

**TOWN OF ALTON – ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING MINUTES  
January 2, 2020**

**APPROVED**

**Members Present**

Frank Rich, Vice-Chair  
Tim Morgan, Member  
Paul LaRochelle, Selectman’s Representative/clerk  
Thomas Lee, Member

**Others Present**

John Dever, III, Code Enforcement Officer  
Peter March, owner, NH Signs  
Don Booth, owner, NH Signs

**CALL TO ORDER**

Frank Rich, Vice Chair, called the meeting to order at 6:05pm.

**APPOINTMENT OF ALTERNATES**

Mr. Rich stated no appointment of a member is necessary as there is a quorum of four members present.

**STATEMENT OF THE APPEAL PROCESS**

The purpose of this hearing is to allow anyone concerned with an Appeal to the Zoning Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds, which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal, but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a Variance, the Board must determine facts bearing upon the five criteria as set forth in the State’s Statutes. For a Special Exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance have been or will be met.

**APPROVAL OF AGENDA**

Mr. Morgan noted changes to the agenda: Case Z19-24 was withdrawn; Cases Z19-25 and Case Z19-26 have been continued at the request of the Board of Selectmen. Mr. Dever explained the Board of Selectmen want an opportunity to go back and discuss the condition of the road but have not been able to do so.

**Mr. Morgan made a motion to accept the agenda as amended. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.**

**NEW APPLICATIONS**

<b>Case #Z20-01 NH Signs, Applicants/Agents for Stafford &amp; Sons INC., Owners</b>	<b>10 Main Street Map 27, Lot 57</b>	<b>Variance Residential Commercial (RC) Zone</b>
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A Special Exception is requested from **Article 340 Section C.** of the Zoning Ordinance to permit a sign larger than currently allowed.

Mr. Rich read the case into the record. The Board reviewed the application for completeness.

**Mr. Morgan made a motion to accept the application as complete. Mr. LaRoche seconded the motion. Motion passed, 4-0-0.**

Peter March, owner, NH Signs of Auburn, NH, presented an amended size chart for review by the Board. Mr. March stated this request is in regards to the Citgo Gas Station located at 10 Main Street which is zoned RC and noted he was made aware that the pizza sign was not included in the size of the sign which is the reason for the amended size chart. He stated the current sign is 110 square feet, not including the pizza sign, and pictures were presented for review. Mr. March stated they are requesting a variance to add another digit which will increase the sign to 126 square feet, not 144 square feet as shown on the original application. Mr. March noted the code allows for a sign 16' high and 24 square feet in size which makes the sign already nonconforming and explained the process for modification, suggesting it is protected under the NH State code section 674:19 and stated he was advised to seek a variance and consultation with Mr. Dever. Mr. March explained the LED units are designed to display fuel prices only, with only digits and no characters or images; no flashing or changing numbers. He stated these signs make it easier for the public to read gasoline prices and improves traffic safety and can be changed from inside the building so it is also safer for employees when changing the prices. Mr. March explained some gas stations offer cash discount pricing and these signs are helpful in advertising this. The additional digit being requested to be added, will allow for the sign to include this rate. Mr. March stated this would not be contrary to the public interest as it helps the station make gasoline more affordable to the general public; the proposed use will help provide adequate business identification and advertising and improve the information available to the public; it would not significantly alter the neighborhood and the model has proved effective in reducing the risk and promoting the brand for the business. He confirmed the height of the sign would not increase and there is not a lot of additional visual impact with what they want to do. Mr. March stated that allowing the business owner to advertise similarly to other area businesses does substantial justice for the business owner. He stated many national gasoline companies advertise this way so it would be equitable to the owner. He stated signage is more important to gas stations than other businesses as it's a price driven model and stated the proposed use will not diminish the value of surrounding properties as the sign proposed is very similar to the current sign and it won't change the character of the neighborhood, with no evidence to indicate the values of surrounding properties would be reduced. Mr. March stated the non-conforming, existing sign, has become part of the landscape and adding to the existing sign would be an economical approach.

Mr. Rich opened the hearing to public input in support of the proposal. None was indicated. He then opened the hearing to public input in opposition of the proposal. None was indicated. Mr. Rich closed the hearing to public input.

Mr. Rich asked if the original sign has any digital display. Mr. March replied that it does currently have digital digits and the request is to add an additional digit. Mr. Lee asked if the current sign is LED. Mr. March replied the digits are currently LED and he expects to change the whole sign to LED. Mr. Rich asked if this would be more illuminating when entirely LED. Mr. March replied LEDs are not designed to be more lighting than the original fluorescents. Mr. LaRochelle confirmed there will be no tracing, or blinking and is changeable from inside the building and clarified the additional digit will be the third line down. Mr. March replied that is correct; he stated the benefit of LED illumination is that it cuts energy use by 80%.

***Discussion***

Mr. Lee stated the variance **will not** be contrary to the public interest. Mr. Lee stated the case was presented well in detail and answered all the questions of the Board. He stated everything is being done to maintain an already nonconforming sign. The Board concurred.

Mr. Morgan stated the request **is** in harmony with the spirit of the ordinance and the intent of the Master Plan to maintain the health, safety and character of the direct district within which it is proposed. Mr. Morgan stated the spirit of the ordinance is to reduce clutter and distraction with overly large signs and this sign is appropriate considering the type of business and location. Mr. Rich stated that in terms of it being changed from inside, the safety aspect of this particular sign becomes more prevalent and occupational hazards are reduced. The Board concurred.

Mr. Rich stated that by granting the variance, substantial justice **will be** done and there has been no indication that justice will not be served. He stated gas stations are highly competitive and fuel prices change on a regular basis and this will inform the public and help the community know the pricing at the time. Mr. Morgan stated the benefit to the application outweighs any detriment to community as a whole. The Board concurred.

Mr. LaRochelle stated the values of surrounding properties **will not** be diminished. He stated there is no factual evidence or opposition from anyone to indicate that any property values would be affected in any way. The Board concurred.

Mr. Lee stated that for the purposes of this subparagraph, *“unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:*

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;*
- ii. The proposed use is a reasonable one.*

Mr. Rich noted the applicant has been reasonable in his attempts to mitigate the nonconforming use. The Board concurred.

**Mr. Morgan made a motion to approve the application for Case Z20-01. Mr. LaRochelle seconded the motion. Motion passed, 4-0-0.**

**OTHER BUSINESS**

**Previous Business:**

**a. Update on Proposed Zoning Amendments for 2019-2020**

Mr. Dever stated they have taken the proposed changes to the Planning Board and one item they agreed to hold for next year and there were some language changes, which will be reviewed at the next Planning Board. The amendments will then be forwarded to the warrant. It was noted the Forestry and Outdoor Recreation amendment was held for next year. Mr. Dever noted the changes were minor but the Planning Board felt others were more pertinent.

Mr. Dever stated the Zoning Board of Adjustment, by statute, functions as the Building Code Board of Appeals and explained that he works to avoid getting to the point where an applicant wants to appeal the Building Inspector's ruling. He also explained it would not be the function of the Board to waive building codes as well as the process they would follow in that event. There was further discussion of the purpose and process of the Board in conjunction with the Building Inspector.

**APPROVAL OF MINUTES**

Meeting of December 5, 2019 – The minutes were reviewed and no edits were made.

**Mr. LaRochelle made a motion to approve the minutes of the December 5, 2019 meeting as presented. Mr. Morgan seconded the motion. Motion passed, 4-0-0.**

**ADJOURN**

**Mr. Morgan made a motion to adjourn. Mr. Lee seconded the motion. Motion passed, 4-0-0.**

The meeting was adjourned at 6:47pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary