

May 10, 2016

Present: Chair John Smith, Lewis Major, James MacDonell, Jim Waters, Alternate Kenneth Howe and CDC Kathryn Lynch. Vice-Chair Todd Page was excused. The applicant and two members of the public were present.

7:00 pm Chair Smith called the meeting to order and read the agenda for the continued Application for Administrative Appeal submitted by Rymes Propane & Oil. The applicant seeks a variance from Article VII, Section 4 Use Regulations Requirements of the Zoning Ordinance, case #0416D. James MacDonell made a motion to go into non-meeting for legal consultation per RSA 91-A:2, (b). He was seconded by Lewis Major. The motion passed unanimously.

7:10 pm The Board reconvened. Chair John Smith reminded the audience that the public portion of the meeting was still open. He explained that the Board will incorporate by reference into the record of this case the previous meeting minutes and testimony so that statements would not need to be repeated. CDC Kathryn Lynch brought forth an email from Tim Halliday dated 4-13-16, "Hi Catherine, This is to let you know that 202 Truck & Equipment and or Tim Halliday has no employees working on his property on Route 119. Nor have we had anybody out there in some time. Please let me know if you need anything else. Thanks Tim". Also an email dated 4-13-16, "No one has contacted us to park vehicles on the property".

Hearing no further questions or comments Chair Smith closed the public portion of the hearing and asked for comments from the Board.

James MacDonell explained that in the photos presented by the applicant show that the sign is strapped to the flatbed of the truck and that its only purpose is for advertising, it's a prohibited sign. Mr. MacDonell also explained that he drives Rt.10 in Northfield often and sees this same truck parked, not by the home but all the way at the end of a driveway. Jim Waters explained that he agrees with Mr. MacDonell and feels this violates the spirit of the ordinance.

Mr. MacDonell made a motion to uphold the Administrative Decision because this sign is mounted on a vehicle and is also an off premise sign, both types of signs are prohibited. He was seconded by Lewis Major. The Board discussed the motion. Chair John Smith stated that the pictures submitted were of trucks with lettering on them, which are permitted. Signage such as what the applicant had, a plywood sign strapped to the bed of a truck advertising gas or oil is prohibited. Secondly it is an off-premise sign.

The Board worked on the Finding of Facts. Jim Waters explained that the vehicle has a prohibited sign. The motor vehicle was parked in a manner to be used as a fixed display. The vehicle has been seen in the same location a number of times. It is also an off-premise sign because there is no use for the truck at this location. Kenneth Howe explained that the vehicle is parked on private property without the permission of the owner. James MacDonell explained that a pattern has been noticed in Hinsdale from this vehicle and that the truck has also been seen on Rt. 10 in Northfield not parked next to the home but parked at the end of the driveway for advertising purposes. He has also seen this vehicle in Brattleboro.

Mr. Major made a motion to adopt the Finding of Facts. He was seconded by Mr. MacDonell. The motion passed unanimously.

The motion was made and seconded previously to uphold the Administrative Decision. The motion passed unanimously to uphold the Administrative Decision.

Mr. Waters made a motion to approve the minutes dated April 12, 2016 with the change of the word sidewalk to crosswalk. He was seconded by Mr. MacDonell. The motion passed unanimously.

Mr. Major made the motion to adjourn. He was seconded by Mr. MacDonell, and the motion passed unanimously. The meeting ended at 7:30 pm.

Respectfully submitted,

Kathryn Lynch