



Zoning Board of Adjustment Meeting
Monday, October 5, 2015 7:00 PM
City Hall Council Chambers

MINUTES
Approved 11/2/2015

Call to Order by the Chair

I. Attendance/Roll Call

Present & Participating: Richard Collins, Michael Hurd, Carolyn Towle, Amy Richardson

Absent: David Nichols, Todd Russel, Daniel Worcester

City Staff: Michael McCrory, Interim City Planner

Mr. Hurd asked Mrs. Towle to sit in for Mr. Nichols and Ms. Richardson to sit in for Mr. Russel.

II. Minutes of Previous Meeting - September 8, 2015

Motion: To accept the minutes as presented.

Made by: Mrs. Towle **Second:** Mr. Petrin

Vote: Unanimous in favor

III. Old Business

- A. (ZO 2015-00014) Michael & Elizabeth Lemieux, 519 Jarvis Hill Road** – seek to appeal an administrative decision requiring a Special Exception Permit for a gravel pit/quarry operation and an Earth Excavation Permit at **149 Alden Road**. Tax Map 182, Lot 3. Zoning district: RR. (Cont. from 9/8/2015)

Request by the Applicants to continue hearing to the November 2, 2015 meeting.

Motion: To continue the hearing to the November 2, 2015 meeting of the Zoning Board.

Made by: Mr. Petrin **Second:** Mr. Collins

Vote: Unanimous in favor

IV. New Business

- A. (ZO 2015-00015) Sally Jason, 140 North Street** – seeking a Special Exception Permit to establish a pre-school at **140 North Street**. Tax Map 107, Lot 279. Zoning District: PR

Open Public Hearing

Mr. Hurd opened the public hearing with the reading of the public notice. Mr. McCrory read the abutters roll.

Staff Report

Mr. McCrory stated that the proposed use would occupy a portion of the first floor of the former North Street elementary school, along with a martial arts studio and a yoga studio. There will be no structural or site changes. The occupants will use the on-site parking that is available on three sides of the building. The project received a waiver of site plan approval from the Planning Board several months ago. The pre-school is allowed in this district with a special exception permit from the board as prescribed by state law. Staff and the planning board saw no significant impact from the proposed use. Some of the staff see the proposed use as a benefit to the city.

Mr. Hurd called for questions from the Board. Mrs. Towle asked for confirmation that the school is actually already functioning. Mr. McCrory confirmed, stating that a temporary certificate of occupancy had been issued while staff and the board work out the permit.

Abutters

Mr. Hurd asked if anyone was present to speak in favor of or against the application. No one was present.

Applicant

He asked if the applicant was present. The applicant was not present.

Mr. Hurd asked if the Board wanted to continue.

Motion: To continue the hearing to the next meeting

Made by: Mrs. Towle **Second:** Ms. Richardson

Vote: Unanimous in favor

The hearing is continued to November 2, 2015.

- B. (ZO 2015-00016) Barlo Signs, 158 Greeley St, Hudson, NH** – seeking a variance from Section 22-604(5), Signs Allowed Only by Permit, B-2 Zoning District, of the City Zoning Ordinance, to permit placement of a 28.9 SF wall-mounted sign at **216 Washington Street**. Tax Map 121, Lot 47. Zoning District B-2.

Open Public Hearing

Mr. Hurd opened the public hearing with the reading of the public notice. Mr. McCrory read the abutters roll.

Mr. Hurd informed the Board that he had done some work for the property owners. No one had any objections to his participating in the hearing.

Staff Report

Mr. McCrory stated that the board had granted a sign variance for this property earlier this year, increasing the total sign area to 461 SF (300 SF is the maximum allowed under the ordinance). This application is asking to increase that maximum again by 12 SF, to allow Domino's Pizza to have a 30 SF sign. He said the pylon sign is a nonconforming structure and is not part of this application or discussion.

The board had no questions for Mr. McCrory.

Applicant

Paul Martin, of Barlo Signs, representing Keith Bell, the owner of the Domino's Pizza, said his client wants a 28.9 SF sign, which is 11 SF larger than the currently allowed 18 SF sign on the building. He said his client's reasons for wanting the sign are purely commercial. He said because it was only slightly larger, he did not feel the increase would be contrary to the public interest.

Mr. Hurd called for questions from the board. There were none.

Abutters

Mr. Hurd asked if anyone wished to speak in favor of or in opposition to the application. No one did.

Close Public Hearing

Mr. Hurd closed the public hearing.

Board Discussion

Mr. Hurd said he felt the proposed sign fit the size of the store front and the exposure from the road. He said exposure from the road has been a continuing problem for the stores. People need to be able to see the signs as they are driving by to prevent accidents.

Mrs. Towle felt it was not an unreasonable request.

Motion: To grant a variance from section 22-604(5), Signs Allowed by Permit in the B-2 zoning district, to permit placement of a 30 SF wall-mounted sign at 216 Washington Street, Tax Map 121, Lot 47, B-2 zoning district with the following conditions:

1. Total exterior affixed sign area shall not exceed 473 square feet. Future alterations to the number, location, and dimensions of the affixed signage may be altered with prior permit approval from Planning and Development.
2. The applicant shall obtain all necessary permits and approvals as determined by the Local, State and Federal governments.
3. This variance shall be recorded in the chain of title.

Made by: Mrs. Towle

Second: Mr. Petrin

Variance Criteria

Mr. Hurd and Mrs. Towle agreed that the public interest is served by allowing the larger sign, because it will more easily indicate the actual suite that Domino's will be in. It will be safer for passing traffic to be able to see the sign more easily.

Mr. Hurd and Mrs. Towle agreed that the proposed sign is reasonable for the size of the property and thus is consistent with the spirit of the ordinance.

The substantial justice is allowing the shop to have a good public face that is not obtrusive to the public interest and not too big.

Mr. Hurd said this proposal would not hurt the surrounding values as it is a plaza in a commercial zone. Mrs. Towle agreed, saying it will maintain the values.

The current sign ordinance does not have a purpose statement. Mr. McCrory stated that the Planning & Development Department has developed a draft sign ordinance which includes a purpose statement:

The visual appearance of the city is important to its character and to its economic development. Therefore, the effective use of signage to direct movement, to advertise, and to inform the public while protecting the safety and general welfare of the public, preserving neighborhood character, and minimizing visual clutter is the purpose of this Ordinance.

The board members agreed that this is consistent with criteria #5(a) (1).

Mr. Hurd said that the proposed sign is reasonable, that it blends with existing signage

Vote on the motion: Unanimous in favor

C. Training Session – “Grandfathering” - Vested Rights and Nonconforming Uses

Mr. McCrory and Attorney Taylor conducted a training workshop for the board on “Grandfathering”.

V. Communications

VI. Other Business

VII. Adjournment

Motion: To adjourn the meeting.

Made by: Mrs. Towle **Second:** Ms. Richardson

Vote: Unanimous in favor.

The meeting adjourned at 8:30 PM.

Respectfully submitted,
deForest Bearse