

Zoning Board of Adjustment meeting minutes for April 13, 2011

Present: Chair John Smith, Louie Major, Bernard Rideout, Dorianne Almann, and CDC Kathryn Lynch. Todd Page excused. 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. Lewis Major 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 Bernie Rideout. Chair John Smith repeated the motion and called for a vote, motion passed unanimously.

Chair John Smith read the Public Hearing Notice for an Area Variance Article VII Section 5, submitted by Cheshire Oil/T-Bird, Jay Frazier representing. Chair John Smith read the application submitted by Cheshire Oil case number 12411, tax map 28 lot 5, 849 Brattleboro Road in the Roadside Commercial District.

Chair John Smith asked the applicant to approach the Board and present their case.

Jay Frazier, representing Cheshire Oil/T-Bird, explained the new signage. New logo to tie in with all Citgo Gas Stations. This new signage only affects the new canopy, building and price sign will not be adjusted. The word "Citgo" will be illuminated in addition to the trimark. JSP out of Westfield, Ma is doing the construction. The sign with the Citgo wording will be 10' x 2' x 4" Citgo and the Trimark is 4' x 8'. The canopy is enlarging toward A1 Pizza not toward the road so it does not affect the State ROW. The gas station will have eight fueling stations instead of the current four. . Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing three.

1. Citgo approached the ZBA to ask for a Variance to allow the increase in signage, size and style.
2. Cheshire Oil would like to enlarge the canopy toward A1 Pizza not he road.
3. Cheshire Oil would like to add two more gas pumps making eight fueling stations.

Lewis Major 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: signs of similar size have been approved 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: the signs will be updated, new and will draw people to town.
3. Since:
 - a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: addition of 4 fueling stations is more convenient for the public.

b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: certain standards that Citgo require have to be adhered to if sign is allowed.

4. By granting this variance substantial justice would be done because: most businesses in area have additional signage to compete.

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 certain to help support business in the Roadside Commercial District.

Lewis Major made a motion to approve the Statement of Reasons, motion passed.

Lewis Major made a motion to grant the variance seconded by Bernie Rideout, motion passed.

7:15 pm Chair John Smith read the Public Hearing Notice for an Area Variance Article VII Section 5, submitted by Michael Smith. Chair John Smith read the application submitted by Michael Smith case number 0411 A, tax map 28 lot 5, 987 Brattleboro Road in the Roadside Commercial District. Chair John Smith explained to the applicant that the full Board was not present asked if the applicant would like to continue without a full Board, (yes).

Chair John Smith asked the applicant to approach the Board and present their case.

Michael Smith explained that he had originally got a permit for two one sided ground signs and at a later time he received a permit for the building sign. Signs were permitted to Mr. Smith by the Building Inspector in error. Mr. Smith's ground signs are one sided, he explained this is to help the travelers with reaction time as they drive by at 50 mph. Mr. Smith explained that he feels that the State should look into lowering the speed limit in this area because of the additional businesses in the area. Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing one. 1. The variance if approved is for signage that exists because of interpretation error.

Dorianne Almann made a motion to adopt the Finding of Facts, seconded by Lewis Major, 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: surrounding properties have additional signage in the Roadside Commercial District.

2. The granting of this variance would be of benefit to the public interest because: the signs allow better visibility for the traveling public.

3. Since:

a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: 50 mph speed limit makes it necessary for more signage for safety purposes.

b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: signs already exist because of an interpretation error and have not caused any dismay.

4. By granting this variance substantial justice would be done because: it would create a great financial burden to remove the signs.

5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: the signs exist in the Roadside Commercial District and the variance would keep in the nature of the area.

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

Lewis Major made a motion to approve the variance, seconded by Bernie Rideout, motion passed.

Lewis Major made a motion to approve the minutes from 2/8/11, seconded by Dorianne Almann, motion passed.

Lewis Major made a motion to accept Angela Schill's letter of resignation with regret and thanks, seconded by Dorianne Almann, motion passed. CD Kathryn Lynch was asked to write a letter to Mrs. Schill thanking her for her years of service.

Lewis Major made a motion to request the Board of Selectmen to appoint Bernie Rideout to the ZBA in a vacant position to be held until March of 2013, seconded by Dorianne Almann, motion passed.

8:15pm 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