

PLANNING BOARD
TOWN OF PETERBOPROUGH, NH

Minutes of September 17, 2018

Members Present: Dario Carrara, Bob Holt, Ivy Vann, Tyler Ward, Sarah Steinberg Heller, Joe Hanlon, Alan Zeller, Ed Juengst and Jerry Galus

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

Chair Holt called the meeting to order at 6:30 p.m. and introduced the Members and Staff.

Minutes:

A motion was made/seconded (Zeller/Galus) to approve the Minutes of September 10, 2018 with all in favor.

Continuation of Public Hearing: Four lot Subdivision and Conditional Use Permit of a .499-acre parcel owned by GATO Properties, LLC located in the General Residence Zoning District and Traditional Neighborhood Overlay Zone I, Parcel No. U024-021-000, located at 59 Union Street. The project proposes to remove an existing two-family home and subdivide the property into four residential building lots under the Traditional Neighborhood Overlay Zone I ordinance.

Chair Holt began by reading two correspondences, the first a request by the applicant's attorney to continue the hearing which was received via email Monday morning, September 17, 2018:

“Our office represents Gato Properties, LLC. On behalf of our client, we respectfully request the Planning Board continue tonight's scheduled hearing until your October 8, 2018 hearing. The additional time will allow the outstanding review comments from DPW and Engineering to come in and be addressed by Fieldstone Land Consultants. Further, I understand Attorney Hanna submitted a letter last week stating Ms. Doherty's concerns about the project. I've not seen that letter (*please reply with a copy when you can*), and I request the additional time to review and respond.

Please reply or call to confirm regarding tonight.

Thanks very much.

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When finished Chair Holt read a second correspondence also received Monday morning, September 17, 2108:

“Dear Pete and Laura,

I respectfully request that you hold the meeting tonight, September 17, as planned. I do not think it is respectful of the abutters for you to defer this meeting. If I were to make this request on short notice, would you accommodate me?

I emailed the letter to Mr. Katz and to you at the same time last week. I can only wonder why Mr. Katz or Mr. Branon did not forward this letter to Mr. Prolman. Is this an effort to make my presence at this review as difficult as possible for me.

Sincerely,

Joni Doherty”

When finished Chair Holt noted Ms. Doherty was present and had requested to address the Board. He noted there would be no discussion on the merits of the case and no testimony would be taken.

Ms. Doherty introduced herself to the Board. She began by telling them she has been a resident of Peterborough for over 20 years. “I own a house on Union Street and I am a direct abutter to 59 Union Street” she said adding “right now I work out of state, but I plan to return to Peterborough.” Ms. Doherty went on to say she valued the ethos and character of the Master Plan of the town and noted the rules of Town Meetings and Civility more commonly known as The Peterson Principle.

Ms. Doherty told the Members “I appreciate the work that you do, out here out on a weekday night.” She noted that as she read the Purpose Statement of the Vision Chapter of the Master Plan she noted the document is intended to provide a clear guide of how the community members want to see the Town evolve and be used as

a resource to all who have an interest in the future of the community. “This included citizens who want to actively participate in community government, hopefully with open communication and civil discourse” she said. Ms. Doherty went on to say, “I understand you are a regulatory Board and are guided by regulations and that you must make decisions based on those regulations, but I am here to ask you to think about *how* you do the work, how you come to your decisions.” She told the Members a bit of her personal experience over the past three years and noted “I do not feel I have been treated with respect or civility. I was very dismayed after I got a phone call about the continuance after flying here last night.” She went on to say “I have booked and rebooked at least five flights to come here over the past years. I was expecting to hear of a cancellation on Thursday or Friday of last week but certainly not this morning.”

Citing her concerns about the project submitted in letter from by Attorney Tom Hanna (specifically that Attorney Prolman had not seen it and had requested a copy and time to review it) Ms. Doherty told the members a letter of the same content had been sent May 15, 2017 (“well over a year ago”) to Mr. Katz of GATO Properties, LLC “and they never responded. We followed up with e-mails and phone calls with no response.” Ms. Doherty also noted another correspondence dated September 16, 2016 (“two years and a day ago”) that also got no response.” She asked, “why would they ask us to resend documents they had had for that long?” Ms. Doherty went on to note she had been trying to work out their legal differences but has been met with only disrespect. She asked, “how do you justify cancelling (continuing) the hearing just hours before the meeting?” adding “this is not in the spirit of respect and good communication” adding “Mr. Katz does not live here and maybe does not share the ethos when called to engaged in civility and be respectful.” She concluded by telling the Members “I am not opposed to infill, I think it is a good idea, but it is *how* you reach your decision and (speaking to the Master Plan, not just this situation) think about the broader vision of how you serve and come together with the public to do the work. How you do this is *just* as important as the results.”

Chair Holt thanked Ms. Doherty and apologized for her inconvenience. “I would love to get this off our docket” he said. “So would I” replied Ms. Doherty.

A brief discussion about the issues identified in the applicant’s proposal followed with Mr. Throop noting several pages of technical and detailed issues. “It is a challenging site with a complex ordinance” he said adding “it will take time to digest and find how to apply it appropriately.”

A motion was made/seconded (Vann/Galus) to continue the Public Hearing to a date and time certain of October 8, 2018 at 6:30 p.m. in the Board of Selectmen's Meeting Room with all in favor.

Before moving to the next agenda item Chair Holt summarized for those arriving late. "The Board has heard from 59 Union Street abutter Joni Doherty with no presentation given or testimony taken in this case" he said.

Form Based Code Discussion:

Ms. Vann began by reviewing the four dates that had been established for listening sessions related to the Form-Based Code Zoning Amendment through September and October. She then did a walkthrough of the changes to the proposed zoning ordinance that were identified by strike outs and bolded language (language added to the current ordinance appearing italics and language removed for current ordinance appearing as strike outs).

"We begin on page 17 of 50" said Ms. Vann referring to *245-2.2 T-2 Rural*, noting that the form based code requirements had been removed all together in the Rural District. Building types are now shown as recommended.

245-2.3 T-3 Village Edge: Design Standards have been revised to recommended as opposed to required building types.

245-2.4 T-4 Residential: Lot Standards give the Planning Board authority to require that the proposed building match the setback of an existing adjacent building.

"Parking will remain at 2 spaces per unit" said Ms. Vann adding "and under Allowed Building Types, small apartment buildings are permitted by Conditional Use Permit only."

245-2.5 T-4 Village: It was noted that under Lot Standards "if a commercial use directly abuts a residential use there must be a ten-foot side and rear (added) setback provided by the commercial use.

245-2.6 T-5 Town Center Building Types and Standards: In Lot Standards "zero side and rear setback are permitted (adding) except when a commercial use immediately abuts a residential use, in which case a 10-foot setback is required."

245-2.7 Allowed Building Types by District: Building types were reviewed with Ms. Vann noting *Connected Farm* was removed from all Districts and Small Apartment Building permitted in T-4 Residential by Conditional Use Permit only. It was noted that Cottages have a one-unit maximum, Houses have a two-unit maximum, Apartment Houses have a 4-unit maximum, Small Apartments have an 8-unit

maximum, Town Houses have a one-unit and the rest of the building types have varied allowable units.

245-2.8 Allowed Uses by District:

Ms. Vann noted that under Residential Uses multi-family of more than two units and mixed use with a residential component are subject to Site Plan Review and in T-4 Residential, multi-family projects of five or more units are subject to a Conditional Use Permit.

Mr. Ward interjected “so these changes are based on people’s input?” with Ms. Vann replying “yes.” The members also had a brief discussion about attic and habitable spaces in the building types and standards.

As Ms. Vann spoke briefly about stacked townhouses Mr. Carrara interjected “I am sorry for being a building inspector on the Planning Board, but town houses have to be vertical” adding “if they aren’t they are not considered a town house. Stacked units are allowed in an apartment house.” Mr. Carrara concluded by noting “consistency makes things a lot easier for the Code Enforcement Officer.

Ms. Vann concluded “so this is a starting point for the meetings” adding she would have large maps and head-to-head comparisons of current to proposed zoning regulations. She reiterated the importance of having as many Planning Board members present as possible for each of the forums. “It is a *let’s wait and see* what the people say. All changes have been based on the feedback we have received so we have a good starting place” she said. When Chair Holt asked how to approach a group where some people are knowledgeable and others brand new to the subject Ms. Vann noted the head-to-head comparisons and maps would be quite beneficial but that also Planning Board Members available to answer questions and take concerns was key. “That is why I would like to get a sense of who is planning on attending what forum” she said. Mr. Juengst suggested they make it clear and up front that the concerns from last time are being addressed and taken care of. Ms. Heller added “and we may not have all the answers, but we will be there to collect concerns and questions.” Ms. Vann agreed adding “the goal is to have people get and go away with the information, so they *can* ask questions at the forum or later.”

Mr. Throop noted that from an administrative standpoint he would like to seek guidance from those who have experience with the code to make the process as streamlined as possible (including Principal and a few towns in the state of Maine). Ms. Vann also noted that since they were not starting at the very beginning with the ordinance “we’ll have time to get the Subdivision and Site Plan regulations in sync.” Mr. Carrara noted “if and when it passes, Building Permits will have to become

more descriptive and the Code Officer will have to be more involved.” Mr. Throop noted Code Officer Tim Herlihy was aware and wants to be involved with the ordinance review process.

Fora Dates and expected Planning Board member attendance:

Monday September 24, 2018 at Bass Hall (6:30 p.m.) – Ed Juengst, Joe Hanlon, Alan Zeller, Dario Carrara, Jerry Galus and possibly Tyler Ward

Saturday, October 6, 2018 at the Peterborough Masonic Hall, West Peterborough (10:30 a.m.) – Sarah Steinberg Heller, Alan Zeller and possibly Ed Juengst

Thursday, October 11, 2018 at Hilltop Golf Resort (6:30 p.m.) – Dario Carrara, Alan Zeller, Joe Hanlon and Tyler Ward.

Saturday, October 13, 2018 at Sheiling Forest (10:30 a.m.) – Ed Juengst and Alan Zeller

Next Meeting:

October 8, 2018 at 6:30 p.m.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant