

SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
June 6, 2018

MEMBERS PRESENT: Matt Keiser Acting Chairman, Donald Routhier, Coty Donohue, Sean Kinneavy, Richard Brooks

MEMBERS ABSENT:

STAFF PRESENT: Shanna Saunders, Director of Planning and Community Development and Christien DuBois, Assessing/Code Clerk

The meeting was called to order at 7:00pm.

1) **APPROVAL OF THE MINUTES OF THE MEETING OF April 4, 2018.**

Motion: Brooks moved to approve the amended minutes of the April 4, 2018.

Seconded by Donohue

Motion passed 3-0-1 with Routhier abstaining.

2) **OLD BUSINESS**

There was none.

3) **NEW BUSINESS**

A) **John J. Flatley is requesting a twelve month extension of the approved variance to allow a new residential use on street level for property located on Tri City Road, in the Business (B) District, Assessor's Map 30, Lot 02 ZBA #23-2013.**

Saunders stated that there had previously been a 6 month extension to this variance in addition to a one year extension for this applicant.

Routhier asked if Flatley Company has an application before the Planning Board.

Saunders stated that the application had been approved with conditions and they are asking for an extension in order to have additional time to start the project.

Routhier asked if they are building additional structures.

Saunders stated they were building 3 new buildings.

Brooks asked this variance had a deadline to be acted upon.

Saunders stated that any variance must be acted on within two years or else it expires and the timeline to act on the variance had been reached.

Brooks asked if this provision existed with all variances.

Saunders answered yes.

Routhier asked if their request is denied tonight, what that means for the applicant.

Saunders stated that a new variance application would have to be submitted and the criteria would have to be proven again and the Planning Board approval would have to be amended.

Fredette asked how many residential units the applicant is putting in.

Saunders answered 144.

Fredette asked about traffic implications and whether traffic patterns would be changing.

Saunders stated there was a traffic report in the Planning File.

Kevin Walker with John Flatley Company stated that the project the company started that provoked them to request the extension is on track to be completed and asked for a 9 month extension to have the extension in synch with the Planning Board. The applicant provided a history of the project stating that having the retail on the first floor is not compatible with the location of the apartments as they are set back from the road.

Fredette asked what is different now that would cause the Board to approve an extension.

Walker stated that the Planning Board asked the applicant to apply for a 1 year extension. Walker stated that nothing has changed with the project and the project is moving forward at the timeline the Company anticipated.

Brooks stated he was of the opinion the Board extend the variance by 9 months.

Brooks moved the request be granted for an additional 9 months to end March of 2019.

The motion was seconded by Routhier.

The motion to extend the variance until March of 2019 passed 5-0.

B) The First Parish United Church of Christ is seeking a variance from Section 20.D.1.d of the Zoning Ordinance for a freestanding sign that exceeds allowable area on property located at 176 West High Street, in the Residential Single Family (R1) District, Assessor's Map 48, Lot 01, ZBA #06 2018-PUBLIC HEARING.

Keiser opened the public hearing at 7:15pm.

Saunders stated that the applicant is asking for an additional freestanding sign square footage that includes the free standing sign and the wall sign.

Jeff Day of First Parish Church stated that the Church is looking to change a hanging sign on the property to a freestanding sign. Day stated that there is a pole that the Church hangs signs on. The church is looking to change that to a permanent sign. An

additional pole would be placed in the ground to mount the sign permanently. One of the signs would be removed and re-usable lettering would be used.

Routhier clarified that the sign with the church name would not be changed and the only sign changing would be to remove temporary signs to place a permanent sign with letters that could be changed depending on the occasion.

Day stated that was correct.

Routhier asked what the square footage the signs would be.

Saunders stated that the “Do unto others sign” was turning into the spaghetti supper sign. She continued that 27.21 square feet is being proposed. Currently they have 19.94 square feet of signage and they are increasing to 27.21 square feet in total.

Day stated that the challenge the church is facing is they try to share information on the signs and the reason they are asking for more space because the lettering is too small and the additional space would allow them to have larger letters.

Routhier asked if the applicant is an attorney.

Day stated that he was not.

Routhier asked if he is a representative of the Church.

Day stated he was.

Routhier asked if the applicant would need a sign permit.

Saunders stated the church would, because it's considered a permanent sign by the City. There are some allowances for temporary signs but the church's sign did not meet the criteria for that.

Day stated that the Church is looking to make the sign legal.

Kinneavy asked which sign is increasing.

Day stated that the hanging sign with lettering is being enlarged.

Fredette asked about the orange sign on the day of events would be included.

Day stated that it would. Day continued that including too much on one sign would cause the message to hang too low and could be obscured in storms.

Fredette stated that this is a large amount of signage for a residential area.

Keiser closed the public hearing at 7:28pm.

Brooks stated that he did not see the obvious need for a variance.

Routhier stated that he agreed with Brooks. However, with the previous application, he believes a precedent has been set. In light of the fact that another application had been granted for another Church he believes the Board has to be consistent.

Fredette stated he believed more continuity should be included.

Keiser stated that the Board is making the decision based on the 5 criteria. Keiser believed that property values would not be impacted.

Keiser stated that he believed that the application is not contrary to the public interest.

Keiser stated he does not see the hardship criteria being met. Keiser stated that there is nothing unique about the property that creates a hardship for the applicant.

Keiser stated he believed that substantial justice would be done. Keiser stated that he believed that the proposal is not contrary to the spirit of the ordinance. Keiser stated that he is on the fence about whether a larger sign would affect the characteristics of the neighborhood but would not deny the variance based on criteria 5 in this instance.

Routhier stated that there is nothing different about the criteria on this case is no different than the previous application. Routhier continued that there are no facts in this case that are different from the previous application which had been approved.

Keiser stated that he disagrees with Routhier. The other church was on a 5 point intersection. It was to be used for emergency evacuations for the schools and in his mind there other distinctions between the properties.

Routhier stated that this applicant's property is host to the community soup kitchen for and the uniqueness of the property could be argued.

Fredette asked if the road frontage is different than the previous application. Fredette also asked how visible the property is from the road.

Kinneavy stated that the property is also unique because the Church is more socially liberal than other Church's.

Routhier stated that the sign that was previously approved is more hazardous than what is being proposed here.

Fredette asked if a mistake was made at the last meeting, is the Board doing better by making another mistake. Fredette asked if it is possible for the Council to make an exception or to amend the ordinance to allow for a larger signs for Church's in general.

Saunders stated that the Board has to make a decision on this application first.

Routhier stated he believed this was a good point but because another variance had been granted, it would be discriminatory to deny this variance and there is a moral obligation to approve this variance when the requests are the same.

Brooks stated that he agreed with Routhier that it would be discriminatory.

Donohue agreed it would also be discriminatory, however he voted based on the criteria. However the case that has been presented tonight has not been made as strongly. The previous application had far more evidence. Donohue continued that the use of the sign is different. Donohue stated that the use of the sign does not weigh too much to the criteria. He stated he believes that it meets the criteria.

Saunders stated that the Board cannot vote on the content of the sign. The Board must make the decision based on the criteria.

Routhier moved that based on the 5 criteria being met the application be granted.

Seconded by Donohue,

The motion carried 4-1.

C) Election of Officers.

Keiser asked if everyone would agree to have election of officers at the next meeting.

Donohue asked how many officer positions there are.

Keiser stated that there is a Chair and Vice Chair.

Donohue stated he could have the election tonight or next meeting.

Fredette stated he was comfortable doing it tonight.

Keiser asked if the alternate member votes.

Saunders stated only full members vote.

Routhier nominated Matthew Keiser be Chairman.

The nomination was seconded by Brooks.

The nomination of Matthew Keiser as Chairman passed 5-0.

Brooks nominated Donald Routhier be Vice-Chairman of the Board.

The nomination was seconded by Donohue.

Motion carried 5-0.

D) Any other new business that may come before the Board.

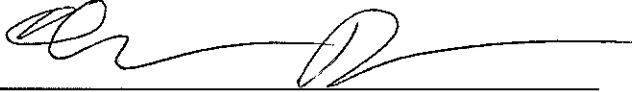
Keiser stated the July meeting is currently set for July 5th. Keiser stated he was looking to move the meeting to July 11th.

Motion: Brooks motioned to adjourn the meeting.

The motion to adjourn was seconded by Donohue.

The motion passed 5-0 and the meeting adjourned at 7:47pm.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Christien DuBois', written over a horizontal line.

Christien DuBois Assessing/Code Clerk
Somersworth Zoning Board of Adjustment