

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

Board Present: Jim Stewart, Bob Lambert, Sharon Monahan, David Sobe, Peter LaRoche and Loretta Laurenitis

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 April 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 about 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. 1203 Ocean State Job Lot requests a Variance to allow a sign 110 square feet in area, as regulated by the zoning ordinance in Article IV, Section 245-18 D (10) (a). The property is located at 19 Wilton Road, Parcel No. U018-062-100, in the Village Commercial District. He looked up and asked “are there any corrections, objections or changes to the notice?” Ms. Monahan immediately noted “the application is requesting a 78 square foot sign” and asked the applicant to speak to that.

Mike Patenaude introduced himself as an Account Executive with Poyant Sign Company as well as Greg Duncan from Ocean State Job Lot. “That is a mistake” he said. He went on to note Regulation §245-18D (10) “states that that signage size may not to exceed 40 square feet. That is a real hardship.”

Mr. Patenaude distributed a demographics sheet to the members that included the current shops and their square feet within the Peterborough Plaza. He told the members “currently we have 21 spaces available and 5 are vacant.” He showed them a graphic of the sign they planned to erect with 16 spaces for tenant signs. A brief discussion of the potential dilemma of having 21 spaces and 16 signs followed. Mr. Duncan explained several options the owners were working on to increase some of the business spaces, thus reducing the actuality of 21 spaces in the Plaza. “We are in negotiations” he said adding “so having 16 right now is fine with us.” Mr. Duncan added if the owners felt that (based on the improvements to the Plaza and an increase in tenants) that they needed more than 16 spaces in the future “we would come back and apply again but we do not want to put the cart in front of the horse. If we could get 16 panels versus a 40-square foot sign we would be very pleased to do that.”

It was noted the old sign had been taken down before it fell down and several of the members did not recall what the sign looked like. Chair Stewart noted “I vaguely remember that sign” and

asked about its location. Mr. Patenaude reviewed the location of the old sign which had hung from an old metal pole about 50 feet back from the road. He noted the new sign would be located in the same place. A brief discussion about the line of vision followed with Mr. Patenaude explaining the old sign was 21 feet high and the new sign would be 15 feet high. "There is a 6-foot differential" he said. Chair Stewart asked about the visibility of the sign with automobiles parked around it and after a brief discussion it was determined not to be an issue. Mr. Patenaude also reiterated the height of the sign (at line of sight) was important for the sign to be seen. He also reiterated that many Ocean State Job Lot customers were repeat customers "but it will be difficult to maintain the base of tenants with no advertising."

Chair Stewart asked if the sign would be internally lit with Mr. Patenaude replying it would. "With fluorescent lights" he said. He went onto add that the blank tenant spaces (should they exist) would be blanked out until such time as a new tenant moved in. Ms. Laurenitis asked about the size of the sign panels with Mr. Patenaude noting they would be about 2 feet. "The size may differ with the negotiations and space (square footage) the tenant occupies" he said. Mr. LaRoche asked if the panels would be all the same color with Mr. Patenaude replying "no, they will all be different with the tenant's logos and colors." Both Chair Stewart and Ms. Monahan agreed noting "people recognize logos and colors." Ms. Laurenitis asked if the sign would be double sided and Mr. Patenaude replied it would be. Ms. Monahan asked about the base of the sign with Mr. Patenaude reviewing how the sign would be fabricated. Chair Stewart suggested they add the physical address (19 Wilton Road) to the sign. Mr. Duncan replied he had no problem with that request. Chair Stewart then suggested they go through the Variance criteria.

Mr. Patenaude reviewed the location of the plaza and how it faced the river in front and was surrounded by trees along the side and back. "The property is difficult to find without a sign" he said adding "you almost have to look over your shoulder to see it when you drive by. He noted the sign would replace the old rusted pole from the old sign and that there was no residential aspect to the location. "The tenants need a sign, right now they have nothing and you can really only find them if you know the area" he said.

Chair Stewart asked the members if they felt they had enough information or if they felt they needed a site visit. Ms. Monahan was receptive to a site visit as she was not familiar with the old sign and where it had been located. Mr. Patenaude once again pointed out the location of the potential sign and showed a photograph of a rusted old metal pole from which the original sign once hung. With that clarification Chair Stewart noted "I don't think we need a site visit." He then asked if there was anyone in the audience that would like to speak about the request. There was no response but Ms. Monahan noted she had a question. She pointed out that in other similar cases the applicant had presented letters from the tenants of the plaza, all in favor of a sign. She asked "why not here? Do the tenants know?" Mr. Duncan replied the Ocean State Job Lot real estate group may not have informed the tenants. He noted he thought it was a good idea adding "but I don't control those people."

With no other comments or questions a motion was made/seconded (Laurenitis/Monahan) to close the case and go into deliberative session with all in favor. Chair Stewart appointed Mr. LaRoche to sit for Mr. Leishman and Mr. Lambert left the table to sit in the audience.

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 “we will start with a straw poll.” He went on to say “this is all fresh in our minds from last month” adding “and they meet the criteria for the exact same reasons.” He looked to his right and asked Ms. Laurenitis how she felt. Ms. Laurenitis noted “I would support it too” adding “sometimes it feels like we are changing zoning but that is why we have variances.” Chair looked to Ms. Monahan and asked “Sharon?” Ms. Monahan replied “I am in support of it.” She added “I wish we had a different zoning ordinance “and asked “is anything going to be proposed for next year?” Chair Stewart interjected he would be working on a proposal.

At this time Mr. Patenaude interjected “the Center is unique” adding “all the plazas are unique.” He noted an ordinance that could come up with a plan for a reasonable amount of space for a sign and then have a review process with the Zoning Board of Adjustment that would determine whether or not more space was necessary (and allow it) is what was needed. “Something a little bit different is a good thing” he said. Chair Stewart thanked him for the suggestions noting “technically we are not taking any input.” Chair Stewart then continued the straw poll by looking at Mr. Sobe and asking his opinion. Mr. Sobe replied “I am in favor of it.” Lastly Mr. LaRoche noted “I am too, especially with the way the Plaza sits on the lot.”

Chair Stewart suggested the Notice of Decision from the Monadnock Plaza be pulled up and used as a template. Once the members were happy with the updated template a motion was made/seconded (Laurenitis/Monahan) to approve the Variance request with all in favor.

Other Business:

Chair Stewart asked the members if anyone had made any headway on the checklist with each replying they had not. “OK, we’ll talk about that another time” he said adding “let’s go on to the Minutes.”

Minutes:

A motion was made/seconded (Stewart/Monahan) to approve the Minutes of March 3, 2014 with all in favor.

The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION

Case Number 1203

April 7, 2014

You are hereby notified that the request of Ocean State Job Lot, for a **Variance** to Article IV, Section 245-18 D (10) (a) of the Zoning Ordinance, to erect a sign of 110 square feet, on property located at 19 Wilton Road, parcel number U018-062-100, 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 former 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 nineteen Wilton Road as well as the existence of tenants at the plaza. The majority of the tenants' signage on the building is not visible from the highway.
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 way the property is situated along the highway, the existence of a river and trees between the highway and the building, as well as the elevation change, restricts the view of the property to passing motorists.

- 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 a 40 square foot sign is not reasonably adequate given the large size of the building and the number of tenants.

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

1. The sign must be in substantial compliance with the application submitted, including 110 square feet in area, 15 feet in height, and in the same location as the previous sign.

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.