

MINUTES  
ZONING BOARD OF ADJUSTMENT  
TOWN OF PETERBOROUGH  
Monday, September 5, 2018 – 7:00 pm  
1 Grove Street, Peterborough, New Hampshire

**Board Present:** Dario Carrara, Loretta Laurenitis, Peter LaRoche and Peggy Leedberg

**Staff Present:** Laura Norton, Office of Community Development and Tim Herlihy, Code Enforcement Officer.

---

Chair Carrara called the meeting to order at 7:00 p.m. He welcomed the audience and introduced the Members and Staff.

**Minutes:**

A motion was made/seconded (LaRoche/Leedberg) to approve the Minutes of July 2, 2018 as written with all in favor.

Chair Carrara then welcomed Matt Waitkins who is interested in becoming an alternate member of the ZBA. Mr. Waitkins gave the members a brief biography noting he'd been a member of the ZBA in the past and (while currently on a leave of absence) is an alternate on the Planning Board. "I have been in town for over 30 years, I live on Union Street" he said adding "I have been involved and care about Peterborough."

Ms. Leedberg questioned whether or not Mr. Waitkins could serve on both Boards. A brief discussion followed with Chair Carrara noting he would follow up by reviewing the state statute.

A motion was made/seconded (LaRoche/Laurenitis) to appoint Mr. Waitkins as an alternate if allowed by New Hampshire State Statute with all in favor.

Chair Carrara then read the only case for the night:

**Case No. 1249 Richard Crowe** requests a variance to build a new garage in place of an existing garage located within side and rear setbacks as regulated by the zoning ordinance in Article II, Section 245-6 B. 2. The property is located at 68 Pine Street, Parcel No. U019-021-000, in the Family District.

When Chair Carrara pointed out a discrepancy in the zoning district (between the application and the public notice) Code Officer Tim Herlihy noted the dimensional requirements of 30 feet front, and 25 feet side and rear were the same for both districts.

Citing 245-30.1 *Enlargement, Change or Replacement of Nonconforming Buildings* Ms. Laurenitis asked for clarification on what the Variance was for. She noted “the height of any non-conforming section of the building or structure may not increase. Proposals that further encroach into the setback or will exceed the height of the existing building or structure will require a Variance.”

Code Officer Herlihy explained the regulation and that the Variance was indeed for the setback to the property line and not the height of the garage.

Applicant Rick Crowe introduced himself and gave the members a brief review of why he was requesting the Variance. “The existing garage is too small” he said adding “it was built in 1950 and it has lived its life. Most of the time we don’t use it all.” Mr. Crowe pointed out the current garage’s setback from the property line. When he asked about the setback including overhangs Code Officer Herlihy noted the definition of *Building Setback* was “the minimum required distance between the property line and the building line.” He then read the definition of *Building Line* as “the perimeter of a building nearest a property line, but excluding stairs, roof overhangs of up to two feet, window boxes of up to two feet, cornices and other ornamental features projecting from the walls of the building.”

Mr. Crowe then reviewed an architect’s schematic of the new three-bay garage. “It is 24 feet deep by 48 feet long with no further encroachment” he said. Mr. Crowe noted he had reached out to many of his neighbors and the ones he’d been able to converse with had no problems what-so-ever with his plan. “There has been no opposition from the neighbors I have been able to speak with” he said.

“I am curious” interjected Ms. Laurenitis and asked “I see you have a three-car garage, are you planning any sort of apartment over it?” Mr. Crowe replied they did not. He told the members while they had initially thought about it but its location in reference to the septic system made it impractical. “We’ll use it for storage” he said.

When asked by a member if this was the best place for the garage Mr. Crowe replied “it is really the *only* place” as he went on to point out the location of the septic system, the grade and steep slope, a garden area and the existing driveway.

With no further questions from the Board Chair Carrara opened the hearing to the public.

Stan Fry introduced himself as an abutter. “I am in favor of this” he said adding “the garage that is there now is not very attractive. This would be a real improvement.” “We will all benefit” concluded Mr. Crowe.

***Deliberation:***

Chair Carrara asked the members about the sense of the Board. Having misread an 8 (feet) on the plan for a 5 (feet) to the property line Ms. Leedberg asked for clarification on encroachment. Mr. Crowe reiterated there was no additional encroachment to the property line. “Oh, I see now, I misread 8 (feet) for 5 (feet)” replied Ms. Leedberg.

Mr. LaRoche said he had no problem with it all.

Ms. Laurenitis agreed, “I am fine with it, especially given the constraints of the property” she said.

Chair Carrara concluded “this is the most logical place for it given the steep slope, the location of the septic system and the fact that the driveway is already there. I have no problem with it.”

A motion was made/seconded (LaRoche/Laurenitis) to approve the Variance request to Chapter 245, Article II, Section 6 B. 2. of the Zoning Ordinance to reduce the front side and rear setbacks to replace an existing garage with one of a larger size with all in favor.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant

a **Variance** to Chapter 245, Article II, Section 6 B. 2. of the Zoning Ordinance, reduce front side and rear setbacks to replace an existing garage with one of a larger size, on property located at 68 Pine Street, parcel number U019-021-000, in the Family District, is hereby **GRANTED**

## NOTICE OF DECISION

Case Number 1249

September 5, 2018

You are hereby notified that the request of Richard Crowe, for a **Variance** to Chapter 245, Article II, Section 6 B. 2. of the Zoning Ordinance, reduce front side and rear setbacks to replace an existing garage with one of a larger size, on property located at 68 Pine Street, parcel number U019-021-000, in the Family District, is hereby **GRANTED**.

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

- Side and rear setbacks are approved as submitted.

Signed,

Dario Carrara, 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.