

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**TOWN OF PETERBOROUGH**  
Thursday, September 8, 2011 – 7:00pm  
1 Grove Street, Peterborough, New Hampshire

**Present:** Loretta Laurenitis, David Sobe, Maude Salinger, Joanna Morrissey, Sharon Monahan and Alice Briggs.

**Also Present:** Dario Carrara, Code Enforcement Officer; Laura Norton, OCD Administrative Assistant.

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The meeting was called to order at 7:07 p.m. (*Acting?*) Chairman (Chair) Laurenitis noted the Board had reconvened to deliberate the three cases they had heard the night before. Since she had recused herself for the first case she once again appointed Ms. Briggs acting Chairman for deliberation of the first case:

**Case No. 1172 Jerry and Kelly Kemmet** request a variance to Article II §245-6 B (2) of the zoning ordinance. Applicant requests the Board's approval to reduce the side setback to eleven (11) feet. The property is located at 9 Central Street, Parcel No. U018-105-000, in the Family District.

Ms. Salinger began by noting the applicant's request to add a two-car garage and home addition is a reasonable one and is a permitted use in the district. She noted the hill in front and in back of the residence, the town utility line on one side of the house and the driveway on the other. She went on to say the location of the addition made sense, and was the most practical place to add on. Ms. Salinger reiterated that the neighbor whose home will be closest to the new addition is separated from the proposed building by mature trees and established vegetation. She also noted the home is on a street of nonconforming lots where many of the homes do not meet setback requirements. Ms. Salinger concluded by suggesting in the future the case notices have a street address published (i.e. not just the street name).

There was no other deliberation. A motion was made/seconded (XX/XX) to approve the variance request with all in favor. The members then spent a few minutes creating the Decision.

**Case No. 1173 Laurel Kenworthy Revocable Trust** requests a variance to Article II §245-7 of the zoning ordinance. Applicant requests the Board's approval to allow a professional office. The property is located at 62 Grove Street; Parcel Number U018-121-000, in the General Residence District.

Chair Laurenitis resumed her position as Chairman for this session. Ms. Briggs began with "I have a problem with this one" adding "I see a fundamental change to the character of the neighborhood with this one." Ms. Laurenitis referred to an e-mail that had been received and distributed to the members earlier in the day. This e-mail was from the Jim Callahan, the

applicant in this case. The members had a brief discussion as to what to do with the e-mail. Chair Laurenitis noted "it changes things" with Ms. Morrissey interjecting "we should ignore it." Ms. Monahan asked "did he amend his application form last night?" adding "it is unclear." Ms. Salinger pointed out what she considered new information in the e-mail and suggested if the case be continued that the abutters be re-noticed. The members agreed that the testimony given the night before was in conflict with the e-mail sent by Mr. Callahan. Ms. Briggs interjected "my feeling is that we deny this, it doesn't matter if it is one floor or two, it changes the character of the neighborhood." "I disagree" replied Ms. Morrissey. A brief discussion about the mixed use of the neighborhood followed. Ms. Briggs mentioned the concerns of Mr. Christensen and Ms. Morrissey referred to the spirit of the Master Plan. Ms. Salinger noted the number and types of home occupations on the street but added "in many cases it is still their primary residence." The members also discussed conditions of approval that may calm the neighbors concerns. After a bit more discussion the members agreed to stop any deliberation and continue the case to the next regularly scheduled meeting. The members noted for the record that the abutters must be re-noticed as one member put it "when they left last night they thought the case was going to be deliberated" adding "and since then we have received additional information. The request is now different." The members then briefly discussed the re-application process. Ms. Briggs made a motion to continue the case. She noted "he should come back without having to re-apply. It is more money to re-apply, why make him do that?"

A motion was made/seconded (Briggs/Morrissey) to continue the case and require the applicant to re-notice his abutters with all in favor (Briggs, Morrissey, Laurenitis, Salinger and Monahan).

Chair Laurenitis noted "this will allow him to clarify his intent through the public record at the next regular Board meeting."

**Case No. 1174 Rachael Johnson** requests a variance to Article II §245-6 B (1) of the zoning ordinance. Applicant requests the Board's approval to allow a two family dwelling on a lot that does not meet the minimum land area requirement. The property is located at 483 Old Street Road; Parcel Number U007-002-000, in the Family and Rural Districts.

The deliberation began with a brief review of the square footage short the applicant was to make her house a two-family. Ms. Briggs noted "she is asking for a 700 square foot apartment and she is entitled to 600 square feet."

Mr. Carrara briefly reviewed the applicant's desire to "please the bank" by having her home be a two-family home versus a single-family home with an accessory apartment.

"I disagree" said Ms. Monahan adding "all the houses in the neighborhood are single-family residences. It changes the character." Chair Laurenitis agreed that the neighbors have a real concern. Ms. Morrissey interjected "I support her." Chair Laurenitis pointed out "the homes in the neighborhood *could* be two-family but they are not." Ms. Morrissey noted the applicant "may not be able to afford a home without a rental, we should support her." Ms. Briggs reminded the members "a financial benefit is not a hardship." Ms. Morrissey replied "it is so close to what is allowed anyway" adding "we already have so many strict things that make it hard to live here."

Ms. Monahan said “I feel the Family and General Residence Districts are open to everyone having an accessory apartment” adding “I feel she has alternatives and that the hardship cannot be solely financial. She can live there in an accessory apartment.”

The members briefly discussed the potential of a special exception for the accessory apartment versus a variance for a two-family dwelling. Ms. Briggs offered the compromise of granting her request for a two family home “but limiting the apartment size to 700 feet” adding “that should solve it, no one is going to put a family in the (700 square foot) apartment.”

Mr. Sobe interjected that "as a banker I am not comfortable." He reviewed the fact the applicant was requesting an apartment of 600 to 700 square feet to live in while she rented the main part of the house and noted “I don’t see how that can impact the loan approval.” He went on to note “you have X money and you have Y money available to pay the debt. There is no rationale in a bank requiring a two-family status.” Chair Laurenitis added “and we have nothing in writing from the bank stating that.”

Ms. Briggs noted that with a two family home “you would have two sets of kids” pointing out “if you put an addition on a single family home you still have just one set of kids.”

Mr. Carrara gave a brief explanation of the applicant’s motivation to not have a co-signer on her loan with a member interjecting “we understand that but that is not a hardship.”

Ms. Briggs interjected “it looks like we have four people voting against this.” Ms. Morrissey interjected “I am for it” with Ms. Briggs replying “but the others are against it.”

A motion was made/seconded (Monahan/Sobe) to deny the applicant’s request for a Variance. The vote showed members Sobe, Briggs, Monahan and Laurenitis were in favor of the motion. Member Morrissey was against the motion.

The members went on to draft the Notice of Decision. The members also drafted the worksheet for the statement of reasons for the denial. Ms. Briggs assisted Mr. Carrara using language directly from The Board of Adjustment New Hampshire Handbook.

A motion was made/seconded (Briggs/Laurenitis) to adjourn and the Deliberative session closed at 8:55 p.m.

**Minutes:**

A motion was made/seconded (Miller/Monahan) to approve the Minutes of August 1, 2011 as written with all in favor.

Respectfully submitted,

Laura Norton  
Administrative Assistant

**Approved 11-07-11**