

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH

Monday, April 9, 2013 – 4:30 p.m.
1 Grove Street, Peterborough, New Hampshire

SITE VISIT to Hancock Road

Board Present: Jim Stewart, Bob Lambert, Loretta Laurenitis, Sharon Monahan and David Sobe

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

At 4:45 p.m. A Site Visit was conducted at 420 Hancock Road (Case No. 1191) per the applicant's request for a Special Exception as regulated by Article VI, Section 245-30 of the zoning ordinance to permit warehousing, distribution, retail facilities, and machine, vehicle and equipment repair. The applicants are also requesting a Variance as regulated by Article II, Section 245-8 (A) of the zoning ordinance to permit warehousing, distribution, retail facilities, and machine, vehicle and equipment repair. The lot, (Parcel No. R011-043-200) is located in the Rural District.

Mr. MacKenzie began by pointing out the pins on the property and the location of the Groundwater Protection Overlay. Chair Stewart noted he was aware the outside (decommissioned) fuel tank was not in service "but is it useable?" he asked. Mr. Loeb reiterated the process of putting it out of service with Mr. MacKenzie reiterating he had no intention of using it. Mr. Loeb noted "either way it would have to be tested." Mr. Lambert noted the process was state monitored at the time it was placed out of service "so you know it was done right" he said.

Mr. Lambert also asked about clarification of an article he had read in the local newspaper. Chair Stewart looked at him and said "don't read the paper." He went onto note the testimony heard in the case was the information to go by.

The members walked from the back of the lot toward the building. One member asked about a candy-cane pipe vent on the back of the building. Mr. Loeb noted he thought that particular pipe was for the septic system.

Mr. Loeb was not sure if there was a power supply to the building but he flipped the switch and the lights went on. The building was open concept with a cordoned off wash bay area to the far left separated by a four and half foot high concrete wall. It was clear the building could be configured to create three bays. To the far right was a wall and behind that wall was a series of small rooms, a serviced desk area and restrooms. The doors that led out of the area faced the highway with a small grassy lawn.

Mr. MacKenzie pointed out how he envisioned he would use the space to including his small engine repair, auto repair and state inspections. He pointed out where bark mulch or ground

stone may be stored and reiterated that he did not have any particular individual or company to lease to. Chair Stewart asked for any concerns from the members as he noted “the use is similar, but retail must be incidental to the primary use.” He asked “do you see a separate retail space?” adding “this is the Rural District not Commerce Park, landscaping and a full retail establishment is not a permitted use.” Mr. Lambert interjected “the Rural District allows landscaping” with Mr. Carrara in agreement. Mrs. MacKenzie asked about the permitted uses in the Rural District with a brief review and discussion that included landscaping, farming, recreation (with the exception of drive-in movie theaters), general purpose farming and/or forestry, agriculture and garden or nursery endeavors and the selling of the products there from.

Mr. Peterson was in attendance and reiterated the business would be unique. “Like Tyler’s or Ronnie’s” he said adding “it will fill a gap and is needed in the area.” Ms. Von Mertens was also in attendance and asked about the definition of “incidental retail.” A brief discussion about the definition followed with Mr. Carrara noting “generally it is 10% of the floor space.” Chair Stewart asked if that figure included the outside space with Mr. Carrara replying he would have to research it. He added “for enforcement and fairness I ask you be very specific, in general this (incidental retail) should not be an issue if it is clearly defined. It should not be difficult.” A brief discussion followed with Mr. Carrara concluding “if you are going to grant relief be very clear on your conditions; it will be easier for me *and* the MacKenzies.”

The members moved to the far right of the building (towards Route 202) to see what would most likely be the retail area of the shop. This area was cut up into several smaller rooms with what appeared to be a check-in or help desk and restrooms.

Mr. Mackenzie gave the members a general idea of what he would like to do with that space. He noted the retail would continue to the outside lawn, behind the fence.

Ms. Monahan asked about the Gateway District and its 200-foot setback. Chair Stewart replied “it is a 50-foot setback with a vegetative buffer.” Ms. Monahan disagreed with Chair Stewart “read it Sharon, it is a 50-foot setback. That is it.”

The members gathered back outside and reviewed the setback from the highway and the side property lines. There was some discussion about keeping up the appearance of the property with Mrs. MacKenzie assuring the members that would not be a problem as they strive to “be neat, clean and tidy with a nice appearance.”

The Site visit ended at 5:30 p.m. with a re-convene date set for Monday, April 15, 2013 at 7:00 p.m. for continued discussion and deliberation.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved as written May 6, 2013