

Zoning Board of Adjustment meeting minutes for May 10, 2011

Present: Chair John Smith, Louie Major, Bernard Rideout, Dorianne Almann, and CDC Kathryn Lynch. Todd Page excused. Applicant was present; no members of the public were present.

7:00 pm Chair John Smith called the meeting to order and asked the applicant if she would like to postpone the meeting due to only having four members present, (no). CDC Kathryn Lynch read the public notice submitted by Salema & Salema Inc. DBA Dunkin Donuts, represented by Darlene McKinistry, General Mgr. for tax map 24 lot 59-1, 724 Brattleboro Rd., in the Roadside Commercial District. Applicant seeks a variance from Article VII Section 5 of the Zoning Ordinance to permit signage, case # 051011. Chair John Smith read the application and asked Darlene to join the Board to explain the application. Darlene McKinistry, General Mgr. of Dunkin Donuts, presented the Board with templates of the new sign which include the sign size, and a sketch of the sign on building to scale. Also presented to the Board was written permission from Wal-Mart to put the sign on the outside of the building. The sign will be constructed on the left side of the building near the grocery entrance. The sign is LED lit which is eco friendly. The size of the sign is 30 ½ “ x 6’ 10” with 12” lettering.

Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing six. 1. Dunkin Donuts applied for a Variance because of the number of signs on the outside of the Wal-Mart building. 2. The proposed sign will be 17.63 sq.ft. 3. The proposed sign will be located on the left side of the building close to the grocery entrance. 4. The proposed sign is the same size as the Dunkin Donuts sign at the previous Wal-Mart site. 5. The proposed sign will be L.E.D. lit which is eco friendly. 6. Hinsdale Planning Board has no problem with the sign, but instructed applicant that they needed a variance. With no opposition Chair John Smith closed the public portion of the meeting.

Bernie Rideout made a motion to adopt the Finding of Facts, seconded by Dorianne Almann, unanimous and individual “aye” votes to adopt the Finding of Facts, motion passed.

Board members then worked on the Statement of Reasons and determined:

1. There would not be a diminution in value of surrounding properties as a result of the granting of this variance because: the sign will be in the Roadside Commercial District and is a new sign that is not visible from the road.
2. The granting of this variance would be of benefit to the public interest because: the sign will alert customers that Dunkin Donuts is inside the building of Wal-mart.
3. Since:
 - a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: the building is more than 300 ft. from the traveled road.
 - b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: the building is more than 300 ft. from the traveled road.

4. By granting this variance substantial justice would be done because: the sign would allow the business to advertise in a Roadside Commercial Area.

5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: Dunkin Donuts is a separate business that is in a huge commercial building and should have adequate signage and the previous Wal-Mart had signage outside of their building for Dunkin Donuts.

Lewis Major made a motion to approve the Statement of Reasons, seconded by Dorianne Almann, motion passed.

Dorianne Almann made a motion to grant the variance seconded by Lewis Major, motion passed.

7:15 pm. Chair John Smith Closed the public portion of the meeting.

Lewis Major made a motion to approve the minutes from April 13, 2011, seconded by Bernie Rideout.

7:30 pm. Bernie Rideout made a motion to adjourn, seconded by Lewis Major, unanimous to adjourn.

Respectfully submitted by,

CDC Kathryn Lynch

Draft of minutes until approved and signed