

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
SEPTEMBER 17, 1992

MEMBERS PRESENT: Joyce Bowden, Bill Colbath, Dean Trefethen,  
Bob Callan and Dave Paolini

ALSO PRESENT: Tom Clark, Steve Stancel

Meeting brought to order by Joyce Bowden at 7:05 p.m.

ITEM #1: New Business

Bill Colbath made the motion to accept the minutes of August  
20, 1992.

Dean Trefethen seconded the motion.

VOTE U/A

ITEM 2: Old Business

ITEM 3: H92-13, Shaw's Realty Co., (applicant: Osco Drug),  
865 Central Ave., a/k/a Assessor's Map 38, Lot 6-A,  
requests a variance from the terms of Article IX,  
Section 170-32.G(3) to install a free standing sign  
in addition to an existing wall sign.

Robert Cook represented the applicant.

Tom Clark - Clarified the variance request. This is a new  
free standing sign for Osco but to be on the existing posts  
with Shaw's sign.

Robert Cook - Seeking 2 signs - one at each entrance. at the  
south entrance, there used to be a sign "Open 24-hours"  
and when NHD Hardware came in the 24- hour sign was replaced  
with NHD Hardware.

Dave Paolini made the motion to accept the case.

Bill Colbath seconded it.

U/A

Joyce Bowden - Asked what there is for current signage.

Robert Cook - There is a wall sign.

Tom Clark - In regards to the NHD sign, Tom was not aware  
that the 24-hr. sign had been changed until Osco had applied  
for their sign permit. When Tom did a site review for the  
sign permit application, he saw the NHD sign and called

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Shaw's Realty because no sign permit had been issued for NHD. Shaw's Realty advised Tom that they had just replaced the 24-hr. sign with NHD but Tom advised them that the 24-hr sign was ok but now they have given NHD a free standing sign which will have to be removed.

The way the sign ordinance works, we have provisions for wall signs without free standing signs, but we also have provisions for free standing signs and an accessory wall sign. The problem being that the wall sign cannot exceed 75 sq. ft. The current wall sign is 125 sq. ft. So the option in order not to petition for the variance, Osco could have reduced the wall sign to 75 sq. ft. and it would then become an accessory wall sign, then they could have the free standing sign. Service Merchandise also had the same problem.

Joyce Bowden - What does the City think.

Steve Stancel - The Planning Dept. opposes this request. Feels that Osco Drugs can reduce the wall sign and then have the free standing sign. Plus, the sign ordinance was in place at the time that Shaw's Plaza applied for signs.

Robert Cook - Questioned the Dover Bowl free standing sign.

Bill Colbath - The Dover Bowl sign that's underneath the Shaw's Plaza sign was there long before Shaw's came in and that whole area was developed.

Dave Paolini - Do you have Shaw's permission for the sign?

Robert Cook - We do have Shaw's permission.

Bob Callan - In reference to having the sign reduced, I visited the sight and tried to visualize the sign being reduced and I can't imagine that sign being any smaller and still expect the public to see it. Bob questions the wisdom of reducing the sign. Also questions the huge signs of Shaw's Plaza and also the huge sign of the supermarket. Question having other's follow that framework of the ordinance when Shaw's doesn't.

Robert Cook - We need all the visibility we can get. We will not reduce the size of the wall sign.

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Steve Stancel - The question is do they have adequate signage now. As you drive by can you easily see the Osco Drug sign. And you can.

PUBLIC HEARING CLOSED

#### 5 CRITERIA

1. The applicant does not face an unnecessary hardship because applicant has same rights as other tenants and has option to comply with the sign ordinance.
2. The variance will not deliver substantial justice in that there is adequate sinage and option for applicant.
3. The variance will not be in harmony with the spirit and intent of the zoning ordinance in that the spirit and intent was the control of road signage.
4. The variance will not result in a diminution in value of surrounding properties because no evidence is presented to substantiate.
5. The variance will be of benefit to the public interest because it will create a greater visibility and ease to those passing by.

Dean Trefethen made the motion that the variance be denied.  
Bill Colbath seconded the motion.

VOTE: Denied - Bill Colbath, Dean Trefethen & Dave Paolini  
Opposed - Bob Callan

Joyce Bowden - Your motion has been denied, however, you can tell from the findings of the Zoning Board, that the Zoning Board does feel that there must be some problems with the sign ordinance that we have. Because when the Board says that if granted, the variance will be of benefit to the public interest after it said he doesn't have a hardship under the ordinance, it seems to me that there is a problem. Perhaps we could write a letter to the Planning Board and the City Council that this should be addressed. Perhaps changing times dictates changing the ordinance.

Discussion followed between Board Members, Tom Clark and Steve Stancel concerning the contents of the letter and possible variations of the sign ordinance.

MEETING ADJOURNED