

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Tuesday, April 16, 2013 – 7:00 pm
1 Grove Street, Peterborough, New Hampshire

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

Staff Present: Dario Carrara, Code Enforcement Officer and Carol Ogilvie, Director and Laura Norton, Administrative Assistant, Office of Community Development

The Public Hearing was called to order at 5:00 p.m. Chair Stewart noted “this is a continued deliberation of Case No. 1191, Scott MacKenzie and John Loeb 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 property is located at 420 Hancock Road, Parcel No. R011-043-200 in the Rural District.

“My name is Jim Stewart and I am the Chair.” He went to introduce the members of the Board. Chair Stewart noted the Public Hearing of April 1, 2013, and a property Site Visit on April 6, the meeting of April 15 “and now finally, tonight.”

“We have a motion to approve a Special Exception and we have drafted the majority of the Decision” he said adding “we need to finish it up.” Chair Stewart introduced several minor changes to the language of the decision which the members reviewed. Chair Stewart asked Mr. Carrara his opinion on several of the conditions as they drafted the decision. The members once again talked about the percentage of incidental retail that would be allowed. Chair Stewart noted he would like to set a percentage but ultimately the members decided 800 square feet would be the maximum allowable space with machine sales outside the building not to exceed 10% of the size of the parking lot. Chair Stewart felt this was important and noted his rationale for the lot not turning into a used car lot. “150 cars for sale is not incidental to the use in my opinion” he said.

The members reviewed the math involved and it was noted the lot was 30,850 square feet. 10% would be 3085 square feet, with each parking space equivalent to 9X18 feet “would allow the applicant to store approximately 19 vehicles” said Chair Stewart. The members were reminded that the applicant had testified that he had no intent to have a used car lot.

Ms. Laurenitis asked once again about the potential to rent out a bay in the building. Ms. Ogilvie noted if the use was consistent it would be fine, “if not he would have to come back to this Board” she said. Mr. Carrara noted that creating clear percentages or numbers “gives me the tools to put in my toolbox when checking on the conditions of a Special Exception or Variance.” He went on to note “the numbers are reasonable and more that what the applicant asked for.”

The members reviewed the interior space of the building as well as the mezzanine level used for storage and confirmed their condition of that 800 square feet to be used for retail was appropriate. Ms. Laurenitis asked about the state permitting process to become a licensed inspection station. Chair Stewart recommended a final condition that the applicant must obtain all necessary permits and approvals from state and/or federal agencies regarding uses on the property. "It is not our jurisdiction to handle the day to day things" he said. "I am still concerned about the retail" replied Ms. Laurenitis.

"OK" said Chair Stewart, "anything else?" Mr. Sobe replied "I am comfortable." Ms. Monahan agreed adding "they do a nice job with their properties." Chair Stewart noted "a motion has been made to approve the application with the conditions noted. He looked up and asked "all in favor?" Chair Stewart, Mr. Sobe and Mr. Lambert were in favor. "Opposed?" asked the Chairman with Ms. Monahan and Ms. Laurenitis raising their hands. "The motion carries" said Chair Stewart.

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved as written May 6, 2013