

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, July 2, 2012 – 7:00 pm
1 Grove Street, Peterborough, New Hampshire

Board Present: Loretta Laurenitis, Jim Stewart, Sharon Monahan, David Sobe, Matt Waitkins, and Peter Leishman

Staff Present: Dario Carrara, Code Enforcement Officer; Laura Norton, Office of Community Development

The meeting was called to order at 7:02 p.m. Chair Stewart began with “good evening and welcome to the July ZBA Public Hearing. I am Chairman Jim Stewart.” He then introduced the Board and staff.

Chair Stewart reviewed the process of reading the application followed by a presentation by the applicant; questions from the Board; questions/concerns from the audience (in favor then opposed) and closure of the hearing followed by deliberation and decision. He also asked anyone speaking from the audience to please state their name and affiliation (abutter, concerned citizen) for the record “and please address any questions to the Board and not the applicant” he said.

Case No. 1182 Peter Robinson. A request for a Variance to erect an off-premises sign for the Chamber of Commerce, regulated by Chapter 245, Article IV, Section 18 G (1) of the zoning ordinance. The property is located at 18 Depot Street, Parcel No. U017-009-000, in the Downtown Commercial District.

George Sterling introduced himself and began with “good evening, I am here tonight to ask the Zoning Board for a variance to place the Chamber of Commerce community bulletin board at Little Roy’s.” Mr. Sterling pointed out the location of the sign on the front of the store, to the left of the door and covering a nonfunctional window. He then projected an image of the sign itself noting “here it is now behind the Chamber of Commerce.” Mr. Sterling went on to note “this exact bulletin board has spent decades of community services on town property at the Town House; I remember repairing the sign for Marge Tuzik back in 1985.” He noted that the sign was located by the flagpole at that time and around 2000 it was moved to the front/left of the Town House facing Grove Street “for better visibility.” Mr. Sterling noted that with recent renovations done this spring, “the sign needed a new home.”

Ms. Laurenitis asked about the validity of Mr. Sterling presenting an application filed by Peter Robinson. Mr. Sterling noted “I am the Director of the Greater Peterborough Chamber of Commerce; I am authorized to speak for the Chamber.” He also presented an agreement regarding the placement of the sign at Little Roy’s signed by the Executive Director of the Chamber and Mr. Robinson, owner of Little Roy’s Market.

From a prepared statement Mr. Sterling read “we have a pretty good sign ordinance here in Peterborough. The objective of the ordinance is to provide businesses, civilians, and the community a way to display necessary information, in an organized and fair means for the public to gather that information. The function of this bulletin board is unchanged; it will continue to provide community information for citizens and tourists visiting the downtown area.” Mr. Sterling noted the bulletin board would post information from non-profits and community events “and be dedicated to the town, the general area and the Monadnock region.”

Mr. Sterling went on to note “none of the abutters have an issue with placement of the bulletin board at Little Roy’s. The placement will enhance the community board’s visibility in front of the store and along Depot Street.” He noted the board would have controlled content, will be locked at all times (protecting the postings from the weather), with the content screened by the Chamber of Commerce. “Posting will be granted by Chamber permission only” he said.

Mr. Sterling told the members how he had walked around the downtown and even taken a few pictures “but there is no other suitable spot in the downtown” he said. He pointed out the potential location’s accessibility to the street and the fact that it would be in an area where it would not be damaged by snow removal and would not block aesthetic views. He noted the example of looking out the window of the Diner at the streetscape with nothing blocking the view.

Mr. Sterling concluded by noting “we do not have a bulletin board ordinance. Literal enforcement of the sign ordinance would result in an unnecessary hardship not only for the Town of Peterborough but also the Greater Peterborough Chamber of Commerce and the citizens and tourists visiting the downtown area. In fact, the lack of a community bulletin board would diminish the value of the community communication.” Mr. Sterling looked at the members and asked “what New England town does not have a community bulletin board?! He added “it has been a part of our heritage and culture for decades. It serves the community and provides an attractive format for announcing community events. The bulletin board’s purpose and use and management will remain unchanged and I ask that you vote in favor of placing this bulletin board at Little Roy’s.”

Chair Stewart asked “is that the exact sign?” adding “I don’t remember the roof.” Mr. Sterling noted it was and the size was 32 square feet “not including the roof.” “What about lighting?” asked Chair Stewart. “No lights” replied Mr. Sterling. Chair Stewart asked about the criteria for posting on the board. Mr. Sterling noted the Chamber has criteria adding “it is more calendar/event type things.” Chair Stewart asked “is it restricted to Chamber members?” “No” replied Mr. Sterling. He noted the Chamber makes the decision as to what is posted; “it needs to be of community interest” he said.

Mr. Waitkins asked about political signs. Mr. Sterling replied “I have never seen one, the Chamber does not take a stand, they are a-political.” Mr. Waitkins was pleased to hear that response noting “that is not the case with the United States Chamber of Commerce.” Mr. Sterling replied “we are not affiliated.” Mr. Stewart asked “would you have a problem if we put a political restriction on that if we felt it necessary?” Mr. Sterling replied “not a problem.”

Ms. Laurenitis asked if the Board had the proper authority to consider the application noting “Peter (Robinson) made the application.” The members briefly discussed the Owner/Greater Peterborough Chamber of Commerce agreement about the placement of the sign.

Ms. Laurenitis then asked “does it block the ramp?” Mr. Sterling replied “it will not interfere with the ramp.” Another member asked if the sign would cover the whole building with Mr. Sterling replying “Pretty much, there may be six or eight inches left on each side.” Mr. Sobe asked “will it be on legs or mounted on the building?” “That is to be determined” replied Mr. Sterling adding “right now the legs are too short if it is going to free standing.” Mr. Sobe noted “it would be best to mount it for snow removal reasons.”

A brief discussion about the sign regulations for the Downtown Commercial District followed. The members debated whether or not another variance from another ordinance might be necessary if the community sign exceeded the allowable square footage allowed in the district. Mr. Carrara noted he did not think that was an issue.

Chair Stewart asked “is the care done by the Chamber? And what is the duration?” Mr. Sterling replied “I imagine until the event takes place” adding “they do a good job, they have a volunteer from the High School who *puts in* the new and *takes out* the old.”

Mr. Sobe asked “what happens if Little Roy’s is sold?” Mr. Sterling replied “there would have to be a new agreement.” Ms. Monahan noted “I think there is an annual renewal on it.”

The members briefly viewed and discussed a bulletin board on Old Street Road by Shieling Forest and a disheveled kiosk for announcements at Depot Square that is managed by the Water Resources Committee. The members briefly discussed whether or not the sign may interfere with the store’s ability to add signage in the future. Code Enforcement Officer Dario Carrara replied “that is a good question.” Chair Stewart interjected “that is a good question for the Planning Board.” After further discussion Mr. Carrara noted he did not feel it would be an issue. Mr. Waitkins noted “Peter (Robinson) doesn’t seem to be concerned with more signage.”

There were no other questions or concerns and the public hearing closed at 7:30 p.m.

Deliberation

Chair Stewart read a brief deliberation statement then asked the members “does anyone have any strong feelings for or against it?” He then conducted a straw poll. “I am for it” said Ms. Monahan. “I would like to support it” said Mr. Sobe with Ms. Laurenitis adding “I agree.” Mr. Leishman noted “I don’t see any particular problem.” Chair Stewart told the members “we have to be careful as we word this and restrict it to the Chamber of Commerce only” adding “and just community events.”

The members spent time crafting their decision. A motion was made/seconded (Laurenitis/Sobe) to grant the request with all in favor.

ZONING BOARD OF ADJUSTMENT**NOTICE OF DECISION****Case Number 1182****July 2, 2012**

You are hereby notified that the request of Peter Robinson, for a variance to erect an off-premises sign for the Greater Peterborough Chamber of Commerce, regulated by Article IV Section 245-18 G (1) of the Zoning Ordinance is hereby **GRANTED**. The property is located at 18 Depot Street; parcel number U017-009-000, in the Downtown Commercial District.

In reaching this decision, the Board finds that:

1. The variance will not be contrary to the public interest because:
The sign will provide information about community events as it has for decades. The continuing existence of the sign will provide a valuable service to the public and a means of communication for community events.
2. The spirit of the ordinance is observed because:
This sign is consistent with the purpose and intent of the sign ordinance by promoting the vitality of local businesses, organizations, and community events.
3. Substantial justice is done because:
This sign has existed in this district for decades and the community and non-profit organizations have relied on it to provide information to the public.
4. The values of surrounding properties are not diminished because:
The sign content is controlled. Postings are protected from weather. Postings are by Chamber permission only. Postings are changed on a regular basis. The aesthetics of the sign do not alter the character of the neighborhood.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:
 - a. For the purposes of this subparagraph, unnecessary hardship means that, owing to special conditions of the property, that distinguish it from other properties in the area:
 - 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:

The lack of a community sign would diminish the value of local and regional communication, for residents and tourists. This property is centrally located to downtown and in a high pedestrian area; therefore, it is reasonable to place the sign on this property.
 - ii. The proposed use is a reasonable use because:
 - a. This sign has existed for decades in this district and is being relocated. The purpose and use are unchanged.

In granting this variance, the Board imposes the following conditions:

1. This variance is granted only for the use of the Greater Peterborough Chamber of Commerce.
2. Political Signs are prohibited from being posted in or on this sign.

3. Ownership and maintenance of the sign will be the responsibility of the GPCOC.
4. The sign location, appearance, and size will substantially comply with the photo and plot plan provided with the application and the sign will be no larger than 32 square feet.

Signed

James Stewart

Chairman

Note: An application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person directly affected thereby according to the provisions of New Hampshire Revised Statutes Annotated, Chapter 677. Decisions for Variances and Special Exceptions shall become null and void in two years if substantial compliance with said decision or substantial completion of the improvements allowed by said decision has not been undertaken after the date of approval. If this decision becomes null and void, the owner must reapply to the Board of Adjustment for a Variance or Special Exception as provided for in §245-42 of the Peterborough Zoning Ordinance.

Minutes

A motion was made/seconded (Laurenitis/Sobe) to approve the Minutes of June 4, 2012 as written with minor typos.

With a smile Chair Stewart noted “I have a full agenda for the rest of the evening, call your families and tell them you won’t be home for a while. You guys made me the Chair so now it is time to pay the piper.”

Chair Stewart then noted “I do want to talk about a couple of things. He noted he would make a motion to approve the Minutes of June 4, 2012 with minor typos. The motion was seconded by Ms. Laurenitis with all in favor.

In closing Chair Stewart noted “I would like for us to think about making some changes to the Rules of Procedure.” Ms. Laurenitis noted that type of discussion would have to publically noticed. Chair Stewart replied “I know, maybe we could post it for the next meeting.”

Ms. Monahan asked about the status of the Alternates. Chair Stewart replied he had spoken with Peter LaRoche and he seemed interested. Chair Stewart advised him to write the Board a letter of interest with some bio information and why he would like to serve.

Ms. Laurenitis reported that she had contacted Ms. Eldridge-Morrissey “and she is just as happy *not* doing it right now” she said. Ms. Laurenitis added “she is just so busy right now; we will have to decide what to do about that.” Ms. Laurenitis also told the members “I felt bad about

Tom (Weeks)” adding “I think we should have given him an opportunity to represent himself.” Chair Stewart disagreed, noting “”I felt it went great.” Chair Stewart cited a recent decision that Mr. Weeks had written them a letter about. “He thought we made the wrong decision” he said. Ms. Laurenitis replied “I thought he made a clarification, I have no problem with that.” She added “I thought we did a disservice to Tom by not inviting him in.”

In conclusion the members agreed the process should be formalized and applied equally to any and all applicants that come up.

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved as written August 6, 2012