

ZONING BOARD OF ADJUSTMENT  
TOWN OF PETERBOROUGH  
Monday, October 14, 2015 – 7:00 p.m.  
1 Grove Street, Peterborough, New Hampshire

Board Present: Jim Stewart, Sharon Monahan, Loretta Laurenitis, Peter LaRoche and Peggy Leedberg

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

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Chair Stewart called the meeting to order at 7:00 p.m. “Good evening” he said “this is a continued public hearing of Case No. 1221” adding “it is open to the public but there will be no further public input.”

**Case No. 1221 Stanley Fry** is requesting a Variance to reduce the size of a lot from 2.69 acres to 0.82 acres in area, as regulated by Chapter 245, Article II, Section 6 (B) (1) of the zoning ordinance. The property is located at 71 Pine Street, Parcel No. U019-016-000 in the Family District.

Chair Stewart appointed Ms. Leedberg to sit for Mr. Leishman and closed the public hearing for a closed non-public hearing with town counsel at 7:01 p.m.

The public hearing resumed at 7:40 p.m. with Chair Stewart stating “last time we took a straw poll and I would like to take another one.” Chair Stewart continued by noting “I do believe it meets the criteria and I am for it.”

Ms. Laurenitis noted “I was in favor of it before and I am in favor now.”

Mr. LaRoche agreed noting “I am in favor.” Ms. Leedberg also noted “I am in favor of approval” and Ms. Monahan noted she was *not* in favor.

A motion was made/seconded (Stewart/LaRoche) with all but Ms. Monahan in favor of approving a Variance to reduce the size of a lot from 2.69 acres to 0.82 acres in area, as regulated by Chapter 245, Article II, Section 6 (B) (1) of the zoning ordinance. The property is located at 71 Pine Street, Parcel No. U019-016-000 in the Family District.

Chair Stewart recognized Seth Chatfield, a guest in the audience who is interested in becoming an alternate on the Board. Mr. Chatfield told the members he lived on High Street with his wife. "I grew up in Peterborough, I love this town" he said. Mr. Chatfield told the members he had not special expertise but that he had been a journalist for the Transcript years ago covering the nine towns of the ConVal School District. "I attended some town meetings and *hundreds* of Board of Selectmen meetings" he said with a smile.

When Ms. Laurenitis asked him what sparked his interest in becoming an alternate he replied "I was told there was a need, I spent some time reading through the ordinances and I found it interesting, which surprised me!"

Chair Stewart briefly reviewed the role of the ZBA and the decision process for granting or denying requests for relief in the form of a Special Exception, Variance or Appeal of Administrative Decision. He told Mr. Chatfield that the Board usually met one a month and reviewed some of the training opportunities available to Board members. He then told Mr. Chatfield "you are good to go if you have the time, would you like to join?" Mr. Chatfield replied "yes."

A motion was made/seconded (Laurenitis/LaRoche) to appoint Mr. Chatfield as and Zoning Board of Adjustment Alternate with all in favor.

In closing another motion was made/seconded (Stewart/LaRoche) to appoint Ms. Laurenitis a full member of the Zoning Board of Adjustment with all in favor.

Chair Stewart noted for the record they had appointed Ms. Laurenitis to be a full member at their last meeting but it was not reflected in the Minutes.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Laura Norton  
Administrative Assistant

Notice of Decision:

You are hereby notified that the request of **Stanley Fry**, for a **Variance** to reduce the size of a lot from 2.69 acres to 0.82 acres in area as regulated by Chapter 245, Article II, Section 6(B)(1) of the Zoning Ordinance, on property located at **71 Pine Street**, parcel number **U019-016-000**, in the **Family District**, is hereby **GRANTED**.

In **granting** the variance, the Board finds that:

1. The variance **WILL NOT** be contrary to the public interest because:  
The residential nature of both lots will remain the same and be consistent with the uses permitted in the Family District.
2. The spirit of the ordinance **IS** observed because:  
The public interest will not be affected in any way because neither the appearance nor the use of the area in question, or of the 69 Pine Street property to which it will be added, will change in any way.
3. Substantial justice **IS** done because:  
There have been other lot size reductions in the neighborhood, and the proposed reduction will make Lot U019-016-000 only slightly less than conforming.
4. The values of surrounding properties **ARE NOT** diminished because:  
There will be no change in the appearance of either lot and no new structures added. The area in question is almost entirely screened from view.
5. Unnecessary hardship  
Special Conditions of the property include:
  1. A natural change in elevation between the lots as well as a stone wall at the point of the proposed new boundary line that makes it appear that the lots are already divided along that line.
  2. There is a shed and well established and extensive gardens that exist.
  - a. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance **WOULD** result in an unnecessary hardship because:
    - i. There **IS NOT** a fair and substantial relationship between the general purposes of the zoning ordinance and the specific application of that provision on the property because:

The change in elevation along the proposed boundary line and the special conditions of the property listed above.
    - ii. The proposed use **IS** a reasonable one because:

The proposed new boundary line between the lots conforms each of them to its respective elevation. Other lots in the neighborhood are also below the minimum lot size.

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

1. Substantial compliance to plans submitted.

Signed,

James Stewart, Chair

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.