

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Wednesday, September 4, 2013 – 7:00 pm
1 Grove Street, Peterborough, New Hampshire

Board Present: Jim Stewart, Sharon Monahan, Bob Lambert, Loretta Laurenitis, Peter LaRoche, Matt Waitkins, David Sobe and Peter Leishman

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. He began with “good evening everyone, I would like to call the meeting to order. This is the stated September meeting of the ZBA, I am Jim Stewart and I am the Chairman.” Chair Stewart introduced the members of the Board.

Chair Stewart reviewed the process of reading the application followed by a presentation by the applicant; questions from the Board; questions/concerns from the audience (in favor then opposed); rebuttal and closure of the hearing followed by deliberation and decision. He noted if a decision was not reached this evening the case would be continued to a date and time certain. He concluded by noting that everyone interested would have an opportunity to speak and to please be sure to state their name and affiliation (abutter, agent, concerned citizen) for the record.

Chair Stewart then read the applicant’s request for a Variance. “Case No. 1196 Chris Nolte for Rita White Revocable Trust. A request for a Variance, as regulated by Chapter 245, Article II, Section 245-8 D (2) of the zoning ordinance, to build an attached garage with a reduced front building setback of thirty-seven (37) feet instead of the required minimum fifty (50) feet. The property is located at 127 Windy Row, Parcel No. R009-001-000 in the Rural District.

Chair Stewart looked up and noted “I do have a correction. The Parcel No. should be R009-011-000” and asked “are there any corrections, additions or changes to this notice?” There were none. Mr. Sobe recused himself and left the table. Chair Stewart asked Mr. Nolte to present his application. Mr. Nolte introduced himself and told the members he was the general contractor for the Whites. He explained that the Whites would like to construct a two-car garage with an entry to their kitchen, noting their age and some health issues. He noted the residence was a legally non-conforming building with an existing front setback of 45 feet. “The owners would like to add a two-car garage that would reduce the front setback to 37 feet instead of the required 50 feet” he said. He noted it was possible to push the entire garage back a bit “but that would also need a variance.”

Mr. Nolte used several photographs of the property to point out the constraints of the lot which included an 8-foot incline on the side of the house and a massive stone foundation with stone steps at the rear of the house. Ms. Monahan asked if there was a garage in the rear of the structure with Mr. Nolte replying “there is a space but it is not used as a garage due to their age.” He reiterated that the addition *could* be pushed back a bit but he would still need a variance and that plan would result in the loss of the only window in the kitchen.

Ms. Monahan asked about the dimensions of the addition with Mr. Nolte replying “26 feet long by 28 feet wide.” Mr. Waitkins asked if the applicant was the original owner with Mr. Nolte replying “they bought it 24 years ago.” Mr. Lambert pointed to one photograph and asked about the trees he saw there. “Will those trees be removed?” he asked. Mr. Nolte replied the trees were Mrs. White’s favorite pear trees and would be relocated. Chair Stewart interjected “so the answer is you are trying to save the historic wall.” Chair Stewart then asked if the public had any questions or concerns reminding anyone wishing to speak please identify themselves for the record.

Mr. Lambert suggested an alternative entrance to the garage structure with Mr. Nolte explaining why the idea would not work. Chair Stewart suggested Mr. Nolte go through the Variance Criteria. Mr. Nolte stood and noted his client’s health problems. “Really right now the biggest point is that they cannot take just a few steps to get into their home, that is the biggest hardship”

Ms. Laurenitis asked about the location of the garage in the back of the building and was reminded about the grade difference. Ms. Laurenitis asked “do they just park there?” with Mr. Nolte replying “yes.” Ms. Laurenitis asked if it was a one-car garage with Mr. Nolte replying “it is a two-car garage.” He went on to note his client’s son had moved home to assist in their care.

Jane Lawson introduced herself as an abutter from Windy Row and asked about the amount of pavement that may be added. Mr. Nolte explained what he planned to do with the current driveway and peach trees.

A motion was made/seconded (Stewart/Monahan) to enter a deliberative session with all in favor. As Mr. Sobe recused himself Chair Stewart appointed Mr. LaRoche to sit. Chair Stewart then read his deliberative statement regarding no further public comment once deliberation begins.

Chair Stewart asked for a straw poll. He began with noting that while the applicant may not have done a concise job with the written answers to the Variance Criteria he, by testimony and pictures noted the sloping of the land and that the structure was already a non-conforming existing structure. “I personally think he meets the criteria for a Variance” he said.

Ms. Monahan interjected “I agree” adding “from his oral testimony he has demonstrated the hardship and special conditions about the lot that explain why he needs the Variance.” When asked Mr. Leishman replied “ditto” with Ms. Laurenitis adding “I agree” and Mr. LaRoche concluded “I think that is the best alternative.”

A motion was made/seconded (Stewart/Leishman) to approve the request for a Variance to build an attached garage with a reduced front building setback of thirty-seven (37) feet instead of the required minimum fifty (50) feet with all in favor.

ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Case Number 1196

September 4, 2013

You are hereby notified that the request of the Rita White Revocable Trust, for a **Variance** to Chapter 245, Article II, Section 245-8 D (2) of the Zoning Ordinance, to build an attached garage with a reduced front building setback of thirty-seven (37) feet instead of the required minimum fifty (50) feet, on property located at 127 Windy Row, parcel number R009-011-000, in the Rural district, is hereby **GRANTED**.

In reaching the variance decision, the Board finds that:

1. The variance will not be contrary to the public interest because:
The distance of the proposed garage is 54 feet from the edge of the road pavement and the ordinance requires 50 feet from the property line.
2. The spirit of the ordinance is observed because:
The proposed garage will not alter the essential character of the neighborhood.
3. Substantial justice is done because:
Literal enforcement of the 50 foot setback would be a hardship on the applicant because of the existing conditions of the property, including building location and slopes.
4. The values of surrounding properties are not diminished because:
The Board finds that the proposed garage addition will be in character with the surrounding properties.
5. The Board finds that there are special conditions of the property including: sloping characteristics of the property, existing structures including stone walls, deck, windows, patio, and a non-conforming house, which all limit the placement of the proposed garage.
 - a. Literal enforcement of the ordinance would result in an unnecessary hardship because of the special conditions of the property.
 - i. There is not a fair and substantial relationship between the general purposes of the zoning ordinance and the specific application of that provision on the property because:

Although the front setback of the proposed garage will be 37 feet from the front property line, it will be 54 feet from the edge of pavement.
 - ii. The proposed use is a reasonable one since the house does not have an attached garage and the proposed garage will be reasonably located due to the special conditions of the property.

In granting this variance, the Board imposes the following conditions:

1. Substantial compliance with the documents and testimony included in the existing building permit and presented to the Board.

Signed,

James Stewart, Chair

Chair Stewart read the next application. "Case No. 1197 Divine Mercy Church. Requests a Special Exception to allow a church use, as regulated by Chapter 245, Article II, Section 245-7 B (5) of the zoning ordinance, a Special Exception to realign the existing entrance road and associated utilities, as regulated by Chapter 245, Article III, Section 245-12 D of the zoning ordinance, and a Variance to reduce the required minimum frontage to eighty-six (86) feet, as regulated by Chapter 245, Article II, Section 245-7 C (4) of the zoning ordinance. The property is located at 161 Wilton Road, Parcel No. U019-001-000 in the General Residence District." He looked up and asked "are there any corrections, additions or changes to this posting?" With no response Chair Stewart acknowledged Thomas Hanna, a Land Use Attorney from Keene, N.H. representing the applicant. Attorney Hanna began with "after a discussion with the town we are withdrawing the application for a Variance. I don't believe we need it" adding "and I can address that if you like." Chair Stewart replied "that would be good."

Attorney Hanna reviewed the history of the property and the two reasons a Variance was not needed. Before he continued Chair Stewart asked if there was a letter of authorization to present the case for the applicant. Jack Belletete (the owner) was in the audience and noted he had granted his permission. Attorney Hanna went on to note "as I said, there are two reasons why we do not need a Variance and the Code Officer agrees with us." He reported how the Board had made a decision that no Variance (as it is related to the frontage) was necessary in a Case requesting a Variance presented in May of 2007 (and) that there was less than 100 feet of frontage at that time. He noted the reference to Lots of Record, Article VI, §245-31 A and B.

Code Enforcement Officer Dario Carrara also noted that at that time "it was one large lot and the plan now is to divide into approximately two 7-acre lots, each needing frontage." He went on to say "the access road will provide the frontage for both the church and whatever is left over." Ms. Laurenitis asked if the road would be a public road with Mr. Carrara replying "no, it will be built to town standards and specs to qualify as frontage."

Attorney Hanna continued with the Special Exception requests noting "we will present them as one." Attorney Hanna noted the first request was for a church use, an exception to §245-7 B (5) of the Zoning Ordinance." The second issue is to put the access road through the Shoreland Conservation District." He looked at the members and said "in May of 2007 a Special Exception for that same thing was granted, this is the identical access road," He explained two years went by "and they got an extension but then that one ran out as well and here we are" adding "I am hopeful you will be cognizant of the facts you have heard about that in detail."

Attorney Hanna then reviewed the tight schedule the Church was on. "Our goal is to be open by Christmas 2014," he said. He then introduced Father Gerald Belanger, Warren Street Architect Jonathan Hallee and Nobis Engineer Chris Nadeau to review engineering site issues and answer questions. Father Belanger began by thanking Mr. Belletete and the Town of Peterborough "for working with us." He went on to note "I would like to address four points."

(1) He began by noting that St. Peter's Church, now Divine Mercy Parish was a conglomerate of three parishes (Peterborough, Harrisville and Bennington). He told the members and audience that the church was built in 1910 and had seating for 175 with a Public Hall in the basement allowing 84 people. "We typically have 500 to 550 in attendance at Mass" adding "we have one Saturday Night mass and two Masses on Sunday." He told the members about the 8 people who attend regularly that have disabilities noting "it is hard to accommodate their needs, the church is difficult to access and given its sandwiched location expansion is impossible."

(2) Father Belanger went on to say "the site will be two 7-acre sites allowing a complete church complex with adequate parking and a church hall and offices all on one level "which is a big thing for use and access to *all* people."

(3) Father Belanger told the members they had been very successful at fund raising with a total of 1.4 million dollars with the effort continuing. "Our goal is supported and excitement is expressed at our masses."

(4) Father Belanger explained how the church facility would be used based on current trends of routine visits, Saturday morning weddings (4-5 per year) and funerals with luncheons (20 a year) and the potential for an after school religious program for 15 to 20 students. He noted the parish outreach of \$35,000.00 in assistance with utility bills and heating costs and the plans to sponsor a youth ministry, community blood drives and community suppers (also) on Saturdays. He concluded by explaining religious education classes were sandwiched in between the Sunday masses and were conducted about half the year.

When asked about the attendance at the masses Father Belanger reiterated "500 to 550 for all three masses, about 165 or so at each." Chair Stewart asked about the capacity of the new facility with Father Belanger replying it would seat 300 people with a capacity of 150 in the hall. Chair Stewart noted "so it is twice the size" with Father Belanger replying "roughly." Chair Stewart asked about the parking and a brief discussion about the actual and potential parking spaces followed. Mr. Leishman urged the applicant to consider downsizing as much as possible to reduce the pavement and look carefully at their needs knowing they have the space to come back with over flow parking or requests for additional parking. "The stated 204 spaces seem unnecessary and expensive" he said. Chris Nadeau introduced himself and reviewed the parking plan explaining the original number of 204 spaces had been downsized to 150. A brief discussion about the potential for other community parishes joining Divine Mercy followed.

Jonathan Hallee of Warren Street Architects introduced himself and reviewed the design of the new building that included the format and layout of the church, the offices and the community hall. He noted "everything is on one level with dedicated ADA seating and facilities." He noted there was no basement "and there may be a choir loft in the back."

With regards to the exterior of the building Mr. Halle noted “traditional clapboards. There will be no vinyl siding, there will be some brick at the base of the steeple and asphalt shingles. The focus is the steeple.”

Mr. Nadeau continued with a history of the site including an aerial photograph of the 14 acres located between Lobacki Drive and Pine Street. “It is a wide open field at this point” he said pointing out “it was permitted for 52 condominium units in 2008 and is on town water with the potential to extend the town sewer system.” He reviewed the parking area, storm drainage and rain garden plans. Chair Stewart asked “are you going to go to the Planning Board for a Conditional Use Permit?” which triggered a brief discussion about §245-12 E which states limitations for expansion of existing properties, encroachment of undeveloped areas, destruction of wildlife as well as adherence to the regulations of the Floodplain, Wetlands and Groundwater Overlay Districts.

Code Officer Dario Carrara explained some of the Wetland regulation changes that now would direct an applicant to go to the Planning Board for a Conditional Use Permit adding “Shoreland issues are still under the guise of a Special Exception from the ZBA.”

Mr. Sobe asked about the trees to the east of the proposed church with Mr. Nadeau replying they would stay. “It is a fairly wooded area and we are not proposing clearing any trees except for the access road.” Chair Stewart asked about any concerns from the abutting Lobacki Drive neighborhood. It was noted that the abutters were invited to the Church last Thursday for a neighborhood meeting “and only one person attended.” Chair Stewart noted that the applicant had filed and then withdrawn their application in the past. Shaking his head up and down Attorney Hanna replied “yes, we withdrew because the Church decided to raise the money first. Now we have it.” In response and regarding the abutters Chair Stewart said “well it is not a surprise, they were all notified back then as well, it should not be a surprise to anyone.”

Ms. Laurenitis asked if the boundary line could be pointed out and it was. She noted the accessory road would be shared and asked “is this the same access as before?” “Yes” replied Mr. Nadeau.

Ms. Monahan asked about the realignment of the road and associated utilities. Mr. Halle gave a brief history of the culvert, shoreline buffer, demolition of the small house that is currently located there and the widening of the road. He reviewed the drainage treatment areas and utilities that will run underneath the new road. “So the entrance is the same? She asked. Mr. Halle replied “yes, just widened.”

Chair Stewart asked Mr. Carrara for some clarification noting the Special Exception was for the church “for the alignment of the driveway but is that the property of the church? Mr. Carrara replied “the driveway is essential to productive use of the land beyond the Wetland and Shoreland area.” He went on to note “the plan is to subdivide the land. In order to develop the land for the church use they need to get across and thus permission from this Board.” Mr. Carrara reminded the members “they are here for zoning relief; right now the site is *one* lot. They will need to go to the Planning Board for a subdivision approval.”

Attorney Hanna read the standard for that access and asked the members to think about it. "As you go forward think about the finding by the Board in 2007. This proposal is identical; it is just that the approval lapsed." Mr. Hallee agreed adding "and the ConCom said it was the best access with the least impact possible."

Ms. Laurenitis asked about the lighting plan with Mr. Hallee reviewing it noting lights on the access road but no street lights. He also noted some lighting in the parking lot "but it will consist of creative things to reduce glare and light spillage."

Chair Stewart asked if there would be sidewalks. Mr. Hallee replied "not proposed at this time" adding the location of the church off State Route 101 was inhibitive of walking to church. A brief discussion about the vegetative buffer including the berms and shrubs followed. A member of the audience asked if the church would have a bell "like the one in Bennington?" Chair Stewart interjected "for the record, there is a high probability you would also have a bell here. Just so there are no surprises." Father Belanger noted the Bennington Church did have a bell. A brief discussion about the frequency of the bell being rung followed, Father Belanger noted "Noon and 6:00 p.m. daily and before masses Saturday night and Sunday, maybe for funerals."

Mr. Leishman asked about NH DOT approvals in the old decision. Mr. Hallee reviewed the regulations for the Utilities and the Driveway Permit. They also discussed the fire access in the back. Mr. Sobe asked if the DOT was comfortable with the increase in the number of vehicles travelling on Route 101 with Mr. Hallee replying with some statistics. He told the members "we are in that marginal zone of having to do a traffic study or not" adding 100 trips per day or less does not warrant a study. According to the DOT there is no concern." Mr. Lambert asked about a turning lane with Mr. Hallee replying "no, the number of trips does not warrant a turning lane."

Attorney Hanna told the members he had met with Peter Throop and Dario Carrara about future site plan review and traffic. He noted Mr. Throop had made the point of the weekend activity being off peak "so there is more capacity on the 101 corridor to handle that traffic."

Chair Stewart looked to Attorney Hanna and said "so substantially you have made your presentation." Attorney Hanna replied "I think so" adding "again I note the 2007 (ZBA) Decision for the record." Chair Stewart replied "let's talk about the Special Exception for the use for a church." Attorney Hanna began with *Location* noting adequate water sewer and drainage would be brought to the site. He noted the site would accommodate the proposal without substantial environmental damage due to habitat disturbance, wetland loss or damage to natural resources. He reiterated the 14-acre site had been approved for a 52-unit condominium project in 2008 and at that time the wetlands and wetland buffer issues were vetted.

Attorney Hanna continued with the criteria noting the minimal risk to land, air and water resources, economically viable alternatives and the adjoining premises and general neighborhood impacts. "This site has already been approved for development" he said adding "and the incorporation of a new church will be compatible with the prior approvals." Attorney Hanna looked to the members and said "we believe the impact on the neighborhood will be less with the church than with the previously-approved condominium project. I think it is a perfect site for a church frankly."

Moving on to *Activity type and mix* Attorney Hanna reviewed the use for masses and other activities noting the church “is an amalgamation of three parishes actively covering 11 towns.”

For *Visual consequences* Attorney Hanna noted the site was fairly protected from Route 101 “especially when the leaves are on the trees.” He reiterated the impact would not be as great as the fully developed condominium project that was previously approved and noted the retention of the woodland buffer to the Lobacki Drive neighborhood. “There will be 15 light poles with minimal visibility from Route 101 and it will be a New England style design.” Chair Stewart asked about signage with Attorney Hanna replying “that is a good question. I don’t know the answer to that.” A brief discussion on what would be necessary for an off premise sign followed.

Ms. Laurenitis asked about the uses for church hall “will it be rented out for weddings or funerals or other groups to use?” she asked. Father Belanger replied the Diocese Pastoral Council and Finance Council “have not discussed it” but reminded the members of Saturday services beginning at 4:45 p.m. He also noted that masses and church events would boost the local economy with parishioners shopping and eating out in town.

Attorney Hanna went on to address the architectural scale of the building. “There will be no departure in style” he said adding “it will be compatible and consistent with Peterborough and New England.” He noted the steeple “will be visible and aesthetically pleasing with woodland buffers retained and landscape planning.” He concluded with “in term of visibility the site itself protects them, we are in decent shape on that issue.”

Attorney Hanna then addressed *Access* noting “access to the location should not entail congestion or hazard” noting the special access provisions (like sharing rides) committed by the applicant. He reminded the members the traffic generated by the church would create a reduced impact as it occurs generally within off-peak hours.

Lastly regarding *Process* Attorney Hanna told the members they planned to meet with the abutters reminding them the abutters have gone through this process before with the public hearings and Board approvals in 2008. He also noted they did not contemplate any negative effects on abutters or any other parties “but we will give full attention to the lighting and landscaping.”

David Buck introduced himself as a member of the Divine Mercy Parish. He noted the Parish Council was very much in favor of the new church citing the crowded conditions and the ADA concerns. He reiterated “a number of people come in wheelchairs” adding “the need for a bigger space has existed for a long time. This site seems like a perfect fit for us.”

Ms. Monahan asked “is there anyone here from Lobacki Drive?” With no response Chair Stewart asked “do we feel like we can deliberate?” He went on to say “I thought a site visit might be in order but the application was filed six months ago and not a single person had brought a real concern to us so I don’t see the need.” He concluded with “any last words?” with Jeff King introducing himself and expressing his support of the project.

Chair Stewart noted “we have a full Board so I will ask the Alternates to step down.” A motion was made/seconded (Stewart/Monahan) to enter a deliberative session with all in favor. Chair Stewart then read his deliberative statement.

Chair Stewart asked for a straw poll. He began with “I feel they do meet all the criteria for both their requests” adding “I think it is an excellent location for the church and not one abutter has objected. I would vote in favor for both.” He looked to Ms. Monahan and said “Sharon?” Ms. Monahan replied that she was tired “but I agree and the simple solution is to vote, I am in favor.” Mr. Leishman agreed adding “I am in favor; there is no need to re-invent the wheel.” Ms. Laurenitis was also in favor noting “I think it is an improvement over a condo site, a church has a more positive impact.” Mr. Sobe also agreed noting “there is not one negative impact that I am aware of. I am totally in favor.”

It was noted that the Conservation Commission’s information holds true to their testimony in 2008. One concern was that they had not seen anyone or heard from anyone (abutters). Chair Stewart noted “they must not be concerned” adding his concern about safety, especially at Route 101 and Route 123 “but that is a decision for NH DOT. I am certainly in favor of it based on what I heard and read. A fine job was done here.”

A motion was made/seconded (Stewart/Leishman) to approve the requests for Special Exceptions for a church as a use and to realign the existing entrance road and associated utilities on property located at 161 Wilton Road with all in favor.

The members briefly discussed how to draft the Decision with Chair Stewart assigning that task to Mr. Carrara. One member suggested the language of the old Decision be incorporated into the new one. Mr. Carrara interjected that he was happy to draft the Decision “but I think the bell and how it goes with the church use should be addressed” adding “in the future it may come up whether or not the bell is allowed.” A brief discussion about the bell followed with Mr. Leishman noting “I am happy with the bell, it is a church, most churches have bells.” Mr. Sobe agreed noting “as long as it is not in the middle of the compact village most people would not hear it.” Ms. Monahan agreed but noted her concern that the bell ringing at 7:00 a.m. may draw some complaints. Chair Stewart interjected “we can do some research but my general though is that the bell is included in the use but we could ask counsel.”

A motion was made/seconded (Stewart/Laurenitis) to continue the meeting to a date and time certain of Friday, September 6, 2013 at 5:00 p.m. with all in favor.

MINUTES
ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Friday, September 6, 2013 – 5:00 pm
1 Grove Street, Peterborough, New Hampshire

Board Present: Jim Stewart, Sharon Monahan, Loretta Laurenitis, David Sobe.

Staff Present: Dario Carrara, Code Enforcement Officer.

David Buck present.

Motion made by Jim Stewart and seconded by Dave Sobe to approve the Special Exception for Divine Mercy Parish for chapter 245, Art II, section 245-7 B (5) of the zoning ordinance for a Church use. All in favor. Motion passes.

Motion made by Jim Stewart and seconded by Loretta Laurenitis to approve the Special Exception for Divine Mercy Parish for chapter 245, Art III, section 245-12 D of the zoning ordinance to realign the access road and associated utilities. All in favor. Motion passes.

Respectfully submitted,

Dario Carrara

ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Case Number 1197

September 4, 2013

You are hereby notified that the request of Divine Mercy Parish, for a **Special Exception** to Chapter 245, Article II, Section 245-7 B (5) of the Zoning Ordinance for a church use, on property located at 161 Wilton Road, parcel number U019-001-000 is hereby **GRANTED**.

In reaching the special exception decision, the Board finds that:

The proposed use will not change the character of the neighborhood or substantially reduce the values of existing properties in the neighborhood.

1. Location.

- a. Town water and sewer will be brought to the site for the Church. An engineered drainage plan will be submitted to the Planning Board during the site plan review process.
- b. The fourteen (14) acre site was approved for a residential project in 2008, at which time wetland and wetland buffer issues were vetted, see ZBA case 1113 and PB case SB-2008-02. The site has not yet been developed and the Church has an agreement to buy approximately seven (7) acres, subject to subdivision approval and site plan approval.
- c. Development of the site was previously approved, and the incorporation of a new church will be compatible with the prior approval and this standard.

- d. The site was already approved for development.
- e. The impact on the neighborhood will be no greater with a church on the property than with the previously approved residential project.

2. Activity type and mix.

The Divine Mercy Parish has outgrown its facilities at 18 Vine Street. The Church is an amalgamation of three parishes actively covering 11 towns, including Peterborough. There is a long tradition of parishioners from surrounding towns attending church in Peterborough.

3. Visual consequences.

The site is fairly protected from Route 101, especially when foliage is on the trees. Elevations and renderings will be provided. The church building will have a New England style appearance.

4. Access.

The traffic for church use will be less of an impact than the previously approved residential development since it will be generally off-peak traffic. NH DOT will determine whether any revision to the driveway permits previously issued for development on this site will be needed.

5. Process.

- a. The applicant invited abutters to an open meeting on the project and there have been several public hearings on these proposals over the last few years.
- b. Attention will be given to landscaping and lighting.

In granting this special exception, the Board imposes the following condition:

- 1. The church use will be substantially in compliance with the updated plans submitted to the Board.

James Stewart
Chairman



TOWN OF
PETERBOROUGH
OFFICE OF
COMMUNITY DEVELOPMENT

One Grove Street
Peterborough, NH 03458
Phone: (603) 924-8000 x104
Email: ocd@townofpeterborough.us
Web: www.townofpeterborough.com

ZONING BOARD OF ADJUSTMENT

Case Number 1197

September 4, 2013

You are hereby notified that the requests of Divine Mercy Parish, for a **Special Exception** to Chapter 245, Article III, Section 245-12 D of the Zoning Ordinance to realign the existing entrance road and associated utilities, on property located at 161 Wilton Road, parcel number U019-001-000 is hereby **GRANTED**.

In reaching the special exception decision, the Board finds that:

- a. The recommendations of the Conservation Commission are that the widened and realigned access road is essential to the productive use of the land not designated as wetlands or shoreland conservation zone.
 - b. The road will be constructed to minimize the detrimental impact on the Wetlands and Shoreland Conservation Zone.
 - c. No better alternative route exists.
1. Location.
 - a. The project will extend town sewer lines along Route 101. The realignment of the road will improve visibility.
 - b. See previous Conservation Commission report. The realignment will be constructed to minimize detrimental effects within the Shoreland Conservation Zone.
 - c. See a and b above
 - d. There is no better alternative access to this site.
 - e. The realignment of an existing roadway will have no adverse effect on the neighborhood.
 2. Activity type and mix.
Not applicable.
 3. Visual consequences.

The intersection will be engineered and will be part of Planning Board site plan review.

4. Access.

The applicant will received a NH DOT driveway permit and Planning Board approval prior to construction.

5. Process.

The applicant invited abutters to an open meeting on the project and there have been several public hearings on these proposals over the last few years. Negative effects are not contemplated.

In granting this Special Exception the Board imposes the following conditions:

1. Appropriate sedimentation and erosion control measures will be reviewed and approved by the Public Works Director in accordance with NHDES standards and best management practices, and will be in place prior to and throughout construction.
2. The size of the culvert will be approved by the Town's DPW engineer.
3. If required, applicant must obtain approvals from NH DOT and NH Wetlands Bureau for the access way.
4. The access road will be located in substantial compliance with the plan submitted by the applicant to the Board.
5. The restored wetlands buffer will be naturally vegetated as requested by the Conservation Commission.
6. The road to be built into the lot must be built to Town road standards.

James Stewart
Chairman

Minutes

Continued to next meeting

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant