



Zoning Board of Adjustment Meeting
Monday, October 20, 2014 at 6:00 p.m.
City Hall Council Chambers

The Board conducted a site visit at 5:00 PM to 198 Bible Hill Road (parcel 166-4) as part of its review of application #ZO 2014-00008

MINUTES
Approved 11/3/2014

Interim City Planner Michael McCrory called the meeting to order.

I. Roll Call

Present: David Nichols, Daniel Worcester, Richard Collins, Carolyn Towle, Todd Russel

Absent: Michael Hurd (Chair), Jim Hanson

City Staff: Michael McCrory, Interim City Planner, Jane Taylor, City Solicitor

Motion: to open discussion on the nomination of a sitting member (of the board) to serve as chair for this meeting.

Made by: Daniel Worcester **Second:** Carolyn Towle **Vote:**

Mr. Worcester nominated Mr. Russel (to be chair for this meeting). The nomination was seconded by Carolyn Towle. All were in favor of the nomination.

Mr. Russel appointed Ms. Towle and Mr. Worcester as full members (of the board) for this meeting.

II. Review Public Meeting Minutes from October 6, 2014:

Motion: To table approval of the September 2nd (October 6th) meeting minutes to the November 3rd meeting.

Made by: Mr. Russel **Second:** Mr. Nichols **Vote:** Unanimous in favor

III. Old Business

Mr. Russel introduced the application. Claremont Mill Redevelopment LLC is seeking variances from Section 22-601, illumination of a sign after 12:00 AM while the associated business is closed and Section 22-604(6), Signs Allowed Only by Permit in the MU Zoning District, to allow construction of two 60 square-foot exterior affixed signs and located on non-frontage building facades.

Mr. McCrory read the abutters roll.

Mr. McCrory stated that under Section 22-601, signs in the MU district cannot be lit between midnight and 7 AM, unless the business is open at that time. This applicant is asking that the signs be lit all night, even though the business will be closed during those hours.

Section 22-604 pertains to size restrictions and placement of signs on a building. The staff has been interpreting this ordinance to mean that signs must be placed on those sides of the building that face a road right-of-way. The applicant would like to place these signs on the back of the building.

This property is in the Historic District, requiring approval of the signs by the Historic District Commission. The HDC approved the required Certificate of Appropriateness on August 28, 2014 and amended it on September 25, 2014.

Tim Sullivan, employee of Barlo Signs, presented the application for Red River. Mr. Sullivan stated that Red River occupies three floors of the building with 150+ employees. Red River is an IT/software solutions company. They serve private, commercial and government clients. They have a lot of out-of-town client relationships and clients often travel distances to get to 21 Water Street. They are actually a 24-hour business, because they offer 24-hour tech support and solutions. They also have customers coming in at all hours of the day and night.

One proposed sign would face toward Route 120 across the river. This side is important for travelers coming from the north. The other proposed sign would face toward the bridge to guide travelers from the south. The sign is made of day/night letters that appear black during the day and light up to white during the night. This proposed type of lighting is the best for the location. The uppercase letters are 38 inches tall; the lowercase letters are 24 inches tall. The font of the lettering is in keeping with the historic nature of the mill. The signs would be mounted under the top row of windows for maximum visibility. Mr. Sullivan said there is a slight modification to the plans that the Board had received. He said they are proposing to shift the sign that faces the bridge one window to the right, again so as to maximize visibility.

Mr. Sullivan said that the maximum sign allowed under the current ordinance (16 SF) is just too small for Red River. They are appealing to the Board for relief.

The Board then asked questions of the applicant. It was confirmed that someone is present in the building 24 hours a day; that the signs would be lit all night; and that HDC has granted their approval already. External lighting would not be bright enough. The LED lighting of the proposed signs is more maintenance "friendly" which is critically important given the locations of the signs on the buildings. There were no further questions.

As there were no abutters present, the hearing was closed.

The Board addressed the five variance criteria for both requests simultaneously.

1. Is it in accord with the public interest?
 - a. No impact on drivers or neighboring residences
 - b. HDC has reviewed and approved the proposal
 - c. The proposed signs are in appropriate scale for the building

- d. The signs will help with the public benefit of identifying the property.
- 2. Is it consistent with the spirit of the ordinance?
 - a. The signs are tasteful.
 - b. HDC has approved the proposal.
- 3. Will substantial justice be done?
 - a. Helps people find the business.
 - b. Identifies that these historic buildings are in use.
 - c. No detriment to the public.
- 4. Will it maintain the value of surrounding properties?
 - a. The sign is tasteful and meets HDC's approval.
- 5. Would denial cause unnecessary hardship to the applicant?
 - a. The business depends on clients being able to get to the building.
 - b. The current ordinance causes too much hardship.

Motion: To grant a variance of Section 22-604(6) to allow construction of two 60 SF exterior affixed signs located on non-frontage building facades with the following conditions:

- 1. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments.
- 2. These variances shall be recorded in the chain of title.
- 3. The signs shall be designed as shown on Barlo Signs plan entitled Red River 140212599 J, Sheet 1.0 , dated 9/17/14 and shall be affixed to the building as shown on Barlo Signs plan entitled Red River 140212599 CO 9-30, Sheet 1.1, dated 9/30/14 and labeled by the Board as "distributed at hearing 10/20/14".

Made by: Mr. Russel **Second:** Ms. Towle **Vote:** Unanimous in favor

Motion: To grant a variance of Section 22-601 to allow illumination of the signs after 12AM with the following conditions:

- 1. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments.
- 2. These variances shall be recorded in the chain of title.
- 3. The signs shall be designed as shown on Barlo Signs plan entitled Red River 140212599 J, Sheet 1.0 , dated 9/17/14 and shall be affixed to the building as shown on Barlo Signs plan entitled Red River 140212599 CO 9-30, Sheet 1.1, dated 9/30/14 and labeled by the Board as "distributed at hearing 10/20/14".

Made by: Mr. Worcester **Second:** Mr. Russel **Vote:** Unanimous in favor

IV. New Business

There was no new business.

V. Correspondence

The Board received a copy of an article from the Valley News regarding a zoning matter in Lebanon.

VI. Other

No other business.

VII. Adjournment

Motion: to adjourn the meeting.

Made by: Mr. Russel

Second: Mr. Worcester

Vote: Unanimous in favor.

Respectfully submitted,
deForest Bearse
Resource Coordinator