

MINUTES  
ZONING BOARD OF ADJUSTMENT  
TOWN OF PETERBOROUGH  
Monday, September 4, 2019 – 7:00 p.m.  
Peterborough, New Hampshire

Present: Dario Carrara, Sharon Monahan, Peter LaRoche, and Peggy Leedberg

Staff Present: Tim Herlihy, Code Enforcement Officer, and Kristin Bixby, Assistant Planner, OCD

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Chair Monahan called the meeting to order at 7:00 p.m. “Good evening everyone and welcome to the regularly scheduled ZBA meeting for September.” She then introduced the Members and Staff.

**Minutes:** A motion was made/seconded (LaRoche/Carrara) to approve the Minutes of June 3, 2019 as written, with all in favor.

Chair Monahan explained to those in attendance that the Zoning Board of Adjustment is typically five-member board. With one member absent tonight, the Board still has a quorum present, but the applicant has the right to have a Hearing with a full board present and have option to continue case to another night. Applicant Jill Shaffer Hammond confirmed that the Zoning Board of Adjustment can proceed with the hearing with only four members.

Chair Monahan went over rules of procedure for the applicant and audience members present. Chair Monahan then read public notice:

**Case No. 1253 Janet (Jill) Shaffer Hammond** request for a Variance to build a new home in the same location as an existing home to be demolished. This is a replacement of a nonconforming building and is proposed to be constructed taller than what is currently built as regulated by the zoning ordinance in Article VI, Section 245-30.1A. The property is located at 9 Vine Street, Parcel No. U017-104-000, in the General Residence District.

Chair Monahan read the section of zoning ordinance that the notice refers to, for clarity for those in the audience. No questions or comments about the notice were raised.

**Presentation and Q&A**

Jill Shaffer Hammond introduced herself as the applicant and presented that she has brought before the Board. “As you can see it’s a very odd little lot,” she said, as she lists the property dimensions. She highlighted that the shaded area on plan notes the proposed new building, and that a faint grey outline shows the existing building footprint. Ms. Shaffer Hammond also noted that she had applied for a variance in the mid-2000s in order to add half story onto the property, in order to transform the building into a cape-styled design, but the variance has since expired. “I am trying to overlay as much of the original footprint as possible,” she explained, adding that by making the building only 24 ft wide, she would gain six (6) ft in front. The Applicant also addressed the existing stone wall on one side of the

house and noted that she hopes to save this piece of stone wall. The open space on the eastern side of the property is intended to be used for gardening.

Ms. Shaffer Hammond stated that she was asking for two things in the variance: to go outside the current footprint by 2 ft on the east side of house and go up a half-story to make a cape-styled building. She then displayed sketches of different sides of house, and a poster showing pictures of neighboring properties to demonstrate how the proposed building will be architecturally similar to the existing streetscape. Many are already cape-styled (1 ½ story houses), and right next door is a 2 ½ story house. The Applicant noted that she thought that the proposed additional half story may match the roofline of house next door.

Chair Monahan clarified, “when you say you are expanding to the east, you are still meeting the setback requirements. You do not need a variance for this.”

Vice Chair Leedberg asks about the proposed deck. Ms. Shaffer Hammond noted that the deck is currently proposed as eight (8) feet in width, but she feels like she would only need six (6) feet.

Applicant Jill Shaffer Hammond reads why she feels she meets the five criteria off of her application (*attached for reference at the end of this document*).

Vice Chair Leedberg said that when she first looked at this application, she was concerned that the layout including the proposed deck was too close to 3 Vine Street, but now she can see that you can’t manipulate the building placement much more. She is still concerned that it’s too close, especially because 3 Vine Street is so close to the property line to begin with. “It’s crowded back there,” she said.

### **Chair Monahan opened the Hearing for public comment.**

Pat Lange stood and stated her name for the record. She addressed the Board, “I live at the top of the hill. I have been in support of this for years. This will be great improvement to neighborhood.”

Judith Garibrant, an abutter, stood and stated her name for the record. She stated that she had a couple concerns, including that the only access to her and her neighbors’ properties is through a private lane. She also stated that the current storage box already on the Applicant’s property has damaged her fence, and she was concerned about additional damage with all of the construction vehicles. She asked, “where are they going to work? We need access in and out of the lane. It is not a two-way lane. I am curious about what’s going to happen. When the carpenter was there, he was parking right on my grass. [This site has] no space to work.”

Ms. Shaffer Hammond clarified that during construction, the storage box will move. She said that she hadn’t finished talking through the work plan, and some are saying that a stone wall may need to be taken down to do the work. Ms. Garibrant countered that the stonewall the Applicant was referring to was not bordering parking lot, the area she had in question. She restated that she was concerned about property damage during construction, and the blocking of the lane. “The lane always needs to be accessible, so neighbors can come and go,” she said.

Jennifer Sanderson of 5 High Street stood and stated her name for the record. She said that she looks across at this building. She noted that the proposed building is attractive and would be a big improvement on what is there now. She also stated that a lot of people within this community often talk about wanting more housing in the village, and this project would accomplish that.

Trim Hahn of 87 Main Street stood and stated her name for the record. She agreed that the proposed project would improve the neighborhood significantly. She said, “we did construction on our own house, so I understand how there is a wear and tear concern on a shared drive. I hope any construction that takes place will be conscious of this, as five houses share the driveway.” Ms. Hahn also asked the Applicant if she was planning on living in the newly constructed house. Ms. Shaffer Hammond said that she would live there eventually but is currently in Harrisville. Ms. Hahn asked about the maintenance of the house in the interim. “I can’t imagine anyone would want to sit on the deck in the area in which it is proposed,” she said. Ms. Hahn also voiced concern about a sugar maple tree coming down.

Chair Monahan clarified for the audience that the Applicant has the right to demolish and reconstruct a building within the grandfathered footprint. In terms of the Variance application in front of them, the Board is only looking at where the building varies from that footprint and into a property setback, and the proposed increase in building height. As the proposed footprint does not further encroach into the property setbacks, the Board is only making a finding on an increase in building height. Therefore, the public comment taken into consideration will reflect any concerns raised with the increase in building height.

**Chair Monahan closed the public portion of the Hearing began the deliberative session.**

The Zoning Board of Adjustment goes through the variance criteria, and comments on whether they agree that the application has met each of those five criteria:

**#1 – Granting the variance would not be contrary to public interest:** All members agree with this statement. It is stated that the Applicant has noted that this property is currently a derelict property, and that the neighbors and abutters present have said it would be an improvement to the area.

**#2 – The spirit of ordinance is observed:** Chair Monahan explained that when the Board grants additions on a non-conforming structure, they often look for how the Applicant can do so in a more conforming way. Monahan thinks she has done this, and the height is keeping with the character of neighborhood. Vice Chair Leedberg noted that the proposed plan doesn’t bring the building higher than the building next door.

**#3 – Substantial justice is done:** Mr. Carrara said that in his view, everybody wins. The Applicant gets taller building and the neighbors get to look at a newer building. Vice Chair Leedberg added that by keeping the footprint small, it may be more affordable to those who want to live there.

**#4 – The values of surrounding properties are not diminished:** All Board members agreed that they were in favor with the statement provided in the application, which read, “A new structure on

*the parcel, replacing a derelict building, and improving the yard and garden, will add to general ambiance of neighborhood.”*

**#5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:** Mr. Carrara said that he agreed with this statement, and added, “we are talking a minimal increase in height. I can clearly see that if we do not grant this, we would be causing a hardship.” Vice Chair Leedberg said that she agreed and added that “the existing building has been a danger to the neighborhood. Anything that removes it and replaces it with something useful and attractive is more than wonderful.” Chair Monahan said, “I can see that this is a unique and unusual lot, that is also encumbered with a shared driveway. It needs a unique solution.” Mr. LaRoche added, “all setbacks will be more compliant than the existing structure.”

**Motion:** A motion was made/seconded (Carrara/LaRoche) to **approve** the variance request to allow an increase in building height, as long as the building is in compliance with what has been submitted. All members present were in favor of approval.

**With the application approved, Chair Monahan closed the Public Hearing.**

### **Other Business**

Kevin Brace submitted application to become an alternate. Mr. Brace said that he loves the town, loves the community, and is big on public service and volunteerism. Brace had gone on to say, “when Sharon [Monahan] asked me to join, I took a look. I love the meeting time. It’s convenient for me. I have never had experience with zoning and land use law, and I am curious about it. It seems like a fair, open-minded process. I can tell that you all [the ZBA members] put a lot of thought into the deliberations, so hats off to you all.”

Mr. LaRoche thanked Mr. Brace for his kind words, noting that it can be difficult to come to a decision, because the application has to meet all five standards. Leedberg agreed, adding that she was concerned when tonight’s applicant brought in new handouts, wondering if it was different than the ones they had received to review. But luckily, that was not the case.

The Board confirmed that Seth Chatfield, who was the only Board alternate, has resigned. The Zoning Board of Adjustment can have up to four alternates.

Mr. Carrara said that he was in favor of bringing Mr. Brace on-board. He noted that there is plenty of training that he can go to, and great supportive staff.

**Motion:** A motion was made/seconded (Monahan/Leedberg) to appoint Kevin Brace as an alternate to ZBA. All are in favor.

Don Selby has also expressed interest in joining Board. Mr. Selby has come to the meeting tonight to observe, and when asked if he had made a decision about joining, he responded that he still wants to observe more meetings. Mr. Selby has served as an alternate on a board in Weare, New Hampshire in the past, and has work history in land surveying.

Chair Monahan also informed the members that the annual [NHMA] Planning and Zoning Conference is coming up in fall, and that the Town will cover the cost for board members so that they can attend and receive training.

**Adjournment:** A motion was made/seconded (Carrara/Leedberg) to adjourn, with all in favor.

**The meeting adjourned at 7:45 p.m.**

Respectfully submitted,

Kristin Bixby

Assistant Planner

## NOTICE OF DECISION

Case Number 1253

September 4, 2019

You are hereby notified that the request of Janet Shaffer Hammond, for a **Variance** to Chapter 245, Article VI, Section 245-30.1 A. of the Zoning Ordinance, to demolish an existing single-family home and rebuild within the existing footprint on three sides and expand on the fourth as well as increasing in height as regulated by the zoning ordinance in Article VI, Section 245-30.1 A. The property is located at 9 Vine Street, Parcel No. U017-104-000, in the General Residence District, is hereby **GRANTED**.

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

- The variance is approved to allow an increase in building height, as long as the building is in compliance with what has been submitted (plans).

Signed,

Sharon Monahan, Chair

**Note:** An application for rehearing on any question of the above determination may be taken within 30 days of said determination by any party to the action or person directly affected thereby according to the provisions of New Hampshire Revised Statutes Annotated, Chapter 677. Decisions for Variances and Special Exceptions shall become null and void in two years if substantial compliance with said decision or substantial completion of the improvements allowed by said decision has not been undertaken after the date of approval. If this decision becomes null and void, the owner must reapply to the Board of Adjustment for a Variance or Special Exception as provided for in §245-42 of the Peterborough Zoning Ordinance.