

Zoning Board of Adjustment meeting minutes for February 8, 2011

Present: Chair John Smith, Louie Major, Angela Schill, Todd Page, Dorianne Almann, and CDC Kathryn Lynch. Applicants and three members of the public were present.

7:00 pm Chair John Smith called the meeting to order and asked the applicant if they would like to proceed due to all five members of the board not being present, applicant agreed to proceed with four. Chair John Smith read the Public Hearing Notice for an Area Variance Article VII Section 5, submitted by NH Signs on behalf of American Promotional Events, Inc. Chair John Smith read the application submitted by NH Signs on behalf of American Promotional Events, Inc. case number 20811, tax map 28 lot 5-1, 963 Brattleboro Road in the Roadside Commercial District. Dorianne Almann arrived at 7:10 pm and joined the Board.

7:15 pm Chair John Smith asked the applicants to present their case to the Board. Peter March, representing NH Signs and David Beattie, representing American Promotional Events, Inc. passed out pictures of the ground and building signs to the Board. Total sq. footage of both signs will be 172 sq. ft. which is 12 more sq. ft. than aloud in the zoning ordinance/roadside commercial district. Ground sign will be pylon and 60 sq. ft. and the building signs will be illuminated and 112 sq. ft. The TNT Fireworks logo is the company brand on buildings nationwide and on store shelves. Building sign will be LED lit and the ground sign will be 20ft high perpendicular to the building, on the north side of property 60 ft. off road with a message board for promoting items and they would allow community messages. The sign will have a red colored pole cover to match the building. Chair John Smith asked for questions or comments. Dorianne Almann asked how long the message board would run and be lit during the day, (no reason to run 24 hours a day, normal business hours). Board asked if this would be in proportion with neighbors sign and meet the same set back, (yes). Daniel Pierce, representing Phantom Fireworks, commented that he agrees that TNT should receive the variance as did Phantom but wonders about the intent of the applicant, is it to block shoppers vision from Phantom. Daniel Pierce explained that per the site plan approved by the Hinsdale Planning Board three large trees will be planted on the south side of the property, and feels with the very large sign and the trees this will block the view of Phantom. David Beattie explained that the trees were part of the landscaping for the site plan required by the HPB. Peter March did not feel it would block Phantom since the sign is on the other side of the property closer to the Bakery than Phantom. Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing six: total square footage of both signs are 172 sq. ft., 12 sq. ft. in excess of the zoning ordinance, ground sign is 60 sq. ft., and building sign is 112 sq. ft.; comparable size signs in the area; LED lit sign; message center portion on the pylon sign until 9pm with a longer running time during the season; possible community message board; leading up to the Holiday hours would extend to open hours.

Angela Schill made a motion to adopt the Finding of Facts, Dorianne Almann seconded, unanimous and individual "aye" votes to adopt the Finding of Facts.

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: signs and setback of similar size in the roadside commercial district.

2. The granting of this variance would be of benefit to the public interest because: it would increase business in the area and is a good use of the land.

3. Since:

a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: because of competition nearby.

and: b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: signage is necessary and number of signs and type are permitted in the area.

4. By granting this variance substantial justice would be done because: the Board allowed a competing business to have sign of some size.

5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: of the district it is in, increase of sign has already been allowed.

Louie Major made a motion to approve the Statement of Reasons, seconded by Angela Schill, unanimous and individual “aye” votes to approve the Statement of Reasons.

Board members discussed possibly conditioning a variance approval, discussing limiting hours of message board and pole cover of ground sign.

Angela Schill made a motion to grant the variance subject to the following conditions: message board must run in sync with hours of operation or less and pole cover be eliminated on the bottom of both sides of the ground sign, seconded by Dorianne Almann. Motion defeated, Angela Schill-I, Dorianne Almann-I, Louie Major-nay, Todd Page-Nay and Chair John Smith-Nay.

Louis Major made a motion to grant the variance subject to the following conditions: message board must run in sync with hours of operation or less, seconded by Todd Page. Motion passed, Louie Major-I, Todd Page-I, Chair John Smith-I, Angela Schill-Nay, Dorianne Almann-Nay. Angela Schill requested her reason for voting no be included in the minutes, and that reason is that she feels strongly that the pole cover be eliminated from the bottom of the ground sign on both sides, to keep the esthetic look of Hinsdale and because of the mass of the base of the sign .

Angela Schill made a motion to approve the minutes from April 13, 2010, seconded by Louie Major, Louie Major-I, Todd Page-I, Chair John Smith-I, Angela Schill-I, Dorianne Almann-abstained.

8:15 pm Angela Schill made a motion to adjourn, seconded by Dorianne Almann, unanimous to adjourn.

Respectfully submitted by,

CDC Kathryn Lynch

Draft of minutes until approved and signed