

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JULY 21, 1988
COUNCIL CHAMBERS

MEMBERS PRESENT: Mark Dellner, Randy Turner, Joyce Bowden, Chairperson, and William Colbath (late).

Meeting was brought to order at 7:15 PM.

Joyce Bowden explained that there are only 3 members present and that anyone going before the Board must get all three votes.

Mark Dellner suggested the Board recess and have a **SPECIAL** meeting next week for anyone that doesn't want to be heard tonight.

Joyce Bowden informed the applicants that they have the option to withdraw and be heard on Thursday, July 28, 1988.

Joyce introduced the Board members and discussed the minutes to the last meeting. She found one discrepancy. She did not step down for case H88-32 as mentioned in the minutes.

Mark Dellner made a motion to accept the minutes.
Randy Turner Seconded.
VOTE U/A

Minutes accepted.

BUSINESS MEETING

Discussion ensued on the 11 cases which are already backed up.

It was agreed to a meeting Thursday, July 28, 1988 and a **SPECIAL** meeting on August 11, 1988 and the regular meeting on August 18, 1988.

The Board decided that if a case withdraws, or if it is not heard, the packets will go back to Jackie and they will be returned to the Board when the case comes up.

Mark Dellner requested that the City Council Appointment Committee look for interested people to sit on the ZBA. If there are people on a list, appoint them. There is a need for more members on the ZBA.

Joyce Bowden asked if anyone wished to withdraw until the next meeting.

Peter Taylor - case #H88-35 stated he wished to withdraw

until the next meeting of Thursday, July 28 at 7:00 PM.

Mr. Ryan - case #H88-37 also wished to withdraw until the next meeting of Thursday, July 28 at 7:00 PM.

Mike Rosholt - case #H88-18 under Old Business - Withdrew and will come under Old Business at the July 28th meeting.

Mr. Boyle - Case #H88-40 withdrew until July 28th meeting.

NEW BUSINESS

H88-33 McQuade Realty

Mr. McQuade stated he has received Planning Board approval for a minor lot line adjustment and now he needs a special exception.

Discussion ensued concerning the fact that the case had not been accepted or heard, therefore, can it be reheard. Also since the case was not accepted, were the deficiencies corrected? Steve Stancel stated that our City Attorney said you can request a hearing for a case that hasn't been heard. It doesn't give the applicant any advantage or disadvantage.

Paul McQuade stated it will be a greater expense if the case is delayed to September or October but he was satisfied with with the decision to be heard on August 18, 1988.

Mark Dellner made a motion that Case #H88-33 be granted a hearing on August 18th.

Turner seconded.

VOTE U/A

OLD BUSINESS

H87-26 - Tamposi & Nash

Joyce Bowden gave a brief description of the case and mentioned how Tamposi and Nash were caught in the middle of the moratorium.

Daniel Callahan spoke for Tamposi and Nash he said that the lot is adjacent to Weeks Traffic Circle and Glenwood Avenue. He submitted letters that supported the fact that it would not create a traffic problem and would not have an impact on the water quality as the water would be percolated on-site.

Mr. Callahan went through the Special Exceptions requirements as follows:

1. Is the site appropriate? - The Keith reports says yes.

2. Is it detrimental? It is consistent with multi-family zone.
3. He stated it would not create a nuisance to vehicular or pedestrian traffic.
4. There were adequate facilities, sewer and water.
5. He claims it is consistent with the spirit.
- 6 He said that housing is an issue in the area and this will help.

Mr. Callahan said that the property owner has not had use of his property for the past 17 months.

He feels that a special exception should be granted so they can proceed with the Planning Department.

Joyce Bowden stated the report from BCI made conclusions and recommendations and asked if they had been addressed.

Mike Guilfooy, from Millette Associates stated that they are recharging that area with drainage.

Mr. Callahan stated if approved, it would be the last development in the area because it is the only one left in the area. They have litigation pending and hope they can resolve the matter.

Steve Stancel stated that the Planning Dept. sees no reason to deny a special exception at this time and any minor problem can be cleared up thru TRC.

Close Public Hearing

Mr. Callahan discussed the well ordinance and said they would comply with the ordinance and are working as if the ordinance has been passed. He said the water will be percolated on site.

Mark Dellner made the motion to approve the application with no conditions.

Steve Stancel stated that they will have to comply with the Groundwater Protection Ordinance that is posted at the time.

William Colbath seconded

VOTE U/A

GRANTED

Meeting recessed

Called back to order at 8:25

H88-38 Federal Savings Bank. 633 Central Avenue, A/K/A Assessor's Map 27, Lot 143, Zoned Office/RM-8, requests a variance (1) from the term of Article IX, Section 170-32 I(3), to have two (2) freestanding signs, where one (1) is permitted in an office zone, and (2) from the terms of Article IX, Section 170-32 E(6) to erect a wall sign (s) with approximately forty-seven (47) sq. ft. where sixteen (16) sq. ft. is permitted in an RM-8 Zone.

Attorney Jim Shulty represented the Bank and stated that the signs were not externally lighted and were reflective. Their purpose is to direct people safely into the bank and safely thru the parking lot.

Motion made to accept the case

VOTE U/A

Mr. Shulty stated since the kiosk machine is out of sight from the street there must be signs to direct people who are not familiar with the bank but must use the machine.

Mark Dellner asked if the hardship is visibility?

Mr. Shulty stated that visibility is one of the problems and also stated that if the lot was two separate lots he would be allowed all of the signs which he is proposing. He also stated the signs will assure the safety of the people in finding the correct entrance to the bank.

Steve Stancel said the Planning Dept. has no problem with the kiosk machine, the problem is with the signs. It would be setting a dangerous precedence.

Mr. Shulty asked if it was the size or the placement.

Steve Stancel said it was generally the size and the main concern is the precedence.

Mr. Shulty stated that the purpose of the signs is essential to have a one way direction in the parking lot and the drive thru.

Mr. Shulty said that if it is a question of size they can address that but they do need the signs giving directions.

Tom Clark said he and Dick Selleck discussed the fact that the lot is in 2 Zones and it has three frontages. In the

Office Zone you can have a projection or wall sign. One sign on each frontage if attached to building.

Mr. Shulty said there is a time & temperature sign already on the building and he wants two additional free standing signs.

The signs would identify that they are part of the Pocketbank Network and would direct people to the machine.

Mr. Shulty went to the easel and drew a diagram showing how the traffic pattern moves around the building and showed the placement of signs.

Tom Clark said a variance will be needed no matter what is done to the ordinance.

Steve Stancel stated there are provisions for directional signs. He said that their signs are advertising and they have too many free-standing signs.

Joyce Bowden stated that the signs can be attached to the building.

Steve Stancel felt there was not enough hardship.

Randy Turner stated he has no problem with the Central Ave. sign.

Mr. Shulty ask if it would be OK to put the Hill Street sign on the building and leave Central Avenue one as is.

Tom Clark read the sign ordinance. It stated more than 1 sign is permitted if you have more than 1 frontage. He asked if the Park St. side be applied to the Hill Street side not to exceed 12 sq ft. Using up the frontage allowance for Park St. on Hill Street?

Stancel stated it becomes dangerous to count residential frontage on a commercial building.

Joyce Bowden said they can attach the sign to the Hill Street frontage but can't exceed 12 sq ft. The Free standing sign is 5' X 2" which equals 10 sq ft.

Mr. Shulty stated if you give us square footage they will work within it.

Steve Stancel stated that the Planning Dept. recommends 4 sq ft and for direction signs.

Close Public Hearing

5 Points

1. It is the Board's Conclusion that he does face an unnecessary hardship based on the following findings of fact: The configuration of the lot and the exits and building interferes with the view of the kiosk building and with the lot being in 2 separate zones and having frontage on 3 streets.
2. It is the Board's Conclusion that if granted, the variance will deliver substantial justice based on the following findings of fact that the substantial frontage should allow additional signage and permitting of their additional signage will promote public convenience.
3. It is the Board's conclusion that, if granted, the variance will be in harmony with the spirit and intent of the zoning ordinance based on the following findings of fact: The Ordinance permits increased signs for property having frontage on more than on street.
4. It is the Board's conclusion that, if granted, the variance will not result in a diminution in value of surrounding properties based on the following findings of fact: No evidence was submitted.
5. It is the Board's conclusion that, if granted, the variance will be of benefit to the public interest. because it will promote public safety by creating a safe traffic flow.

GRANTED with the following conditions:

1. The sign on the Hill Street side of the building be attached to the building and not exceed 12 sq ft.
2. The free standing sign on the Central Avenue side cannot exceed 12 sq ft.

Randy Turner made the motion to grant the variance.

Mark Dellner seconded

VOTE U/A

GRANTED

H88-39 A William & Lucille Merrill, 350 Dover point Road, A/K/A Assessor's Map L, Lot 57-A, zoned R-20, requests a variance from the terms of Article VII, Section 170-27.E(7) to enlarge an existing structure which is located closer than seventy-five (75) feet of the mean high water mark.

Mr. Merrill stated that they wanted to construct a second

entrance to the bedrooms over the garage and build an 8' X 10' room off the southeast corner of their property which would be attached to the 1st floor. The addition would enlarge the 1st floor bathroom. It would mean a 8' X 10' extension on the side of the property.

Mr. Merrill said the deck would be on the water side.

Recess for 5 minutes.

Part of the case was lost. Tom Clark remembers distinctly that the Merrills brought in their plans but could not locate them.

Mr. Merrill was asked to give his hardship statement and after the plans were located they would look at his plans.

Joyce Bowden suggested that they obtain a copy of book "The Board of Adjustment in NH", it would help them to define what would be unique about their property and help them to better present their case.

The Merrills decided to do more research on their case and to return at the next meeting.

Mr. & Mrs. Zetterberg neighbors of the Merrills who would not be able to attend the next meeting wanted to be on record saying they are in favor of the variance being granted.

William Colbath made a motion to recess the meeting until Thursday, July 28, 1988 at 7:00 PM

Randy Turner seconded

Meeting recessed at 9:45