

ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, March 6, 2017 – 7:00 p.m.
1 Grove Street, Peterborough, New Hampshire

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

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

Chair Stewart called the meeting to order at 7:00 p.m. “Good evening” he said “this is the stated March meeting of the ZBA, I am Jim Stewart and I am the Chairman.” He then introduced the Members and Staff and read the Rules of Procedure. He concluded by asking anyone wishing to speak (questions or concern, for or against) please identify themselves for the record.

Case No. 1230 David Labnon is requesting a Variance to allow Personal Services, Professional Services, and Retail Establishments uses, as regulated by Chapter 245, Article II, Section 7 A, of the zoning ordinance. The property is located at 115 Wilton Road, Parcel No.U019-006-000, in the General Residence District.

Mr. Labnon introduced himself as the applicant and owner of 115 Wilton Road. “I would like to have a Variance because I would like to have a business and residential component for the house” he said, Mr. Labnon went on to say “It used to be a single family house but no one is living there and there are businesses on either side of it.” Mr. Labnon told the members he would like to create a two one-bedroom apartments on the second floor with a business on the first floor.

In an attempt to establish what house it was Chair Stewart asked “for the record, do you own Twin Elm Farm?” Mr. Labnon replied he did but the house was located further west “beside the Black Swan.”

Mr. Labnon explained that he had done some renovation to the building but had not totally finished, unsure of which way to go.

Chair Stewart noted the five criteria that must be met to secure a Variance. “Can you speak to them?” he asked. Before answering Ms. Monahan noted “you are requesting a Variance and you listed three things (personal services, professional services and retail establishment)” and asked “would you have a service component and a store?” Mr. Labnon replied “I am open to all, right now we are considering an upholstery shop but I want to apply for all three. That way I have options.”

A brief discussion about parking and traffic impacts followed with Ms. Monahan concerned about access and public safety. “Do you know how many customers or clients you would serve in a day? She asked.

Citing other pertinent information he felt was missing Chair Stewart then noted Variance documentation required included two copies of a plot plan of the lot as shown on the Town Parcel Map which shows the existing and proposed improvements, drawn to scale, along with existing and proposed setback distance, provide pictures or construction plans showing each elevation and identify the locations of Groundwater Protection, Shoreland Conservation, Floodplain and Wetland Districts and Overlays. Mr. Chatfield agreed noting “this protects our decision as well, which protects the applicant.” Ms. Monahan also agreed stating “this application is incomplete. There is no specified use, we cannot grant *carte blanche* permission to do whatever.”

A brief discussion about mixed use, professional services and retail followed. As Mr. Carrara (Code Enforcement Officer) told the members that retail was typically not a home-based business use. Ms. Monahan read the definitions of *Personal Services*, *Professional Services* and *Retail Establishments*. When finished she looked up and said “in relation to his request he is asking for all three uses. I think he should wait until he knows what they want to do.” Mr. Labnon reiterated he had hoped to “build to fit” a specific use but that opportunity had not yet come along. Chair Stewart noted that in fairness to the applicant it is difficult to be specific without a specificity. “I suggest we continue this to the date and time certain of our next meeting” he said.

Ms. Monahan pointed out the septic system “that will have an influence on what you are trying to do as well” she said.

Ms. Laurenitis noted her concern for a plot plan, parking scheme and a statement of what the applicant would like to do.

When Chair Stewart opened the discussion up to the audience Jill Shaffer-Hammond noted that while the District *was* General Residence “it is not good for residents to live there.” She pointed out the multiple businesses (The Black Swan, an Optometrist, Twin Elm Farm) as well as the proximity of the building to the road.

As Chair Stewart noted the evolution of the area and even suggested this to be a good argument for the criteria sheet Mr. Labnon asked “what if we back out of the retail? Would that help?” Mr. Chatfield interjected “we still need what we need.” Chair Stewart agreed adding “we need a very specific plan for *something*.”

Helen Fairman introduced herself as an abutter and said “I would love to see something done with it” adding “and I am very happy to see the barn came down, it was scary.” Ms. Fairman did note her concern for her ongoing privacy along her property line, noting the slope of the land brings the long drive close to her home.

Chair Stewart suggested Mr. Labnon prepare as much as he could for his next meeting. “A plot plan, how you plan to use the space, apartment sizes and photographs of the property would be good” he said. Mr. Labnon agreed and reiterated “we are thinking about an upholstery shop but if you approve that and it falls through what happens?” Chair Stewart replied “you have to come back to the Board for a change in use.”

Mr. Carrara noted that when applicants come in for assistance he looks at the regulations and tries to assist them. He noted his surprise over the Board asking for a specific use. “This is the first time I have heard you say the applicant needed to ask for something specific, why is that? You have an application in front of you, I can’t tell them what to apply for and what not to. Chair Stewart noted the District was General Residence where an applicant “can make it multi-use commercial whatever” adding “I am surprised you are surprised.”

Ms. Monahan told the applicant the Board would need to know how a particular business or profession may impact the neighborhood. “But it is all mixed use” replied Mr. Labnon. Ms. Monahan concluded “what if you wanted to put in a funeral home? The Board would need to know that.”

A motion was made/seconded (Stewart/LaRoche) to continue this case to the April 3, 2017 ZBA meeting with all in favor.

Minutes:

A motion was made/seconded (LaRoche/Monahon) to approve the Minutes of December 5, 2016 and December 12, 2016 as written with all in favor.

A motion was made/seconded (Monahon/LaRoche) to appoint Ms. Laurenitis an alternate effective June 1, 2017 with all in favor.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant