

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

**Present:** Alice Briggs, Loretta Laurenitis, Jim Stewart, Sharon Monahan, and Peter Leishman

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

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The meeting was called to order at 7:02 p.m. Chair Laurenitis introduced the Board and Staff. She 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 or opposed) and closure of the case followed by deliberation and decision. She also asked anyone speaking from the audience to please state their name for the record.

**Case No. 1180 Request for a Variance** to increase the height of a non-conforming building, as specified in Article VI §245-30.1 (A) of the zoning ordinance. The property is located at 50 Cunningham Pond Road, Parcel No. R002-015-000, in the Rural District.

Chair Laurenitis appointed Mr. Leishman to sit and then read the first case which was a request for a Variance to increase the height of a non-conforming building, as specified in Article IV §245-30.1(A) of the Peterborough Zoning Ordinance.

Jim Callihan introduced himself as the applicant as well as his wife Susan and their architect Susan Phillips-Hungerford. He pointed out a visual of his home and explained how they would like to demolish a portion of the older original structure and replace it with an addition that would be approximately two and a half feet higher than the existing building. Mr. Callihan noted “the ridge pole would be no higher than two and a half feet, we are actually looking at one foot, seven inches but we are just not sure.” He noted “matching the floor and structural strength is the key.” Ms. Briggs asked for greater clarification as to why the new structure would be up to two and a half feet higher with Mr. Callihan replying “we will need the additional height to tie into the original structure.” Ms. Phillips-Hungerford briefly reviewed the project and noted “at the start of the project we wondered how the roofs would come together.” She went on to note a connection would be difficult due to “a funny sort of curve out of the eave.” Ms. Briggs asked “so a curve on the existing eave precludes matching it?” Ms. Phillips-Hungerford replied “yes.”

Mr. Carrara briefly reviewed how a building story in construction today would be generally up to a foot higher than an old building story. He noted ceiling height requirements as well as framing and insulation requirements that would require deeper joists or rafters. The members briefly discussed overhead clearances, the building’s hip roof and the roof pitches.

Ms. Monahan asked about any additional encroachment to the shoreland. Mr. Callihan replied “no actually it is set further back.” Ms. Monahan then asked if the applicant had applied for a

shoreland permit. Mr. Carrara noted a permit by notification (a permit to excavate, fill or construct new structures within the protected shoreland) had been issued by the state.

The members agreed the Callihans had done a beautiful job in their renovations over the years. One member noted that portion of the current structure Mr. Callihan wished to take down “did not jive with the era anyway.” Chair Laurenitis noted “so the grounds for a variance are that in order to build the new structure to current code there would have to be a change in the height.” It was noted there was no increase in the amount of impervious surface. With regards to the proximity to Cunningham Pond Ms. Monahan added “and the state prefers you go up and that is what you have done.” Ms. Briggs asked for confirmation that the state had no problems with the addition with Mr. Callihan replying “Meridian (Land Services, Inc.) came out for the state and told us everything was fine and that we should get our permit in about 30 days.”

Chair Laurenitis opened the discussion to the audience with no additional questions or concerns. Ms. Phillips-Hungerford noted she would like to reiterate that the special shape of the building “is where we started, with the hip roofs. It is the best way but it does pop up the roofs.” She added the Callihans would maintain the same style roof and shingle color.

Ms. Monahan asked for clarification on the increase in height of the new structure in inches with Mr. Callihan replying “we asked for 2.5 feet but the maximum design number is 1.7 feet.”

Both Ms. Briggs and Mr. Leishman commented on the vast improvement to the property over the years. Mr. Stewart noted he did not believe the new height would make a big visual difference “it is pretty much undetectable with the pitch” he said. Ms. Briggs interjected “I move to grant the Variance” Chair Laurenitis replied “I second that.” Ms. Briggs concluded “they have actually done a very nice job here (*something?*) about a shack.” With a smile on his face Mr. Stewart noted “for the record Alice you have been more lenient to these applicants than in the past.”

The hearing was closed at 7:20 p.m.

The members crafted and reviewed their decision. A motion was made/seconded (Briggs/Laurenitis) to approve the Variance with all in favor.

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A motion was made/seconded (Briggs/Stewart) to approve the Minutes of April 2, 2012 with minor corrections.

### **Elections:**

Chair Laurenitis noted that this was Ms. Briggs’ last meeting as a full member. She noted that Ms. Briggs had agreed to participate as an Alternate in the future and a motion was made/seconded (Laurenitis/Stewart) that Ms. Briggs be appointed an Alternate with all in favor.

Ms. Monahan asked for clarification on the support an applicant might receive from the Office of Community Development and the Code Enforcement Officer. Mr. Carrara reviewed the

application checklist noting “every application has its requirements with a special page for a Special Exception, a Variance or an Administrative Decision Appeal.” He concluded by noting “it is up to the applicant to bring in the supporting evidence of his request” but added “then I write a staff report and I go out and take pictures to confirm there is no bias.” Ms. Briggs interjected “yes, I would much rather have your pictures.”

The meeting adjourned at 7:57 p. m.

Respectfully Submitted,

Laura Norton  
Administrative Assistant

## **ZONING BOARD OF ADJUSTMENT**

### **NOTICE OF DECISION**

**Case Number 1180      May 7, 2012**

You are hereby notified that the request of James and Susan Callihan, for a variance to Article VI Section 245-30.1 (A) of the Zoning Ordinance is hereby **GRANTED**. The applicant requested the Board’s approval to increase the height of a nonconforming building, on property located at 50 Cunningham Pond Road, parcel number ( R002-015-000 ), in the Rural District. In reaching this decision, the Board finds that:

1. The variance will not be contrary to the public interest because:

The purpose of this ordinance is to prevent nonconforming structures from expanding to alter the essential character of the neighborhood. In this case the variance requested will not alter the character of the neighborhood because the additional height of the roof will be hard to notice from the road. The architectural design (hip roof) minimizes any perceived increase in height of the proposed structure. The proposed variance will have no impact on public health, safety, or welfare.

2. The spirit of the ordinance is observed because:

The variance will not alter the essential character of the neighborhood.

3. Substantial justice is done because:

The benefit to the applicant is not outweighed by any harm to the general public because the increase in height will be barely noticeable from the road.

4. The values of surrounding properties are not diminished because:

The addition will replace existing substandard construction and the addition will enhance the appearance and value of the property.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:

- a. The following special conditions of the property make the variance necessary in order to enable a reasonable use of it:

The existing structure has unusually unique curved eaves making it difficult to attach to another roof. In addition, modern building construction requirements necessitate a higher roof to accommodate standard plate height. Finally, the front of the lot rises steeply from the road which will mask the additional height.

- b. 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:

For the reasons stated above, the variance will not alter the essential character of the neighborhood.

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

1. The height of the roof on the proposed addition will not be more than 2.5 feet above the existing main roof.
2. The addition will substantially conform to the plans presented to the Board and dated 3/21/12.

Signed

Loretta Laurenitis,  
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.

**Minutes approved as written with minor corrections June 4, 2012**