



Zoning Board of Adjustment Meeting
Monday, January 24, 2011 at 7:00 p.m.
Visitor's Center, Claremont

Meeting Minutes
Approved 2/7/2011

I. Roll Call

Present: Mike Hurd, Jim Hanson, Pierre Caouette, Carolyn Towle, Ed Friedman, Tom Rock
City Staff: Mike McCrory, Interim City Planner; Jane Taylor, City Solicitor

II. Review Meeting Minutes from December 6, 2010

Motion to: Accept Meeting Minutes from December 6, 2010

Made By: Mike Hurd

Second: Tom Rock

Vote: Unanimous

III. Old Business

- **(ZO2010-00016) 210 Washington Street, Claremont, NH** – Applicant seeks a Variance to allow for illuminated signage under Section 22-600 Sign Movement and Color. Property location **210 Washington Street**. Tax Map: 121, Lot: 45, Zoning District B-2.

Chair Hurd and Vice-Chair Hanson have abstained from participating on this application due to conflicts of interest. Mr. Hurd handed the Chair to Mr. Caouette.

Mr. McCrory reviewed the request at the December meeting by the Mark Limoges, applicant to hold a special meeting in January, so that a full board (minus recusals) could be present to hear the application. Mr. McCrory distributed an e-mail received from Mr. Limoges that stated that due to a conflict, Mr. Limoges would not be able to attend, understanding that it would likely be an additional 8 weeks until the application would be heard.

Since an agent or representative of Mr. Limoges was not in attendance, Mr. McCrory stated that the Board had three options:

1. It could continue the application until the applicant could be present;
2. It could open the public hearing, take testimony and continue the public hearing until a date certain so that the applicant could be heard and respond to comments;
3. It could open the public hearing, take testimony and decide the case.

Mr. McCrory stated that the staff recommended the second option and that the public hearing then be continued to the March 7 Board meeting.

Mr. McCrory reviewed the application, which is a variance from the sign ordinance to permit movement on a variable message sign. He noted that the packet contained a 4-page

document submitted in opposition to the application. The document did not include the name of the person submitting it for the record and Mr. McCrory said he would obtain this information for the Board. McCrory said that upon notice of the special meeting date, the applicant notified the Planning Office that he could not attend because of a conflict. He was told he could submit testimony or send an agent. The Planning & Development Office did not receive written testimony from the applicant.

The timeline for the application before the Board has been as follows:

- 9/07/2010 - Original application scheduled for public hearing; applicant requested to be heard by as full a board as possible;
- 10/04/2010 - Continued public hearing scheduled; applicant did not appear; hearing continued on Board's own motion;
- 11/01/2010 - Continued public hearing; applicant said did not appear in October because did not receive notice; requested 4-member Board;
- 12/06/2010 - Continued public hearing; requested 4-member Board; requested special meeting in January.

The Board members discussed whether it should proceed with the public hearing and agreed to do so.

Mr. Caouette opened the public hearing and asked if anyone was present on behalf of the applicant. No one appeared.

Ms. Taylor read the abutters list.

Rusty Fowler, 18 Princeton St., spoke against the application. He stated that the sign was illegal and had been there since Spring 2010, but the application for a variance was not filed until the September meeting. Mr. Limoges has been asked to shut it off and to stop scrolling the sign, which is done on a temporary basis, but it then goes back on. Mr. Fowler presented himself as the spokesman for a petition given to the City signed by residents of Princeton, Dartmouth, Yale, and Cornell Streets who disagree with what is going-on at Arrowhead Motors. He called the intersection the most dangerous intersection on Washington Street and said that the sight distances at the intersection do not meet those recommended by the NH Department of Transportation. He said the sign is very distracting because of the sign color and movement and it had a similar effect to reading a text message while driving. He asked the Board to deny the application because it is distracting and makes an unsafe intersection worse, and to order code enforcement to shut the sign off.

Mr. Caouette noted that the Board could not address code enforcement issues and asked Mr. Fowler if he had asked anyone from the City to shut the sign off. Mr. Fowler stated that he was told by Nancy Merrill, Director of Planning and Development, that the applicant had said he would shut the sign down, which works for a few days, but then it is lit up again. Mr. Fowler asked the Board to rule on the application tonight.

Mr. Caouette read Sec. 22-600 of the Code into the record:
Sec. 22-600 Sign movement and color

No sign shall move nor create an illusion of movement through shimmering and/or rippling. No sign shall contain any parts which move except those parts unrelated to advertising and which solely indicate date, time, temperature, and similar public service announcements. No sign shall use phosphorescent, fluorescent, or day-glow colors.

Robert Hillsgrove, 6 Moody Ave. an abutter, said that he can't see the sign from his house, but that traffic on Moody Avenue is very dangerous because of the volume from Dunkin Donuts and the intersection and the distraction of the sign makes it even more dangerous. A lit sign says what the business is; it doesn't need the distraction of a moving sign.

Jean Jacques, 7 Cornell St., commented on the dangerousness of the intersection of Moody Ave. and Washington St. and the site distance problems. He commented that when there were problems with prior owners, they were resolved, but the current owner was not cooperative.

Mr. Caouette advised Mr. Jacques to focus on the sign issue.

Nick Koloski, 3 Princeton St., an abutter, said he had no issue with the sign itself and clarified that the case relates to the flashing letters, not the illuminated red letters. He stated a concern that it is a replacement sign, not the original sign on the property, and recognized the sign could be viewed as a distraction by nearby residents using Moody Ave. He said he has additional issues with the site that are not the topic of this hearing, so he will not go into them.

Mr. Fowler spoke a second time. He noted that display of time and temperature are not an issue. The messages currently displayed on the sign are not safe for a driver to read and could lead to rear-end collisions. He noted that there have been 4 rear-end accidents in the area since Christmas. He can't prove that they were caused by the sign, but said he knows the sign is a distraction. He also recalled a Traffic Safety Committee meeting where he stated Chief Scott said there were 374 motor vehicle incidents (some very minor, some more severe) on Washington St. last year.

Motion: to recess the public hearing to discuss procedure.

Made By: Carolyn Towle **Second:** Ed Friedman **Vote:** 4-0

Mr. Caouette asked the Board how it would like to proceed.

Mr. Friedman stated that those who spoke made very passionate statements. Since the applicant is not here, if the Board votes tonight, the applicant will likely request a rehearing and we will have to hear it again. He would like to continue the public hearing.

Mr. Rock agreed with Mr. Friedman's reasoning and would also like to continue the public hearing. He also said he has questions for the applicant that he would like to see answered.

Mrs. Towle also would like to continue and she has some questions. In the interim, she would like to see the sign shut off until the March 7 hearing.

Mr. Rock agreed that the sign should be shut off until the Board makes its decision.

Mr. Caouette would like to close the case at this hearing. He recognized the opinions of the other board members who would like to continue the case.

Motion: to continue the public hearing to the March 7 Board meeting.

Made By: Ed Friedman **Second:** Tom Rock **Vote:** 3-1; Mr. Caouette opposed

Mr. Hurd resumed the chair.

IV. Correspondence - None

V. Other - Election of Officers

The Board agreed by consensus that Mr. Hurd would continue as chair and Mr. Hanson would continue as vice-chair for 2011.

VI. Adjournment

Motion: to adjourn

Made by: Mr. Friedman **Second:** Mr. Hanson **Vote:** 4-0

Meeting adjourned 8:15 p.m.

Respectfully submitted,

Jane F. Taylor