

ZONING BOARD OF ADJUSTMENT
TOWN OF PETERBOROUGH
Monday, March, 3, 2014 – 7:00 p.m.
1 Grove Street, Peterborough, New Hampshire

Board Present: Jim Stewart, Bob Lambert, Sharon Monahan, Dave Sobe, Loretta Laurenitis 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. “Good evening and welcome” he said adding “this is the March stated ZBA meeting. I am Jim Stewart and I am the Chair.” Chair Stewart went on to introduce the members and staff.

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 concluded by noting anyone interested in speaking to the case please state their name, address, and relationship (abutter, agent, concerned citizen) for the record.

Chair Stewart then read the applicant’s request: “Case No. 1202 – RH Monadnock, LLC requests a Variance for a non-conforming sign, as regulated by the zoning ordinance in Article IV, Section 245-18 D (10) (a) and F (2) (b). The property is located at 1 Jaffrey Rd., Parcel No. U021-020-000 in the Village Commercial District. He looked up and asked “are there any corrections, objections or changes to the notice?” With no response he asked the applicant to proceed.

Harry Dumont stood and introduced himself along with Rich Lannan as owner of the Plaza. He told the members they were present to request a Variance to replace an existing non-conforming sign with a new non-conforming sign. He introduced Reed Hayes of Archetype Signworks. “He will be doing most of the talking tonight” he said.

Mr. Hayes stood and repeated that they were present to request a Variance to replace an existing non-conforming sign with a new non-conforming sign. He noted the old sign was 18 feet tall and the new one would be 15.5 feet in height. He distributed pictures of the new sign super imposed over the current sign as he briefly described the new sign’s architectural elements (building gables, paint color and green shingles) tying it to the Plaza building as well as adding the address of 1 Jaffrey Road. Mr. Hayes noted the new owners have lots of plans for the Plaza in addition to the substantial improvements already made to the property thus enhancing the south Gateway Corridor. He noted “and getting the names of the tenants out to the street is important.” He noted the sign would add vitality to the businesses in the Plaza as well as improve public safety. “How will it be lit?” asked Chair Stewart. Mr. Hayes replied “we are leaning toward an externally illuminated sign but that is not finalized and we are happy to take your advice.” Chair Stewart replied “for the record I have no preference, I just wanted to know.” Chair Stewart also noted he counted 15 tenant squares on the sign and asked “are there that many spaces in there?” Mr.

Hayes replied there were currently 14 spaces and explained how one the former Liquor Store had expanded into the store next door “but the two spaces have separate entrances, exits and utilities” he said adding “all we would have to do is fill in the hole in the wall.” Mr. Hayes told the members the former Magic Flute space was large enough to divide into two smaller spaces “we have had some interest in that as well” he said.

Mr. Sobe asked “at 35 miles an hour can the typical driver read all the signs?” Mr. Hayes responded with “well that is a difficult question and it certainly is a lot of information to process.” He then explained several studies of how street sign information is processed by drivers (letter sizes and distance for the street). Mr. Sobe interjected “my concern is safety” with Mr. Hayes replying “absolutely.”

Mr. Hayes went on to point out how the management was working on making the sign more effective. “We most likely will not be using individual logos” he said “and Harry and Rick will have final approval of what the tenant requests.”

Mr. Lambert asked “how many spaces (squares) were on the Brookstone Business Center sign. “Just curious” he said. Mr. Hayes replied “more and they are smaller squares.”

Ms. Laurenitis asked if the sign would be visible from both directions with Mr. Hayes replying “yes.” “How is it attached?” she asked. Mr. Hayes explained the process. Ms. Laurenitis pointed out the snowbanks in the photographs, the fact that the sign was lower and asked about visibility. Mr. Dumont noted their intentions to keep that area clear from parked vehicles creating a buffer around the sign as well as making snow removal “an adjustment of habit and keep the snow clear of that area.”

Ms. Monahan also expressed her concerns with visibility “especially with the lower sign and so many people with SUVs today” she said. Chair Stewart interjected “that was my first concern so I went in there” adding “it is set far enough back so when you pull out it makes no difference, there is no impact at all.” Chair Stewart then asked “what are you going to do with the signs that are there now?” With a smile Mr. Dumont replied “we are going to give them back to Reed (Mr. Hayes) for a refund.”

Mr. Dumont went on to note the “space available advertising would most likely go in the sign square assigned to the vacant space.”

Mr. Leishman brought up the Brookstone sign once again noting “the speed limit is 40, most people go 50 and I go 55. There is no way I am going to see all the tenant names at that speed.” A brief discussion about the studies and statistics of the process of interpreting information seen on a roadway signs followed.

Chair Stewart opened the public hearing up to the audience and asked if anyone would like to speak in favor of the sign. Tenant Harris Welden introduced himself as owner of the Bantam Grill. He pointed out the confusion over the address of the Plaza (1 Jaffrey Road) “but everyone thinks of it as being on Route 202.” He also noted its proximity to Grove Street and Grove Street Extension and said “even GPS devices are confused by the address.” Mr. Welden noted the distance (back) from the highway made it difficult for the tenants. Philip Andrews introduced himself as owner of Our Town Laundry and echoed Mr. Welden’s words. “Having something on the sign would be helpful” he said adding “because *unless* you know we are there *you do not know* we are there.”

Chair Stewart asked about the square feet size limits for signs and a brief discussion about the square footage allowance regardless of building size followed. Mr. Hayes once again noted some facts about studies on processing road sign information including speed, distance from the road and lighting. Mr. Sobe asked about external illumination of the sign with Mr. Hayes replying they were still looking at options and considering LED ground spots to get different light patterns and spreads over the sign.

Rich Lannan introduced himself and told the members that driving by a sign once would certainly not be enough to read the entire sign “but drive by numerous times and you get to know it, it is the repetition” adding “and it is better to than turning your head 90 degrees to try to look at the signs on the building. In the long run it is safer.”

Ms. Laurenitis asked if the applicant could speak to the special conditions that make a Variance grantable. Mr. Hayes reviewed their criteria noting “the new sign will protect and improve community appearance and aesthetics. The sign will identify the businesses in the plaza, increasing their vitality as well as improve safety by increasing adequate direction. The sign will make it much easier to identify businesses in the plaza as motorists pass by” concluding “and while greater in area than the existing sign the replacement sign will occupy a smaller visual footprint.”

Ms. Laurenitis asked why the replacement sign would be so much lower. “Why is this optimal? Is there anything to say this is better?” she asked. Mr. Hayes replied “we thought the Board would like the lower sign and we were willing to give a bit to get a bit. It is a gesture of compromise that is all” adding “I am sure the owner would not object to having the sign at the original 18 feet.”

Chair Stewart asked if the temporary *space available* and *for lease* signs were exempt with Mr. Carrara replying they were. Ms. Monahan noted “for the record we do have a sign letter for every business in the plaza all stating a sign would give them more visibility and be conducive to better business.” Ms. Monahan also noted “and there have been no letters of nonsupport.” She also noted because of the location of the plaza sign lighting would not be an issue. “My personal opinion is that it is more attractive than the existing sign and it gives the address which is important because most people see this as Route 202.” Ms. Laurenitis interjected “my concern is

that there are certain guidelines in terms of signs in this town” and asked about the Peterborough Plaza sign. Mr. Carrara replied “they don’t have much of a sign at all right now.”

Chair Stewart noted if there were no other questions he would open the hearing up to the audience. Adam Hamilton introduced himself as an employee of People’s United Bank and a member of the Business Support Group of the Chamber of Commerce. “I am here to support them” he said adding “I go by every day and I did not know there was a laundry in there.”

Andy Peterson introduced himself and spoke in favor of the sign. “I support this application” he said “it is a unique property, it is a gateway property and has not been appearing its best over the past few years.” He noted the new owner’s excitement and willingness to make repairs and improve the aesthetics of the plaza. He briefly spoke about other signs in town and reiterated the uniqueness of the property. “This is a much more attractive sign” he said adding “and it would be an unnecessary hardship on this property to deny the owner and tenants something reasonable when others have been given it in the past.” He concluded with “as a real estate guy I have not heard one complaint about how it may decrease property values in the area. I have heard none of that. I believe they are asking for a reasonable adjustment to a monolithic zoning law” adding “it will improve the landscape entering our town and give the tenants much greater visibility.”

Mr. Andrews spoke again as the newest business owner in the plaza. “Anything out by the road would be helpful” he said. Mr. Welden agreed noting “it would a huge help to our businesses.”

A motion was made/seconded (Stewart/Monahan) to close the public hearing and go into deliberation with all in favor.

Deliberation

Chair Stewart read the Rules of Procedure for deliberation (the Board was moving into a deliberative session and that no additional information or testimony would be heard, but the Board reserved the right to ask for additional information at their discretion if necessary). He continued with “I guess we should take a straw poll” adding “I will go first.” Chair Stewart noted “I understand the point and feel this sign is in more conformance and more aesthetically pleasing and for so many different reasons it is important to the tenants, I support it.” He looked to Ms. Monahan who said she agreed. “I support a new sign definitely” she said. Mr. Sobe also agreed noting “I remember when the Grand Union was in the plaza, it has had its trials and tribulations. I am in favor of it.”

Ms. Laurenitis noted she had a harder time with it. “A non-conforming sign has been made so much more non0conforming, I struggle with that” she said adding “but I also feel the tenants are making a very good case.” Ms. Laurenitis also advocated raising the sign to its original height for safety reasons “I would not object to that” she said. Chair Stewart looked to Mr. Leishman who said “I cannot support the variance Sir.” He noted a significant increase in the size. “I am very familiar the plaza. I think it is too big and the 15 small squares would not be effective.”

A very brief discussion about other similarly erected signs (the Strand Building and NEBS Business Park were examples) followed but was cut short when Chair Stewart redirected by noting “I think we should stick to the facts of this case.”

A motion was made/seconded (Stewart/Monahan) to approve the request for a Variance with Chair Stewart, Ms. Monahan, Mr. Sobe and Ms. Laurenitis in favor and Mr. Leishman against.

At 8:45 Chair Stewart noted “we have a full Board and I did not excuse Mr. Lambert from the table prior to deliberation, I apologize.” With a smile he went on to note “I don’t believe he said anything to sway the discussion but if you want to declare a mistrial....” All six men in the front row of the audience replied “no” at once.

A brief discussion about the height of the sign and allowing the sign to be 18 feet followed. Mr. Leishman pointed out the application was completed and submitted with specific details. “I am a process person” he said adding “every one of those letters were written in support of what was proposed (15.5 feet), nothing different.” He went on to say that he did not believe that if an application is made with specifics “that you can do something else.” Chair Stewart polled the front row of supporters and all but one (who had no comment as he was not a tenant) agreed the sign height would be best at 18 feet. Chair Stewart noted for the record that that the Board would not specify and the owner would be left to raise the sign to 18 feet if they liked.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Laura Norton

Administrative Assistant

ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Case Number 1202

March 3, 2014

You are hereby notified that the request of RH Monadnock, LLC, for a **Variance** to Article IV, Section 245-18 D (10) (a) and 245-18 F (2) (b) of the Zoning Ordinance, to erect a sign of non-conforming size and height, on property located at 1 Jaffrey Road, parcel number U021-020-000, in the Village Commercial 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 proposed sign is an improvement on the existing sign and is more esthetically pleasing. It promotes the vitality of the local businesses where adequate signage is of high importance.
2. The spirit of the ordinance is observed because:
The property will be better identified as there has been confusion of the location of one Jaffrey Road as well as the existence of tenants at the plaza.
3. Substantial justice is done because:
Local businesses will receive the identification needed for their vitality and the public will receive more adequate direction which will increase public safety.
4. The values of surrounding properties are not diminished because:
The sign will offer improved esthetics and will become an integral part of the image of the property that it represents.
5. Unnecessary hardship
Special conditions of the property are:
 1. The building is considerably set back from the road making it difficult for passing motorists to identify existing businesses.
 2. The large size of the building with multiple tenants makes it unique.
 3. The property is in a gateway to the Town coming from the south on route 202.
 4. The address is identified by three different roads: US 202, Jaffrey Road, and Grove Street.
 - a. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:
 - 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 of the unique characteristics of the property stated above.
 - ii. The proposed use is a reasonable one because it is an improvement over the current non-conforming sign.

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

1. The height of the new sign cannot exceed the existing sign height, and shall be in substantial compliance with the proposed square footage.

Signed,

James Stewart, 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.