with the town. It is a good project that is good for Peterborough.”

Ms. Vann pointed out the applicant would get six single-family units on the lot currently occupied by the existing residence. Mr. Zeller interjected “I thought it was three” with Ms. Vann replying “nope, six.”

Mr. Carrara opened the preliminary design review to the public.

Lock Row introduced himself and spoke briefly about the steep slope. He gave a brief history of the hill noting that 1500 gallons of water a minute rushes under the All Saints Church structure even today. “It used to be the watering hole for cattle” he said. He cautioned the applicant noting “you may expose a nice aquifer we don’t even know about yet!” He also cautioned about the discovery of plutonic rock. Mr. Carrara assured the audience the final plan would incorporate all drainage and stormwater plans that would be reviewed by an independent third party.

Sharon Monahan introduced herself and asked if the project is part of the Groundwater Protection Overlay or an aquifer. Mr. Branon replied, “a small portion of the site is in the Groundwater Protection Overlay.” Ms. Monahan suggested a site visit for a better understanding of the project.

Patricia Row introduced herself and asked about the impact of all the cars coming in and out of the units. Mr. Carrara replied “I live on Concord Street, it is a state road and it is always busy. I don’t believe there will be much of an impact on the traffic.”

Disagreeing, John Kaufhold introduced himself and expressed his concern that the applicant was packing a lot into one site for maximum profit. “We all know single-family houses are more valuable than multi-units. I strongly suggest the rehabilitation of the existing apartment house.” He went on to say “the traffic on Concord Street is horrendous and they want to add 20 to 30 cars a day. I suggest they do a traffic study and they should pay for it. Turning lanes should be considered. I can tell you there are two or three motor vehicle accidents at Woodman’s every year.”

A brief discussion about the floodplain followed with Mr. Branon noting a detailed existing conditions survey with FEMA maps have been reviewed, that all local and federal regulations and requirements for construction would be adhered to (and) they actually far exceeded local requirements and that a state alteration of terrain permit (meeting all DES requirements) must be approved.

Mr. Branon concluded the new plan makes the project work while meeting and exceeding the local design requirements. “It is pleasant and incorporates itself into the landscape, offering separation to neighbors while landing quite a bit lower on the hill than the One Sand Hill Condominium project” he said. He went on to briefly speak about the favorable soil conditions for a retaining wall and noted all traffic issues fall under the Department of Transportation (DOT). “That is their jurisdiction” he said.

Mr. Clark requested the applicant come back with elevations (particularly of the north side single-family homes and the triplexes) to show how they fit into the hill and if they will dominate the houses below. “I would like to see exactly what they look like” he said. Mr. Ward asked about sill elevations, grades and the height of the buildings above the level of the street. Mr. Carrara reiterated the need for a site visit and the Members agreed to piggyback a site visit to 69 -75 Concord Street after their site visit to 10 Laurel Street on July 15th at 6:30 p.m.

From the audience Matt Ciardelli of EAM introduced himself and told the Board with respect to the existing building “there were other options to maximize profits.” He told the entire room Mr. Branon and Mr. Petrovick were two professionals who have done their homework, were extremely prepared and had done their job. He went on to say, “We are not here to maximize a profit, we are a good fit in Peterborough suiting a certain need in your housing market.”

Hope Taylor introduced herself and asked about the price point of the housing. Mr. Ciardelli replied, “we haven’t gotten that far yet.”

Dennis Cilley introduced himself and reminded the Members that the abutter's main concern was maintaining the buffer between the project and their condominium development, but more importantly, "keeping the slope where it is."

Ann Twitchell introduced herself and asked for additional information on the buffers to the one Sand Hill Condos. With a quick measurement Mr. Branon replied, "over 110 feet of separation horizontally." A brief discussion about cutting trees, additional screening and changes in the viewscape followed.

In conclusion, Mr. Branon asked about specific feedback on the waiver requests so that he may prepare for the August meeting. He reiterated the needed for waivers for the *50-foot frontage* requirement for units 2, 3, 13 and 14; the *5000 square feet lot size* as some LCAs have irregularities in their geometry; the front and side *setbacks* requirements for a few porches and the *zoning issue* of construction of triplexes (multi-family units) in the Family District.

Ms. Vann noted the 50-foot frontage requirement was to create a streetscape "and given the 7 acres here we should be able to work with you." She went on to reiterate the houses should be built for people not cars and the importance of the garage doors being set back from the front doors. She also suggested a cap on the garages to shadow their doors.

"I agree" interjected Mr. Zeller. Ms. Ferstenberg noted she thought it odd one person's opinion rules. Holding up the elevation of the triplex she said, "these look good and provide a good variety to different buyers. It is not *all* about new urbanism." Ms. Heller reiterated the setback of the garages is a requirement of the TNOZ I and not one particular person's opinion. Mr. Juengst noted he had been listening carefully and thought the triplexes sounded reasonable and would add value to the project. "They should be supported, that is my opinion" he said with Ms. Ferstenberg replying "yes." Mr. Branon concluded that the Members should take the totality of the project into consideration.

Mr. Throop told the Members the most significant waiver request was for the triplex construction in the Family District. "The Family District does not permit multi-family units" he said. He suggested they review 237-8 regarding condo development language for latitude "and see if strict conformity to the ordinance would pose an unnecessary hardship and the request meets the spirit and intent of the ordinance." He went on to say the Board has the authority to modify it and asked, "but is that you feel comfortably doing?"

With no other comments or questions Mr. Carrara concluded by continuing the Design Review a site visit to a date and time certain of July 15, 2019. He noted the

site visit to 69 – 75 Concord Street would commence at 6:30 p.m. followed by a reconvening of Members, Staff and Public at the Town House for further discussion.

Other Business: Housing Policy Task Force: Mr. Throop briefly reviewed the intent of the Board of Selectmen’s commitment to a comprehensive community-engaged process in building a consensus to address the present and future housing needs and preferences that can be used to update the Housing Chapter of the Master Plan and be used for integration of informed revisions to the current zoning ordinances. He noted an application for a *Housing Policy Task Force* had been created by the Selectmen and they were reaching out for participants to apply.

Ms. Ferstenberg noted her concern with the application. Referring the requests for public and professional experience she said, “it sounds like a job application.” She went on to note “anyone who lives in this town should be allowed to participate” and that the “filter” questions should be left off the application. Ms. Ferstenberg also noted the varying time requirements (weekdays, weeknights and weekends) could potentially exclude people as well. She concluded by noting the application requires a resume be attached. She told the group “some people don’t have a resume; some people don’t know what a resume is. People of all backgrounds should be encouraged to participate in this task force.”

Next Meeting: July 15, 2019 at 6:00 p.m. at 10 Laurel Street for a site visit followed by a second site visit at 69-75 Concord Street at 6:30 p.m. before returning to the Town House for continuation of the meetings.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant