

ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, July 3, 2017 – 7:00 p.m.
1 Grove Street, Peterborough, New Hampshire

Board Present: James Stewart, Peter Leishman, 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 July meeting of the ZBA. We have two cases this evening” noting “the first one is the continuation of Case No. 1230.” He read the case:

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.

When done he noted this was the third month the case had been continued and proposed they continue the case to the next stated meeting and that Mr. Labnon be contacted for an affirmative action. “I would have to check with legal counsel but if we don’t hear from Mr. Labnon we will dismiss or deny it without prejudice” he said. Mr. LaRoche noted his concern that with the continuances “the abutters may have lost track of this case.” After brief discussion the member agreed it would be best for Mr. Labnon to withdraw his application and re-submit when ready. “That would be the easiest solution” said Chair Stewart with Mr. Chatfield adding “we would love to see him have that opportunity.”

A motion was made/seconded (Stewart/LaRoche) to continue Case No. 1230 to the August 2017 meeting with all in favor.

Chair Stewart read the Rules of Procedure and then the second application:

Case No. 1235 New England Wireless. LLC is requesting a Variance to erect a roof sign, as regulated by Chapter 245, Article IV, Section 18, G, 11 of the zoning ordinance. The property is located at 207 Concord St. Parcel No. U013-001-000, in the Commercial District.

When finished he looked up and asked “are there any corrections or changes to this notice?” With none Chair Stewart noted for the record he’d been told there was a typo in the notice that appeared in the newspaper but the abutter’s notices were correct.

Terry Crump stood and introduced himself as the owner of the New England Wireless store (dba US Cellular) at Brady’s Plaza at 207 Concord Street.

Chair Stewart interjected his apologies that he had not introduced the Board and did so at this time.

Mr. Crump continued by pointing out the location of his store. “I have been there since 2001” he said as he pointed out the current channel-lettered sign on the front of the building. Mr. Crump also pointed out the roof signs for Dunkin Donuts and Conrad’s Hair Care. “We came before the Board 10 years ago and we were denied a Variance for a roof sign. Since then Conrad’s has been approved.” He went on to say “simply it is very difficult to see us from the street.” He also noted the aesthetics of the building was not as pleasing as it could be because not all the signs were in the same sight line.

Mr. Crump went on to note damage to his wall sign from the ice dams that form in the eaves. “I think this would create a better look for the property” he said adding “if you know where you are you can see us but I have people come in all the time as ask “are you guys new here?” When Mr. Chatfield asked if he was going to keep the old sign Mr. Crump replied “no, it will be removed.” Chair Stewart asked “will it be the same size?” Mr. Crump replied “it will be smaller (32 square feet) and will be in line with the other signs on the roof.” Ms. Leedberg noted she though the sign looked larger than the Dunkin Donuts sign.

Chair Stewart gave a brief review of how the Dunkin Donuts roof came to be and Ms. Leedberg recalled Conrad’s did not have the wall space to put a sign on the building. Chair Stewart interjected “he is now asking for what pretty much everyone else has on the roof.” It was noted the signs for Brady’s Restaurant and the Grappelli’s Pizza Place were on gabled ends of the building.

Chair Stewart told Mr. Crump “you have a whole new Board here, let’s hear your (Variance) criteria.”

Mr. Crump reviewed the five criteria noting his request would protect and improve the community appearance and aesthetics by being consistent with the other signs in the plaza, that the roof sign would improve public direction to his store, the sign

would be much easier to see from the road and the roof sign would be consistent with the two adjacent businesses at the same location.

Chair Stewart also noted the hardship of the current sign being damaged by the ice dams. Mr. Crump agreed adding “and aesthetically it just looks bad, I don’t like the look of it being mismatched.”

Mr. LaRoche asked if the sign would be internally lit with Mr. Crump replying “no, the others are not internally lit and this one won’t be either.” The members then considered the guidelines for the ZBA as determined in 245-18 (Signs), specifically 245-18 I. 2. Which states the *condition* of the location, character and natural features of the site are appropriate in relation to the proposed sign be met.

Ms. Leedberg noted the Plaza’s tenant sign by the entrance and said “I don’t see your business on it.” Mr. Crump replied “that is also part of the problem, we *are* on it but it is hard to see.”

With no additional questions and no one in the audience a motion was made/seconded (Stewart/Chatfield) to enter Deliberation with all in favor.

Chair Stewart then read the deliberative statement.

Deliberation:

“We’ll start with a straw poll” began Chair Stewart adding “I have no problem what-so-ever granting this request. Ten years ago circumstances were different. Now ten years later several other businesses have roof signs because they are so far back from the street and there is the problem of the ice dams, I do believe that is a hardship.”

Mr. Chatfield looked up and said “I agree, the main point the applicant speaks to is the biggest thing of making it look better (and) being seen from the road.”

Ms. Leedberg was in favor of the request with the condition that the old sign come down and the new sign not be larger than either of the existing roof signs. She also suggested they not mention the other signs in their Notice of Decision. This prompted Chair Stewart to immediately refer to the spirit of the ordinance being observed. He referred to the general character of the community and said “we should at least mention it is consistent with the neighbors.” Mr. Chatfield agreed noting “it is an improvement to the property and consistent with the other signs on the property.”

With a nod Mr. LaRoche said “I agree” as did Mr. Leishman.

A motion was made/seconded (Stewart/Chatfield) to approve a Variance to erect a roof sign, as regulated by Chapter 245, Article IV, Section 18, G, 11 of the zoning ordinance. The property is located at 207 Concord St. Parcel No. U013-001-000, in the Commercial District with all in favor.

The members then reviewed the wording of their Notice of Decision.

Minutes:

A motion was made/seconded (Stewart/LaRoche) to approve the Minutes of May 1, 2017 as written with all in favor.

A motion was made/seconded (LaRoche/Leedberg) to approve the minutes of June 5, 2017 as written with all in favor.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant