

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH

Monday, May 2, 2011 – 7:00pm
1 Grove Street, Peterborough, New Hampshire

Present: Matt Waitkins, Alice Briggs, Loretta Laurenitis, Jim Stewart, Sharon Monahan, Tricia Cravedi
Also Present: Dario Carrara, Code Enforcement Officer; Nicole MacStay, Assistant to the Town Administrator

Motion:

In a motion made/seconded (Briggs/Laurenitis) in **Case No. 1169 Barlo Signs for NH Liquor and Wine Outlet** the request for a variance to Article IV §245-18 D (10) (b) of the zoning ordinance in which the Applicant requests the Board's approval to permit the installation of a second wall sign resulting in a sign aggregate of 60 square feet on property located at 19 Wilton Road, parcel number U018-062-100 Village Commercial District is hereby GRANTED.

The Board finds:

1. Granting the variance would not be contrary to the public interest because it is consistent with the ordinance's basic objectives, it will not alter the essential character of the locality, and will benefit the public safety by making the sign visible from the road.
2. The spirit of the ordinance is observed because the increased square footage will allow the public to identify the store, and community appearance is protected while the business' ability to identify its location is protected.
3. Substantial justice is done because the gain to the public if the variance is denied is minimal. The aggregate size of the proposed signs is consistent with the sign on Ocean State Job Lots which is currently located within the same plaza. It is also consistent with the size of the sign that used to advertize A&P which used to occupy the same space. However the loss to the applicant if the variance is denied would be substantial. Without the variance people traveling on Route 101 would have difficulty identifying the business.
4. The values of surrounding properties are not diminished because this is a long standing commercial parcel which benefits surrounding properties; this store will be an anchor to the plaza, and will benefit adjacent commercial properties.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions distinguish the building from other properties in the area because the building is set back substantially from the road and is not directly oriented to the street. As a result the building visibility is challenged. In addition, the entrance to the building is built at an angle such that a sign on the side of the building does not indicate the main entrance.
 - a.
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because special conditions distinguish the building from other properties in the area because the building is set back substantially from the road and is not directly oriented to the street. As a result the building visibility is challenged. In addition, the entrance to the building is built at an angle such that a sign on the side of the building does not indicate the main entrance.

- ii. The proposed use is a reasonable one since the increase in sign square footage would not alter the composition of the neighborhood, the sign is proportional to the size of the mansard roof, and the storefront is deeply set back from the road.

The Board imposes the following conditions:

1. The signs will be within substantial compliance with the plans submitted with the application. The signs must meet all the town's glare and light pollution regulations.

Vote:

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

As there was no further business, the meeting adjourned at 8:38pm.

Respectfully Submitted,
Nicole MacStay, Assistant to the Town Administrator