

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, January 3, 2011 – 7:00pm
1 Grove Street, Peterborough, New Hampshire

Present: Matt Waitkins, Alice Briggs, Loretta Laurenitis, Jim Stewart, Sharon Monahan, Tricia Cravedi, Peter Leishman

Also Present: Dario Carrara, Code Enforcement Officer; Nicole MacStay, Assistant to the Town Administrator

Chair Waitkins called the meeting to order at 7:00pm, appointed Mr. Leishman to sit on the case and read the notice:

Case No. 1164 Jaime Rodriguez Request for Variances to Article III, §245-15E(1) of the Peterborough Zoning Ordinance. Applicant requests the Boards approval to permit a storage shed in the Wetlands Protection District on property located at 112 Greenfield Road, Parcel No. R008-016-100 in the Rural District. There was no objection to the notice.

Mr. Rodriguez explained that he is building a 190 square foot tool shed behind the house against the woods. The reason for putting it there is so that it would be out of sight and unobtrusive. He said that he inquired about how large he could build without a permit, and so he built it to those specifications. He said that he also looked at a map he found on the Town's website which he said showed the wetlands, and he didn't think that the shed was in the wetlands. Mr. Weeks disagreed, and the soil scientist said that it is in the wetlands. However he has not altered the terrain, and the shed has been built on cinder blocks. He then read the responses to the variance criteria submitted with the application.

Chair Waitkins asked if there were any questions. Mr. Duval, abutter, said that there have been a couple of studies done on the property by scientists over the years, with differing results. Chair Waitkins asked where the edge of the Wetlands Protection District lay. Ms. Monahan, speaking on behalf of the applicant, pointed to the edge of the Wetlands Protection District which ran through the property. She explained that of the 4.5 acre lot only 1 acre was buildable, the remainder is wetland. She added that there is no aesthetically pleasing location for the shed on the property, and as presently located on the edge of the back yard the structure does not impact flood storage or wildlife.

Mr. Stewart asked if there were wetlands; Ms Monahan said that there are, and pointed to their location. Ms. Briggs asked Mr. Rodriguez if it was his contention that there are no wetlands on the lot; Mr. Rodriguez said that he is not a scientist and didn't know. Mr. Waitkins asked about the septic system; Ms. Monahan said that it is a gravity system. Mr. Waitkins asked if the shed is on cinder blocks, why couldn't it sit on the septic system. Mr. Rodriguez said that he thought it would be unwise to locate it there because if the septic system required maintenance then the shed would have to be moved.

Ms. Briggs asked if the shed could be located within the front setback. Mr. Carrara said that the house was too new to allow that expansion. He explained that if a home were built before 1970 the shed could be placed up to five feet from the property line. If the house was built before 1990 an

addition can be built that can encroach into the wetland buffer. Ms. Laurenitis asked if an addition had to be living space. Mr. Carrara said that it did not have to living space, but it did have to be attached. As there were no further questions comments from the Board or anyone present, Chair Waitkins closed the public hearing for case 1164.

Chair Waitkins read the notice:

Case No. 1165 Monadnock Community Hospital Request for Variances to Article IV, §245-18C(2) and §245-18 D (11)(b) of the Peterborough Zoning Ordinance in which the Applicant requests the Board's approval for the replacement and the relocation of an existing, grandfathered sign, on property located at 452 Old Street Road, parcel number U007-001-000 in the Monadnock Community Health Care District. There was no objection to the notice.

Tom Humphries spoke, explaining that this request is for the new Emergency Department sign. The sign is internally lit, white with red lettering, and will direct people to the emergency care portion of the building. Ms. Briggs asked if there was a federal guideline that must be followed. Mr. Humphries said that there is, and they have followed it in designing the hospital. He then read from the portion of the code pertinent to the sign. Ms. Laurenitis asked if the sign will be visible from the road. Mr. Humphries said that it would; he then displayed pictures which showed the approximate appearance of the hospital from the road after the sign is erected.

Beth Fernald, attorney for the applicant, said that federal regulations require a well marked sign. She then addressed the variance criteria, noting particularly that the spirit of the sign ordinance is to protect people and aesthetics. As there were no further questions, Chair Waitkins closed the public hearing and opened deliberations.

Motion:

In a motion made/seconded (Briggs/Stewart) in **Case No. 1165 Monadnock Community Hospital** Request for Variances to Article IV, §245-18C(2) and §245-18 D (11)(b) of the Peterborough Zoning Ordinance in which the Applicant requests the Board's approval for the replacement and the relocation of an existing, grandfathered sign, on property located at 452 Old Street Road, parcel number U007-001-000 in the Monadnock Community Health Care District is hereby GRANTED.

The Board finds:

1. The variance will not be contrary to the public interest because putting necessary and required signage on the emergency care department promotes the public interest.
2. The spirit of the ordinance is observed because the proposed sign does not interfere with community appearance and aesthetics, and it promotes health, safety and welfare by making sure that all those in need of emergency services can locate the emergency room entrance quickly and efficiently.
3. Substantial justice is done because the emergency department sign is critically important to the hospital and to those who need emergency service and there would be no gain to the public if the hospital is prevented from installing the sign.
4. The values of surrounding properties are not diminished because the proposed sign replaces a sign that has been extant for 30 years, and is in fact somewhat smaller than the existing sign.

5. Special conditions of the property distinguish it from surrounding properties because the property is in its own healthcare zoning district and the sign helps to identify the Emergency Services entrance.
6. Owing to those special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because the general purposes of the ordinance are to protect the community appearance, aesthetics and public health and safety. Prohibiting the emergency department sign will not serve those purposes because the community appearance will not be altered since the sign replaces an existing sign, and public health and safety will be served by making the entrance to emergency services immediately obvious to the public.
7. The proposed use is a reasonable one because the size of the proposed sign complies with the ordinance, and a variance is needed only because there is already a sign on the building which when combined with the proposed sign exceeds the maximum allowed square footage.

The Board imposes the following condition:

The sign will be constructed in substantial compliance with the plan presented.

Vote:

Ms. Briggs, Mr. Stewart, Chair Waitkins, Ms. Monahan and Ms. Laurenitis voted in favor of the motion; the motion carried.

The Board agreed to continue case 1164 until after a site visit on February 5, 2011 at 9:00am. The Board also requested a plot plan from the applicant. The Board also scheduled the request to rehear Case 1159-A for January 14, 2011 at 6:00pm.

As there was no further business, the meeting adjourned at 8:58pm.

Respectfully Submitted,

Nicole MacStay, Assistant to the Town Administrator