

PLANNING BOARD
APRIL 28, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Joan Garipay, Michael Mayor, Iain Sim; Nancy Carter (Selectboard Representative); **Alternates:** Jon Criswell, Kelly Dent, Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of March 24, April 7, 14, and 21, 2015 were approved.

2. **PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS REGARDING STORMWATER STANDARDS AND BUILDING AND DESIGN STANDARDS FOR THE WEST WHEELOCK GATEWAY DISTRICT.**

ESMAY said this is the second public hearing on the proposed amendments. Smith said the amendments were drafted by the West Wheelock Working Group (Group). Group members were noted in previous minutes as: Chip Brown, CARTER, CONNOLLY, Anne Duncan-Cooley, Julia Griffin, Chris Kennedy, Jolin Kish, Barbara McIlroy, Tim McNamara, Robin Nuse, Kevin Purcell, Shannon Purcell, Sue Reed, SIM, Vicki Smith, Joanna Whitcomb, and Andrew Winter. ESMAY said if the Board adopts the proposed amendments it should be on the condition that Town Meeting approves the corresponding zoning amendments. Smith said the Board could adopt the proposed lighting and stormwater aspects, which would apply to all areas of town, without that condition. If any substantive changes are made to the current text of the amendments, an additional public hearing will be necessary. That hearing will have to be scheduled after Town Meeting.

Changes made since the last hearing include:

Amendment 1: Amend Article IX by adding a new Section C

1. Section title – “***Additional Building and Site Design Standards for the West Wheelock Gateway District*** ~~building and Site Design Standards~~ adding”
2. C2a(6) – “... a principal entrance at the corner of the building ***closest to the street intersection***, or (b)...”
3. Pictures of bike and pedestrian friendly bump-outs were added after C2a(6).
4. C2b(3) – “Driveways ***and parking facilities*** must be interconnected...”
5. C2c – “***The area between the curb and building front must be*** an active and inviting street edge ~~must be maintained.~~”
6. “pocketed” was removed from C4c(2) and C4c(3).
7. The quote after C4c(3) regarding firmness, commodity, and delight was framed.
8. C5c – “***Predominately*** windowless walls within 50 feet of...”
9. C5e(2) – “... manufactured within the region are ~~highly~~ encouraged.”

10. C5f(1) – “... accessory features must be *sited and* screened using...”
11. C6 – “... outdoor gathering space is ~~strongly~~ encouraged.”
12. C6(a) – “...public art, ~~sitting~~ *seat* walls, fountains, etc...”
13. C7(c) – “The use of ~~sensors~~ *technology* to reduce energy usage...”
14. C8 – the parking section was deleted.
15. C9 was renumbered to C8 – “~~Incorporate trees, shrubs and groundcover into a~~ *A* sustainable landscaping plan that reinforces the architecture, softens the building scale, manages stormwater, and creates an attractive setting *is encouraged.*”

Amendment 2: Replace Article IX Section B5

16. Add a new last sentence to B5a(2) – “*This reduction will be documented by a report with summary for each storm event.*”

Amendment 3: Add to Article IX Section B2a

17. Add “*(10) Exterior lighting must be energy efficient.*”

Board Comments/Questions:

- Who creates the stormwater reports and where will they be archived?
 - Smith said applicants create the reports; copies will be filed in the Planning Board case files.
- It was clarified that the required report is of the expected performance of the design for each storm event, not a report of what occurs after each storm.

Public Comments/Questions:

- Bryant Denk asked if these will apply to existing houses or only new projects.
 - Smith said these will apply to all projects that require Site Plan Review. Any existing house that proposes changes that require Site Plan Review would have to meet these standards.
- Denk questioned the impact of removing “highly” encouraged and “highly” recommended relative to enforcement. Is there a means to collect funds to make sure vegetation and plantings are completed as approved?
 - CARTER said “highly” is not used uniformly in the current regulations. It was removed in an effort to emphasize that everything is encouraged or recommended.
 - Smith confirmed that the Board can require an applicant provide money to replace plants if they die within 3-5 years.
- Denk questioned the removal of the parking section. He said of the statement that “solar panels are encouraged”, houses on the south side will block solar panels from one another.
- The notice of this hearing was questioned. A suggestion was made to do more than what is required by law to notice hearings. The recent transaction ads for the Howe Library meeting were spoken of favorably.
 - Smith noted the cost to run transaction ads and the Town Manager’s decision to move Planning & Zoning ads from the Valley News entertainment page to the legal section in an effort to save money.
- Barbara McIlroy spoke in favor of adopting the proposed stormwater amendments regardless of the outcome of Town Meeting. They reflect the regulations required of the State Alteration of Terrain permits. Since stormwater review is so technical, it might be helpful to have a checklist of things to look for during Site Plan Reviews.

- Joanna Whitcomb said the Group and Board should be commended for undertaking these new guidelines. They are a pretty comprehensive list that will force developers to look at their proposals carefully.

There being no further public comments, ESMAY closed the public hearing.

Board Comments/Questions:

- Does “vertical element” in C2a(2) include light pole, tree or sign pole?
 - Smith said no, that language was proposed by Peter Kulbacki, DPW Director. He wants a 5’ curb, most of which is below grade.
 - It was suggested to state the height that is to be above ground, rather than reference the entire foundation.
 - Do bump-outs require an accessibility ramp?
 - Smith said yes.
 - It was suggested to change “minimum height” to “minimum depth”.
 - It was agreed to rely on Kulbacki’s verification of compliance with this requirement during staff review.
- C2a(6) “corner building” – would it be better to say “a building that fronts onto two intersecting streets”?
 - It was agreed to leave the text as is currently proposed.
- C2e(2) “natural light... is encouraged”. Are we willing to accept apartments without windows?
 - It was suggested that building codes require windows in every unit.
 - Natural light could be provided from an inner atrium or courtyard, which would allow the other walls of an apartment to be solid.
 - Smith will research under what circumstances windowless apartments are possible and/or preferred.
- It was suggested to use the proposed snow storage/removal language of 2e(4) in place of B3(7) of the current regulations.
 - Smith said when that was suggested two weeks ago, the Board’s consensus was that it should be kept here because it is so important.
 - The Board may not want a more stringent requirement throughout town.
- Does this section assume that snow storage is on site?
 - Smith said that type of question should be asked during Site Plan Review.

Public Comments/Questions:

- Denk said a driver needs to know when they are approaching a bump-out; having it a certain distance above ground is important.

There being no further public comments: **It was moved by CONNOLLY, seconded by MAYOR, to adopt Amendment 2 (replace Article IX Section B5 Water Drainage with Section B5 Stormwater Management Standards) into the Site Plan Regulations. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

It was moved by CONNOLLY, seconded by MAYOR, to adopt Amendment 3 (add to Article IXB2a “(10) Exterior lighting must be energy efficient”) into the Site Plan Regulations. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.

It was moved by CONNOLLY, seconded by CARTER, to adopt Amendment 1 (Amend Article IX by adding the proposed new Section C Additional Building and Site Design Standards for the West Wheelock Gateway District) into the Site Plan Regulations with the proviso that the zoning amendment which refers to the same district is passed by Town Meeting on May 12th. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. DENT participated as voting Alternate.

ESMAY acknowledged the work done by the West Wheelock Working Group. CONNOLLY said it was both a pleasure and an education to serve with the Group members. Whitcomb said Smith should be commended for her leadership, guidance and scripting.

3. CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE

Continued review of the EDWARDS/SIM spreadsheet comparison of pages 1 to 19 of the December 11, 2014 and January 14, 2015 draft revised Ordinances to the currently adopted Zoning Ordinance.

Smith said Judith Brotman, Zoning Administrator, has asked the Board to reconsider the following items:

Section 207 Special Exception / Section 206 of the current Ordinance.

- 207.1 Brotman would prefer that “or” not be changed to “nor”.
 - ESMAY said “nor” does not appear anywhere else in the Ordinance.
 - It was agreed to keep “or”.
- 207.4 Brotman would prefer that “on an appeal” not be deleted from this section and that it be added to Section 209 to make it consistent.
 - It was agreed to keep “on an appeal” and to add it to Section 209.

Section 301 Conventions / Section 901 Word Definitions of the current Ordinance

- “Word Definitions” was changed to “Conventions”.

Section 302 Definitions / Section 902 Term Definitions of the current Ordinance

- “Term Definitions” was changed to “Definitions”.
- “Accessory Building or Use” - The last sentence was dropped.
 - ESMAY said that sentence relates to a very specific situation on a particular piece of property, a situation that no longer exists. It had to do with locating a barn on a lot by itself.
 - Smith said the definition of “agriculture” is the problem. Removing the monetary element from the definition would allow such situations.
 - It was agreed to omit the sentence as proposed, list this as a separate amendment of substantive change, and revisit the definition of “agriculture” at a later date.
- “Activity” was moved to Article 11.
- “Affordable housing” was added.
 - ESMAY will verify whether this was picked up from the American Planning Association Handbook of Definitions or from the affordable housing portion of the Ordinance.
- “Aircraft” was added.
 - CONNOLLY said this language comes from Section 301 of the current Ordinance.
 - The proposed and existing language prohibit flying model airplanes.

- The reference of RSA 424 was questioned.
 - Smith said the RSA does not include a definition of “aircraft”. 424:5 refers to the adoption of airport zoning regulations.
- “Antenna” - “exterior” was removed.
 - ESMAY said Section 322.1 of the current Ordinance says that an antenna may be mounted in an existing structure.
- “Auto Service Station” - “polishing”, “greasing” and the last sentence were removed.
 - ESMAY said there does not need to be a long list of activities that are allowed. Many will fall under “cleaning” and “servicing”.
 - CONNOLLY said the language of the last sentence is there, but is stated in a different way.
- “Available Land Area” was deleted.
 - ESMAY said that it only occurs in Appendix A and is defined in that location. She suggested this Appendix would be better placed in the regulations.
 - Smith will research when this was added to the Ordinance.
- “Banner” was deleted.
 - ESMAY said it was moved to Section 715.6 Signs. This may be one of those definitions that is so commonly used you do not have to define it.
 - The aspect of being visible from a public street has been left out of Section 715.6.
 - EMSAY said the rule about not being visible from the street is an ordinance about a banner, so that part was removed.
 - It was agreed that this is a substantive change that will need to be considered as a separate amendment.
- “Basement” was moved to Section XI. Discussion of this change was not recorded.
- “Bed and Breakfast” - portions of this were moved to Sections 708 and 302.
 - Smith will research the difference between a bed and breakfast and an airbnb-type rental arrangement.
 - It was agreed to support the proposed changes.

ESMAY thanked EDWARDS and SIM for their efforts.

4. OTHER BUSINESS:

Master Plan: CRISWELL and DENT were appointed to a steering committee to design a process by which the Board will revise the Master Plan. ESMAY and Smith will make up the balance of the committee.

5. ADJOURN: The meeting adjourned at 10:04 PM.

Respectfully submitted,
Beth Rivard