

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**TOWN OF PETERBOROUGH**  
Monday, June 1, 2020 – 6:30 p.m.  
Peterborough, New Hampshire

**Present:** Sharon Monahan, Loretta Laurenitis, Peter LaRoche, Peggy Leedberg, Don Selby and Kevin Brace

**Staff Present:** Laura Norton and Danica Melone, Office of Community Development and Tim Herlihy, Code Officer and ZBA Liaison

---

Chair Monahan called the meeting to order at 6:35 p.m. She read a checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency declared by Governor Sununu (Emergency Order #12, pursuant to Executive Order 2020-04) “which authorizes this public body to meet electronically.” It was noted the “Zoom” platform was being used for the meeting which would allow all individuals to communicate contemporaneously throughout the meeting by using the assigned meeting identification.

Chair Monahan then request a roll call asking each Member to introduce themselves as a regular member or an alternate.

**Minutes:** A motion was made/seconded (Monahan/LaRoche) to approve the Minutes of April 6, 2020 with all in favor.

Chair Monahan noted the next order of Business was to fill appoint an alternate to sit. “We have two cases tonight so I will appoint Kevin Brace for the first case and Do Selby for the second case” she said.

**Case No. 1261 Charles and Carolyn Hough:** Request for a Variance to allow the property to host a limited number of events each year at their Bed & Breakfast as regulated by the zoning ordinance in Article II, Section 245-6.A. The property is located at 226 Wilton Road, Parcel No. U001-010-000, in the Family District.

Charles Hough introduced himself and his wife Carolyn as the applicant. The abutters present also introduced themselves.

Mr. Hough briefly reviewed their request to use their land and buildings as an event venue and host a limited number of events each year. “We have 79 acres and would like to host gatherings of 30 people or less 12 times a year and gatherings of a maximum of 100 people 4 times a year” he said. Mr. Hough went on to note his property could accommodate 70 or more vehicle parking spaces (including the driveway circle, the meadow north of the main driveway entrance and along the stonewall on the west side of the main house. He told the Members there would be *no* parking on the street and “No Parking” signs would be placed along both sides of the road.

Mr. Hough concluded by noting that music (event bands) were inevitable and they would be physically located on the lawn to the west side of the pool which is the mid-point between homes on the west side of Old Street Road and the homes to the east on Wilton Road for minimal impact to the neighbors. “The music *will* stop by 10:00 p.m.” he said.

Chair Monahan thanked Mr. Hough and asked the Members if they had any questions before he reviewed the Variance Criteria. Ms. Laurenitis noted she had not been able to get a good perspective on the project because the plan was too small and very difficult to read. “I would like to see the full picture and any potential implications” she said. She also asked if the Conservation Commission had been consulted as she had noticed some notations about wetlands on the plan provided.

Chair Monahan agreed and requested seven full size copies of the plan be submitted, one for each member, one for the file and one for the Conservation Commission. Ms. Leedberg also noted Mr. Hough had explained the location of where a band would be situated “but given the plan, where is that?” she asked.

Mr. Hough replied with a brief description of his property including the location of the main house, its patio and the pool. “The music will be directed toward the meadow” he said adding “and be done by 10:00 p.m.”

Chair Monahan asked if the property was on a septic system or municipal utilities. Mr. Hough told the Members a new septic system was being installed on the advice and recommendation of the Peterborough Code Officer. Chair Monahan noted a difference between accommodating Bed & Breakfast customers and attendees at event functions. “These are two different animals” she said. Mr. Hough replied portable toilets would be delivered for events and removed the next day. “Event attendees will not affect the septic system at all” he said. Mrs. Hough

reiterated that the events they imagined were not enormous by any means. “That is not our intention, that is not our purpose” she is adding, “on the larger scale we are looking at 4 events a year with probably less than 50 vehicles. These events will be quiet and civilized with minimal impact on the abutters and the community. We want to make that clear.”

Ms. Laurenitis asked, “so you have approval for a Bed & Breakfast?” Mr. Hough replied that had received approval for a Bed & Breakfast from the Planning Board and went on to give the Members a brief history of how the residence was originally built in 1797 as a Tavern and Inn that ran as such for 40 years. He noted the B&B was approved for 8 guest rooms where guests could meander through the quiet, peaceful property or just relax by the gardens and the pool. “It will be high-end at \$300.00 a night and an event such as wedding would have to commit to reserving all 8 rooms at that price” he said. Mrs. Hough went on to add “there will *not* be another structure for events, we have no interest in that. We have large rooms and large patios where people can enjoy the natural beauty of the outdoor space in small, intimate and quite gatherings. We want to stress that. You are all most welcome to come over and have a visit.”

Ms. Leedberg noted she had no problem with the concept “the problem is the plan; I cannot figure out what is going on.” When Ms. Laurenitis reiterated a need for Conservation Commission input Mr. Herlihy noted the second part of the Hough’s plan included a Site Plan Review by the Planning Board where wetlands, drainage, parking, lighting, noise and other issues were considered. Ms. Laurenitis interjected, “yes, but the Planning Board does not always include the Conservation Commission.”

Chair Monahan took a moment to introduce Danica Melone, the new Town Planner who noted the Conservation Commission would be included in any Site Plan Review of the property in the future. Ms. Laurenitis also noted a report of some kind from the Police Chief, Fire Chief (or both) may be in order given the location of the property adjacent to the Route 101/Old Street Road/Route 123 intersection regarding any public safety and traffic issues that exist. Mr. Hough noted both Chiefs and the State of New Hampshire have been to the property and were aware of the issues. He also noted his driveway (thus access) off Wilton Road had been permanently closed and his property access now was solely off Old Street Road.

Stan Fry introduced himself and noted it would be helpful if they (abutters) could get a copy of the specifications that had been discussed. He went on to say he was

supportive of the project but wanted to know if this Variance might impact other neighbors (like the Stone Barn). “In other words could the Stone Barn be limited by the Variance for the Houghs?” he asked. As Mr. Hough began to respond Mr. Fry interjected “I was asking the Board.”

Mike Kline introduced himself as an abutter and spoke briefly about the integrity of his neighbors stating “the nature of their request is just what they say it is going to be. I fully support them” Mr. Selby noted what he called “the Dunkin Donut Effect” where cars (attendees) may back up the intersection. He asked how far up Old Street Road their driveway access was located. Mr. Hough replied, “it is 100 yards away from the corner” adding “and we would be willing to hire details to manage any traffic on the road.” As Mr. Hough reemphasized the lot can accept 70 or more vehicles Mrs. Hough reiterated “70 cars would be extreme, that is not what we are planning for but we will have adequate planning and parking so as to not back up onto Route 101.”

Cy Gregg introduced himself as the former owner of the property adding they had hosted a wedding and several charity events at the residence without any problems with traffic backing up into the intersection. Alan Cail introduced himself as an abutter and noted that through his experience in assisting with event parking at mountain bike events “parking in a meadow will get muddy. That is a guarantee.” He went on to say, “especially in the summer after a night’s rain, you may want to consider that.” Ken and Ann Fields introduced themselves as abutters and noted they had no concerns, “Charlie has explained everything to us in detail” they both agreed adding “the communication has been great and they are nothing but wonderful neighbors.” Mr. Kline agreed adding “we don’t think this will impact us in a serious way and have no objections to what they have in mind.”

Daniele Shea introduced herself noting she had not yet met her neighbors “but I am all for them being able to host small family gatherings.”

Mason Harris introduced himself as an abutter and asked the Board for more information on the application. “You would like more?” asked Chair Monahan with Mr. Harris replying “yes.” Mr. Hough interjected “did you get my letter?” Mr. Harris replied “yes.” Mr. Hough took a moment to acknowledge Mr. Harris’s father “he was a great man” he said.

Moving on Chair Monahan noted that while the public hearing was still open, she would like the applicant to review the Variance Criteria.

Mrs. Hough began by reiterating the unique situation they have with their property. She invited the Board to “come and see it” noting “preparation for events will be done organically and thoughtfully, in a way that not a lot of others would be able to do.”

Mr. Hough told the Members “we looked for two years to find a place to create the Inn, this is our goal, if we don’t get this Variance, we will shut it down and it will just be a residence, that will be the end of it” he said. Mrs. Hough noted the young family that had lived in the house prior to them buying it, telling the Members it was not well suited for them. “They had a young family and it was unlivable with its location. I think this would be the same case with other families with small children. The best interest for *us and this house* is an Inn. This house is not in the best interest of families with small children.” She again invited the Board for a site visit.

A brief discussion about the Variance request being for the Family District portion of the property (the lot is located in the Family and Rural Zoning Districts) followed. Chair Monahan noted “the lot is 79 acres but the Variance is for the Family District.”

### **Review of the Variance Criteria:**

Granting the Variance would *not be contrary to the public interest* because: “The residence used to be a tavern and inn, it is not against the public interested to recreate this.”

The *spirit of the ordinance is observed* because: “Again, this residence used to be a tavern and inn. It will be a beautiful venue and will bring business to town. We will attract clientele from Boston and New York. We will require the rooms be rented out as block for larger events. People will come here and spend more at other Peterborough businesses.”

The *values of surrounding properties are not diminished* because: “Neighbors will have access to a high-end event venue that is walking distance from their homes. There will be no negative impact with vehicle congestion at all and property values will actually be enhanced with people wanting to come here and enjoy the venue and the town.”

The *enforcement of the provision of the ordinance would result in an unnecessary hardship* because: “We moved here two years ago with the goal of creating this Inn. If we cannot do that it will shut down our dream. Our home is the largest in

the area, on 79 acres of land. It was built as a tavern and inn (an event center) back in the late 1700's. It is an ideal place to host business meetings, weddings and other events that will benefit many businesses in the town of Peterborough and the surrounding communities." Citing the young family that lived for a short time at the residence and the fact that they left because the location was unlivable for them at the intersection he reiterated "this will be the case for other families. The location is best fitted for an event venue."

Owing to these special conditions *no fair and substantial relationship exists between the general public purposes of the provision and the specific application of the provision to the property* because: "Any restrictions on traffic, parking, lighting, noise and hours of operation will be agreed on with the Planning Board."

The *proposed use is a reasonable one* because: "Cranberry Meadow Farm was originally built in 1797 as the Wilson Tavern (a tavern and inn).

Special Conditions of the property *make the Variance necessary in order to enable a reasonable use* because: "We will forgo a substantial revenue opportunity *and* our dream if we are not able to turn the property back into what it was originally built for."

At this time Chair Monahan called for a roll call vote for a Site Visit which was unanimously in the **affirmative**.

Chair Monahan reviewed the regulatory restrictions of a gathering of less than 10 people and a date and time certain on of Monday, June 22, 2020 at 6:30 p.m. was set for the Site Visit.

Chair Monahan then reviewed the Board's request for information to be received prior to the Site Visit including a large scale copy of the applicant's plan; any letters of support from abutters of the property; the Minutes for the Conditional Use Permit Application and Notice of Decision for that application (heard by the Planning Board on September 16, 2019); and input from the Conservation Commission on wetlands as well as *both* the Fire Chief and the Police Chief on any public safety and/or traffic issues on at the Route 101/Old Street Road/Route 123 intersection.

Chair Monahan appointed Mr. Selby to sit and read the next case:

**Case No. 1262 Kerry and Michelle Rourke:** Request for a Variance for construction of an inground swimming pool within side property line setbacks as regulated by

zoning ordinance in Article II, Section 245-7.C.3. The property is located at 28 Granite Street, Parcel No. U018-047-000, in the General Residence District.

Kerry Rourke introduced himself and his wife Michelle as the applicants. He told the Members they had bought their forever home on Granite Street in November, having moved to Peterborough from the Hudson area. Mr. Rourke went on to say he has been diagnosed with an ALS related disability and goes to Nashua every day for pool therapy. He briefly reviewed the problems they encountered while excavating the location for his home therapy pool (discovering an aqueduct system that used to feed the cotton mills along the river) and pushing the location of the pool closer to the property line. "It turns out we are 15 feet from the line instead of 25 feet" he said. He also mentioned another issue with the church property where a lot line adjustment would be necessary to sequester his shed and propane tanks back onto his property. Mr. Herlihy interjected that application is a separate matter and not before the Board this evening.

Without a plot plan Chair Monahan noted the difficulty in understanding "the big picture" asked about the stage of construction the pool was in with Mr. Rourke replying it was a steel panel pool "and the walls are up. It is 19 inches deep at one end and 40 inches deep at the other."

Mr. Rourke then read the Variance Criteria as follows:

Granting the Variance would *not be contrary to the public interest* because: The pool is designed as a therapy pool to assist in the physical therapy prescribed for his disability.

When asked the dimension of the pool Mr. Rourke noted the pool consists of two 12-foot kidney shaped circles next to each other, is 24 feet long with the depths mentioned above. "It holds 4000 gallons of water" he said. He went on to note "the Variance will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public (hence) the basic objectives of the ordinance are not violated."

The *spirit of the ordinance is observed* because: "This request does not violate the explicit or implicit purposes of Chapter 245-1. The Variance would not cause any harm to the general public, nor would it have an adverse impact on an individual neighborhood."

The *values of surrounding properties are not diminished* because: “If the Variance is granted it will bring the property value up, which in turn will help the values of the surrounding properties.”

The *enforcement of the provision of the ordinance would result in an unnecessary hardship* because: “This particular piece of property is one of the narrower pieces on the East side of the street. That combined with the large unsuitable slope in the backyard renders the property owner very little usable space once the setbacks are taken into account.”

Owing to these special conditions *no fair and substantial relationship exists between the general public purposes of the provision and the specific application of the provision to the property* because: “This particular piece of property has property lines that have remained consistent back to at least 1895. The required setbacks of the property do not meet most of the current zoning ordinances but the therapy pool setback would be larger than the setback of the house of the north side property line.”

Special Conditions of the property *make the Variance necessary in order to enable a reasonable use* because: “All other potential options have been explored. The therapy pool will improve the value of the property as well as providing a necessary therapy to the homeowner without having to travel to Nashua every day.”

Chari Monahan noted “so the lot is small and narrow and you cannot meet the 25-foot setback.”

“Correct” replied Mr. Rourke, adding “not without dynamite.” Ms. Laurenitis noted the abutting lot (belonging to the Congregational Church) was not developed with Mr. Rourke noting “that is correct, it is not buildable and it cannot be developed.”

Mr. Selby asked if the pool would be inside or heated with Mr. Rourke replying it would not. Ms. Leedberg reiterated the difficulty in understanding the Variance request without a plot plan. Mr. LaRoche asked if the pool would be considered an addition or a separate structure. “This is a separate structure” interjected Mr. Herlihy.

Abutters David and Sharon Ward introduced themselves and told the Members they had no objections and actually encouraged Mr. Rourke to have his pool.

Chair Monahan thanked the Rourke's noting "without the ability to review the plot plan there will be no decision tonight." She the requested five copies of the plan be available for the Members to review and that they would continue the public hearing to the July meeting. Mrs. Rourke asked if the Board could make a decision earlier than that date and after some discussion the Members agreed to a date and time certain of June 10, 2020 at 6:30 p.m. for the continuation of this application.

A brief discussion about the meeting time for July followed with Chair Monahan noting that meeting would be held July 6, 2020 at 6:30 p.m. and they would discuss and determine regular meeting start times for the rest of the year at a later date.

The meeting adjourned at 8:55 p.m.

**Next Meetings :**

Wednesday, June 10, 2020 at 6:30 p.m. via Zoom

Monday, June 22, 2020 Site Visit at 6:30 p.m. at Hough Bed & Breakfast

Respectfully submitted,

Laura Norton  
Office of Community Development