

**PLANNING BOARD**  
**TOWN OF PETERBOROUGH, NH**

Minutes of December 14, 2015

**Members Present:** Chair Ivy Vann, Tom Weeks, Ed Juengst, Joe Hanlon, Bob Holt, Rich Clark, Alan Zeller and Matt Waitkins.

**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. “This is the regularly scheduled Planning Board meeting for December” she said adding “and we have three items on the agenda.” Chair Vann then introduced the members and staff.

**Minutes:**

A motion was made/seconded (Zeller/Clark) to approve the Minutes of November 16, 2015 as written with all in favor.

**Public Hearings:**

Referring to two requests for Boundary Lines Adjustments from one applicant Chair Vann noted “they are two separate applications and we will do them in order.” She then read the first request:

“An application proposes to adjust the existing boundary lines between three abutting properties, Parcel Nos. U019-019-00, located at 60 Pine Street, U019-020-000 located off of Pine Street, and U019-033-000, located at 19 Lookout Hill Road, all of which are in the Family Residential Zoning District. The Boundary Line Adjustments will transfer 3049 square feet from U019-020-000 to U019-019-000 and 25700 square feet from U019-033-000 to U019-020-000. As a result of these adjustments, U 019-019-000 will consist of 27,002 square feet U019-020-000 will consist of 65,775 square feet; and U019-033-000 will consist of 11,325 square feet. A variance was granted by the Zoning Board of Adjustment on October 5, 2015 for the non-conforming lot size on U019-033-000.”

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

Phil Runyon stood and introduced himself as the representative for the applicants (Stanley and Cheryl Fry). He used a projected graphic to point out the L-shaped

lot. He identified the existing boundary lines, a tennis court and landscaping features including a dovecote with birds. He noted the significant change in elevation and how the lot “almost has a natural division already.” He told the Board the applicant had requested and received a Variance from the Zoning Board of Adjustment to reduce the size of Lot U019-033-000 from 0.82 acres to 0.26 acres on October 5, 2015.

Chair Vann looked round the table and said “OK, any questions?” Mr. Weeks replied “I have a couple.” He then noted the Legend for the plan noted boundaries set by iron pipes “but there is no monumentation of the new lines for the corners of the lot.” He also suggested the ZBA Case Number be referenced on the plan (Case No. 1220).

With nothing further from the Board Chair Vann opened the case to the public. Andy Peterson stood and introduced himself as an abutter and supporter of the applicant’s request.

A motion was made/seconded (Weeks/Hanlon) to approve the Subdivision request for Stanley B. & Cheryl L. Fry and Nineteen Lookout Hill Realty Trust at 69 Pine Street, Off Pine Street and 19 Lookout Hill Road, Parcel Nos. U019-019-000, U019-020-000 and U019-033-000 on plan entitled “Plan Showing Boundary Line Adjustment between Properties of Stanley B. & Cheryl L. Fry, 69 Pine Street Peterborough, NH 03458. U019-20-000 & U019-019-000 & Nineteen Lookout Hill Road Realty Trust, 69 Pine Street Peterborough, NH 03458 U019-033-000, Dated December 18, 2014” with the latest revision dated 8-20-15 by Dibernardo Associates, LLC subject to the following conditions prior to signature of the plan:

1. Plan being amended to indicate type of monument to be set at new property corners between parcels U019-019-000 and U019-020-000.
2. Reference of the zoning relief granted by the Zoning Board of Adjustment to be added to the plan.

With all in favor.

Chair Vann then read the second request from Mr. and Mrs. Fry.

“An application proposes to adjust the existing boundary line between two abutting properties, Parcel Nos. U019-016-000 at 71 Pine Street and U019-017-0000, located at 69 Pine Street in the Family and General Residential Zoning District. The result of the Boundary Line Adjustment will transfer approximately 1.9 acres from U019-016-000 to U019-017-000. As a result of this adjustment, U019-017-000 will consist of 8.8

acres and U019-016-000 will consist of .82 acres. A variance was granted by the Zoning Board of Adjustment on October 14, 2015 for the non-conforming lot size on U019-016-000.”

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

Mr. Runyon identified the existing boundary lines, the Fry’s main residence and the house just south of that. He told the members “we went to the Zoning Board of Adjustment for a variance to reduce the size of Lot U019-016-000 from 2.69 acres to 0.82 acres in area.” He again pointed out a noted difference in the elevation heading toward US Route 101 and a natural break in the topography. “This area actually looks like a part of the Fry’s main house lot already” he said.

Chair Vann asked if there were any questions from the Board. Mr. Weeks asked about the septic system for the smaller lot with Mr. Fry explaining how it was connected to town sewer via the main residence. When asked if there was an easement created for the connection Mr. Fry replied he was not certain. Mr. Throop interjected “this is an existing condition and not needed as a condition for approval. Certainly for purposes of selling the house, yes, they would make sure the easement is in place but it is not necessary for this request.”

When Chair Vann opened the hearing to the public Mr. Peterson stood and said with a smile “same as before.”

A motion was made/seconded (Weeks/ Hanlon) to approve the Subdivision request for Stanley B. & Cheryl L. Fry at 69 Pine Street and 71 Pine Street, Parcel Nos. U019-016-000 and U019-017-000 on plan entitled “Plan Showing Boundary Line Adjustment between Properties of Stanley B. & Cheryl L. Fry 69 Pine Street Peterborough, NH 03458 U019-016-000 & U019-017-000 Book 5213 Page 1685, Dated August 18, 2015” by Dibernardo Associates, LLC subject to the reference of the zoning relief granted by the Zoning Board of Adjustment being added to the plan (Case No. 1221) prior to signature of the plan with all in favor.

Thanking Mr. Runyon, Chair Vann moved on to the third application of the night.

“This is an application for Subdivision, Condominium Site Plan Review and Conditional Use Permit under the Traditional Neighborhood Design Ordinance proposing an eight lot subdivision of parcel number U017-100-000 located at the end of Vine Street in the General Residence Zoning District. The subdivision will develop the parcel into an eight-unit single family residential “cottage style” condominium

subdivision. The subdivision is being developed under Zoning Ordinance Section 245-15.3 *Traditional Neighborhood Overlay Zone* which requires issuance of a Condition Use Permit by the Planning Board. The condominium project is also subject to Site Plan Review.”

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

Chad Brannon of Fieldstone Land Consultants (Milford, New Hampshire) introduced himself as the representative for the applicant (The Stabile Companies, Nashua, New Hampshire).

Mr. Brannon gave a brief description of the 1.18 acre lot located off Vine Street. “It is bordered by St. Peter’s Rectory to the east, the elementary school to the north and residential to the west and south.” He described eight cottage-style condominiums with a common area between the units. He reiterated numerous meetings with town staff and a Conceptual Design presentation of the project to the Board September 14, 2015.

Mr. Brannon reviewed each of the twelve pages of the plan set that included the *existing conditions plan* (1.125 acres, former parking lot, municipal sewer and water to rectory and residence, trees located on the site), *demolition plan* (depicting elements removed from the sight so as to not show up as conflicts on the plan, parking, trees, walkway and waterline line re-set), *site plan* (noting several revisions as a result of the September 14<sup>th</sup> meeting including improved architectural, enlarged porches (to the entire length of building), snow removal and drainage, eight individual driveways each eight feet wide, a common paver walkway for connectivity and four light poles and a light on each garage), *grading and erosion plan* (pointing out storm water runoff patterns and catch basins, he noted the driveways were designed to meet standard engineering practices in terms of grades and slopes. “The runoff is actually reduced, better than the runoff that existing today” he said), *utility plan* (reviewed the new water line as well as a new fire hydrant and service connections, underground electric and cable lines and an E-1 low-head, low pressure type sewer system), *lighting plan* (reiterated four light poles (9’8” high fixtures are full cut-off) with a light over the garage doors also full cut-off), *landscaping plan* (noting Mr. Stabile was quite particular about how his sites looked, he explained the streetscape as well as the landscape in the back will be quite significant. “Almost like having two front yards” he said. Mr. Brannon also pointed out the rain garden shown on the plan would be removed and efforts instead would go to making improvements in the existing inadequate

infrastructure), *construction details, erosion control details, water details and sewer details* were not discussed in any greater detail.

Mr. Brannon concluded by noting “I feel we have met the goals and objectives of the Traditional Neighborhood Overlay Zone Ordinance.” He went on to review the purpose and intent of the ordinance which was to allow for the infilling of lots and additional homes to be in close proximity to the Downtown area in sections of town where there are established subdivided neighborhoods. He reviewed the advantages of infill noting housing opportunities that reflect changing household demographics, discouraging extensive development in the rural zone, locating density within close proximity of police, fire and emergency services, allowing residents to become less automobile dependent, making more efficient use of the Town’s infrastructure (including water and sewer) and creating opportunities for smaller, more affordable and more efficient homes.

Mr. Brannon reviewed the minimum requirements of municipal water and sewer, lot and yard standards (noting that technically the lot could accommodate *nine* buildings), setback requirements (front setback is 20 feet with the buildings being 20-25 feet back and because of condominium style no side and rear setbacks are required. He noted a separation of 20 feet between the units that is the equivalent to the minimum 10-foot setback), building design (good neighborhood compatibility), lot coverage (currently at 33.4% which will not be exceeded) parking and driveways (two spaces with one inside the one-car garage). Mr. Brannon noted the reuse of existing buildings was a moot point as the lot had been used as parking with no structures on it for years.

Mr. Brannon continued by touching on design guidelines and how the structures fit in with the neighborhood pattern and created a pedestrian-friendly environment. “The setbacks, building orientation and location of parking (one lane driveways and one-car garages), building height and massing (maximum height of 24 feet) all comply” he said. Mr. Brannon noted that when dealing with the architectural features “there is a variety of different style homes and garages in the neighborhood but no re-occurring architectural patterns or character” he said. He went on to say “so the architect incorporated white clapboard and steep pitched gables that will blend seamlessly into the New England vernacular of the Town of Peterborough. The classic and simple cape design has clean period details and massing. Historical proportions and features will highlight this richly detailed people friendly project.”

Mr. Brannon concluded by noting “we satisfy all the elements of the ordinance with what we believe to be a really detailed and classy proposal.”

Chair Vann thanked Mr. Brannon and asked the Board if they had any questions. Mr. Zeller asked about the significant change in elevation for the unit on the northwest corner of the lot. Mr. Brannon described the potential for the unit to be perpendicular to the street and the resulting decision to have it face the street after significant grading. Chair Vann pointed out another contour line on the southwest Corner looking quite steep and asked “will you put a retaining wall there?” Mr. Brannon explained methods of soil stabilization “but we may put a small retaining wall in that location. We are willing look into it.” Chair Vann replied “please do I would like to see some improvement there” adding “and northeast of that drive is another area that would warrant taking a good look at.”

Chair Vann then noted that she was pleased with the improvements incorporated from the preliminary consultation. “I really like the way you have established a private outdoor space for everyone, it is very nice, nicely done” she said. She then asked about the sidewalk with Mr. Brannon replying “that has been brought up as an improvement but it is not formally on the plan.” Chair Vann replied “we would like to see a sidewalk *and* have it connect to the existing sidewalk that goes all the way down Vine Street.” Mr. Holt agreed adding “a goal is to be walkable, so it should be walkable.” A brief discussion about the existing location of the sidewalk and aligning the new one to it followed. Mr. Throop reminded the members the boundary lines were taken from the town parcel map, not a lot survey.

When Chair Vann asked about the (electrical) transformers Mr. Brannon replied “well they are green” adding “but they are positioned well with the landscape patterns and islands.” Chair Vann replied “let’s make sure that happens.” She also pointed out that while the ordinance setback was relatively short “but you don’t get points for exceeding the setbacks” adding “I want to make it clear that the goal is to bring the development closer to the street and it *does* improve life on the street if the setbacks are not too deep.”

A brief discussion about the Groundwater Protection Overlay Zone and whether or not the pavers along the common walkway were pervious or not followed. It was also noted for the record that Mr. Brannon qualify the square footage calculation for the record. Mr. Brannon agreed noting the total calculation was the paved areas only and currently “we are 600 square feet higher than what exists right now.” He also noted a way of mitigating the paved coverage with the example of installing a porous driveway. Mr. Weeks confirmed that if the square footage was greater than what is proposed “you will have to go to the ZBA for a Variance so it is good to have that number for the record.” Mr. Brannon relied “we will have that Calculation for the final plan.” Mr. Weeks then asked about the waivers being

requested by the applicant. Mr. Throop reported “Public Works has agreed to three of them” adding “I will have to check on the fourth one.” When Mr. Weeks asked about setting boundary markers for the setbacks Mr. Throop suggested stakes and flagging along the boundaries. Chair Vann reiterated the setback for this project under the ordinance was twenty feet. “Twenty feet is the minimum but it is always good to leave yourself a little breathing room. That is the message here” she said.

In summary Chair Vann noted the staff recommendation for continuation to the January meeting “and I agree” she said. She noted that by that time the third party drainage evaluation would be complete, the waiver request approvals would be confirmed and the rain garden shown on the plan would be removed. She also requested a letter (no study needed) but a letter from a traffic engineer explaining what they see as likely traffic impacts on Vine Street and the five-way intersection of Main, Vine, High, Elm and Union Streets and what (if anything) they see worth doing there. Citing the most recently completed work done on Union Street and the five-way intersection Mr. Throop interjected “the town may have data on that” and that he would follow up.

Mr. Zeller pointed out two of the garages (pages 6 and 7) on the plan were noted as being 22 by 22 feet “when in fact they are both 12 by 22 feet.” Mr. Brannon acknowledged the mistake noting “these plans are preliminary and need to be finalized but we appreciate you picking up on that.”

Chair Vann then opened the hearing to the public. Pat Lange introduced herself as an abutter. She pointed out that two utility poles shown on the plan had already been taken down. Mr. Brannon noted if that were the case, new poles would be set in the locations indicated. “Anything else?” asked Chair Vann with Ms. Lange replying “no, I am doing OK with what I am hearing.”

Judith Garabrant introduced herself as an abutter. She pointed out a utility pole on the northwest corner of the property as well as a chain link fence along her property line “both are in very bad shape” she said adding “just for your information.” Mrs. Garabrant went on to ask about the waterline and how the project would be connected, with Mr. Brannon noting a new configuration and reconnection with the municipal line. Mrs. Garabrant noted “anyone familiar with the neighborhood knows that in winter the snow is pushed to the lower level of the lot” and asked about the snow removal plan for the project. Mr. Brannon noted the road was a town road that would be plowed by the Highway Department. He also noted the cut-out of houses and driveway would improve the conditions that exist today. “The burden would be much less” he said. Chair Vann asked “is that because the snow removal would only be from the driveways?” Mr. Brannon

replied “yes.” Mr. Throop reminded the members “there are condo docs associated with this that will be reviewed by the town attorney. There will be regulations the home owners will be obligated to.” This prompted Chair Vann to ask “are clothes lines allowed?” Mr. Throop replied “only if they are screened. Mr. Brannon added “Mr. Stabile’s projects are very regulated.”

Mrs. Garabrant noted provisions for rubbish. “Will there be a dumpster?” she asked. Mr. Throop replied “rubbish will be kept in containers, indoors. Those containers may be put out the night before a scheduled pick-up and returned indoors after pick up.” “Are they going to have basements?” asked Mrs. Garabrant adding “you talked about the electric, phone, water and sewer being underground, what about heating?” Mr. Brannon replied “I don’t know about all those options.” Chair Vann interjected “well on the plan it calls for natural gas” with Mr. Throop continuing “and that will have to change because we don’t have natural gas in this area.” Mr. Throop went on to say “that is a good question because depending on the type of system provided there could be heat pumps and fans running outside the buildings.”

Mrs. Garabrant pointed out her home on a projected image of the area. “I am virtually on top of these people and vice versa” she said. Referring to the ordinance guidelines she quoted “new houses should incorporate prevalent neighborhood architecture features as much as possible.” She looked up and said “this is a historic neighborhood. None of the homes were built after 1900, some are considerably older than that and *all* of them are much more than 20 feet apart. I feel that eight dwellings on such a small site compromises the neighborhood.” Noting what she saw as only two variations on the exteriors of the homes she said “they certainly do not blend into the neighborhood. It looks like a can of sardines, the design is out of the character and architectural style of the neighborhood and therefore incompatible.”

Mrs. Garabrant concluded by reiterating the intention of the guidelines where to ensure new homes respond to existing neighborhood patterns and residents. She also asked the applicant to consider saving a stand of Locust trees on the east portion of the lot. “They are over 200 years old and would help maintain some ambiance in the neighborhood” she said. Mrs. Garabrant then distributed a list of questions she asked the members to review and seriously consider without taking additional meeting time.

In response Mr. Brannon reiterated the applicant’s focus on taking input from the Planning Board and staff. “We met with staff and had a preliminary consultation”

he said adding “and there is no true architectural design in the neighborhood to mimic so we are trying to bring in features important to the town.”

With regards to density Mr. Brannon defended the eight units. “Technically we could build nine” he said adding “but Mr. Stabile takes pride in the aesthetics and looks when creating his projects. We have incorporated a lot of the elements the guidelines call for, we think this plan meets the criteria.” Mr. Brannon then turned to the members and said “if you think we have missed something we would certainly entertain incorporating that element.” He noted the substantial landscaping plan “is a huge improvement over the current conditions.” Mr. Brannon concluded by noting “and the purpose of this ordinance is to allow for the infilling of lots and additional residential housing in close proximity to the Downtown.”

Chair Vann interjected “the level of detail is really important and it is likewise important the buildings reflect the kind of detail we see on the rendering.” Mr. Zeller asked if the applicant could provide a plan set that showed mature landscaping. “That would help” he said. Mr. Hanlon asked if the applicant had considered saving six or seven old trees on the lot. Mr. Brannon replied “there is no way to save those trees with the amount grading going on there.”

Chair Vann noted the staff recommendation to the Board had been to continue the hearing to the January meeting “and I agree” she said. Mr. Throop asked for clarification on Chair Vann’s earlier comment about design. “Do you want to see more architectural design?” he asked. Chair Vann replied “no, I just expect the *as built* to be what we see here.” She also noted addressing the architectural features of the building referred to as Unit 8 and dressing up the slope on which that unit sits.”

Chair Vann then listed other items that needed to be reviewed or addressed including the building’s heating system, the third party drainage report review, a Public Works approval of the requested waivers, the traffic letter, the Unit 8 concerns, the lot coverage calculation (no more than 35% shall be covered by impervious surface in the General Residence District) and removal of rain garden from the plan.

A motion was made/seconded (Weeks/Zeller) to continue the public hearing to January 11, 2016 at 6:30 p.m. to address the list of concerns and review missing documentation with all in favor.

Mr. Throop noted the meeting next week (December 21<sup>st</sup>) was an application for a wireless telecommunications facility at 96 Old Dublin Road. He added that the applicant had planned to gain access via a PSNH Right-of-Way “and we have not received any confirmation on approval or allowance of that yet.” He cautioned the members that the application should not be considered substantially complete without that approval but that the applicant would like to present their project as they are seeking any additional information the Board may provide them.

The meeting adjourned at 8:20 p.m.

**Next Meeting:**

December 21, 2015 at 6:30 p.m.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant