

Zoning Board of Adjustment meeting minutes for April 10, 2012

Present: Chair John Smith, Louie Major, Dorianne Almann, Todd Page, Mike McGrath and CDC Kathryn Lynch. Applicants were present.

7:00 pm Chair John Smith called the meeting to order and explained that the first order of business was elections of offices. Todd Page made a motion for John Smith to remain as Chair, Todd Page to remain as Vice-Chair and Dorianne Almann for Secretary of the Board, seconded by Dorianne Almann, motion passed.

Chair John Smith read the Public Hearing Notice for an Area Variance application # 4012, of Article VII Section 6, submitted by B.J. Alan Company of tax map 36 lot 11-2, 11 George's Field Rd., in the Roadside Commercial District. Chair John Smith asked the applicant to approach the Board and present their case. Pat Carlone, Jeff Graham and Phillip Silverman were present representing Phantom Fireworks. Pat Carlone explained that due to the office only have 8.5 linear square feet they would require a variance of 16 sq. ft. for signage. They are requesting two wall signs, one on each side of the building that will read Phantom Fireworks. A sign application was given to the Building Inspector and it was denied. The sign brackets are on the building from a prior sign. Pat Carlone explained that with the sign requirements they would only have 8.5 sq. ft. of signage to divide between two signs and he felt that the signs would not be visible to the public, they would not attract people to the Welcome Center. The Welcome Center for Phantom Fireworks will pass out coupons, flyers and catalogs to people and the employees will encourage people to visit their store down the road. The Welcome Center will not carry any fireworks or firework displays just brochures and catalogs. The table in the picture is not considered a sign because they will only man it on nice days. The requested signage will be lit by gooseneck lighting.

John Smith asked for questions from the Board. Dorianne Almann commented that the table that has a purple table cloth saying "Phantom Fireworks" is pretty visible, and asked if the signs would be lit in the off season or when store is not open because the ordinance explains that a business sign needs to be off at close of business or 9pm, (signs will be on a timer and will not be lit when store is not open. Per lease agreement the signs are not electronically lit they are lit with gooseneck lighting).

Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing four. 1. Applicant is looking for a variance of 16.9 sq. ft. over allowed use in area. 2. Signage would be in front and back of building, same as existing businesses at premises. 3. Signage will be lit by gooseneck lighting, no electric signage. 4. Business operates seasonally approx. April – Sept.

Dorianne Almann made a motion to adopt the Finding of Facts, seconded by Todd Page, 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: signs of similar size have been approved at this location in the Roadside Commercial District, and sign size will help support their business.

2. The granting of this variance would be of benefit to the public interest because: adequate signage will point the public to their business.

3. Since:

a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: the unusual layout of the building and sign requirements of the land lord are a determining factor.

b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: location and shape of the building and also traffic patterns are what they are.

4. By granting this variance substantial justice would be done because: it is the only way to adequately sign the property.

5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: it is the only way to adequately sign the property.

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

Dorianne Almann made a motion to grant the variance seconded by Mike McGrath, motion passed.

Board Business:

Board requested that applications be sent to them prior to meeting for review, CDC Kathryn Lynch will send all information that can be copied to all Board Members when she receives in the office.

7:30 pm Todd Page 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