

**City of Keene
New Hampshire**

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

Monday, April 1, 2019

6:30 PM

Council Chambers

Members Present:

Joshua Gorman, Chair
Jane Taylor, Vice Chair
Joseph Hoppock
Joshua Greenwald
Michael Welsh
Michael Remy, Alternate

Staff Present:

John Rogers, Zoning Administrator

Members Not Present:

Louise Zerba, Alternate

I. Introduction of Board Members

Chair Gorman called the meeting to order at 6:30 PM, introduced members of the Board and explained the rules of procedure.

II. Minutes of the Previous Meeting-March 4, 2019

Mr. Welch made a motion to accept the minutes of March 4, 2019. The motion was seconded by Mr. Hoppock, which carried unanimously.

III. Unfinished Business

None

IV. Hearings

ZBA 19-05:/ Petitioner, First Sign & Corporate Image Inc. of 107 Hollis St., Manchester, representing Brady Sullivan Keene Properties, LLC of 670 North Commercial St., Manchester, requests a Variance for property located at 210222 West St., Keene, Tax Map Parcel #576-009-000-000, which is in the Commerce District. The Petitioner requests to permit a third freestanding sign on the lot where only two are allowed per Section 102-1311, 2A of the Zoning Ordinance.

Chair Gorman recognized John Rogers, the Zoning Administrator for the City of Keene. Mr. Rogers began his presentation by noting the use of the large room monitors in order to help the Board to see sharper images. He asked the Board to give their feedback at the end of the meeting.

Mr. Rogers then referred to ZBA 19-05 noting the property is located in the Commerce District. He explained the section of the Zoning Code the applicant is seeking a Variance for has different signage requirements that need to be met. Mr. Rogers reported that under free standing signs, which the applicant is requesting a Variance, Section 102-1311, (2) A states there is only one free standing sign permitted per frontage. In addition, he stated that at no time shall there be more than two free standings signs per lot. Mr. Rogers noted the applicant currently has two free standing signs. Mr. Rogers reported one sign is located on the frontage of the corner of West Street and Island Street and the other sign is located along the West Street and Gilbo Avenue corner.

Mr. Rogers referred to a site plan indicating the location of the Colony Mill, West Street, Island Street and Gilbo Avenue. He noted on the displayed maps, the location of one of the signs that sits up in the corner of West Street and Gilbo Avenue is not there due to construction. The Petitioner has applied to replace this sign. In addition, the Petitioner is asking for a third sign where Ye Goodie Shoppe was located. The requested sign will be for the NBT bank who will move into that space once the renovations are complete.

Mr. Rogers then displayed a map showing the overall piece of the property. He explained the property has frontage on three different streets. Mr. Rogers displayed a picture of the sign located on the corner of West Street and Gilbo Avenue that has been removed due to construction. The next image he displayed was the frontage along West Street. The last image Mr. Rogers displayed showed the existing sign located along West Street and Island Street. Mr. Rogers reported the Petitioner does have a sign permit to replace and update this sign.

Vice Chair Taylor stated that she noticed there is a freestanding sign on the Gilbo Avenue side at the entrance to the parking lot. She asked if this qualified as a freestanding sign. Mr. Rogers responded that he would have to verify this with the applicant. He stated that his understanding is there is a directional sign located at the entrance to the Colony Mill. Mr. Rogers explained there is an exemption for directional signs under a certain size that does not require permits and the City would not attribute that as a freestanding sign under the Sign Code. Vice Chair Taylor stated that it appears that sign is still an existing Colony Mill sign. She asked if staff has checked to make sure that qualifies by size as a directional sign as opposed to a free standing sign. Mr. Rogers responded not at this point. He explained if the Board was to grant the Variance prior to the issuance of a permit for the third sign, staff would verify that it meets the correct signage and is not a freestanding sign. Vice Chair Taylor asked if the Petitioner would need to get another permit to update the sign to the new development. Mr. Rogers responded that if the sign was considered a directional sign it would not need a permit.

Chair Gorman recognized Scott Alberton of 107 Hollis Street, Manchester. Mr. Alberton stated that he would give a brief synopsis of what they are trying to accomplish and then address the criteria. He referred to Vice Chair Taylor's question about directional signs. Mr. Alberton stated

that his belief is those signs are in excess of the square footage allowed for directional signage and are scheduled to be removed. He stated there will be a sign at each one of the entrances, be within the square footage and will become conforming directional signs.

Mr. Alberton explained what necessitated this application is the former Ye Goodie Shoppe building is going to be used as NBT Bank. He noted they have secured a permit to put a sign on the corner for the bank. The second sign they are requesting is on the corner of West Street and Island Street. He explained the purpose for this sign is the change of use of the property and also the need for people to be aware the Colony Mill is now a residence use. Mr. Alberton stated the signage they have designed is specifically to give people the idea of the quality of the residences and is also in keeping it historical. He noted that National Parks had to give it historic approval that it would look like what they would envision it to be in front of the building. In addition, he noted National Parks has given their blessing on all of the signs. Mr. Alberton stated the sign they are going with is a carved sign with gold leaf lettering on granite posts. Mr. Alberton stated that it is pretty straight forward from that perspective. In addition, he stated they also look at it as a safety issue as far as people being able to identify the entrances. He stated they are hoping to be able to catch people at the intersections and give them plenty of time to get into the right lanes in order for drivers to make the correct turns into the complex.

Mr. Alberton stated they are going from five permitted ground signs down to three ground signs. Vice Chair Taylor asked Mr. Alberton to indicate the anticipated location of the signs. Mr. Alberton responded there is a foundation in place as of today for a pad where the NBT sign will be installed. He explained this is necessitated by the fact that the front of the NBT Bank will be facing the courtyard and is also where their awning is located. Mr. Alberton indicated the location of the second sign on the corner of building. He then indicated where the third existing sign that is located on the Island Street entrance. Chair Gorman stated that Mr. Alberton stated there are five signs. Mr. Alberton responded that he included the two directional signs in the count.

Mr. Greenwald stated the application requests an illuminated sign. Mr. Alberton responded that was incorrect. He explained the NBT Bank sign was scheduled to be an illuminated sign and was approved by the City. However, the National Parks said denied that request. Mr. Alberton explained that instead the sign will have a hood covering the sign with LED lighting coming down on the sign.

Chair Gorman asked if National Parks approved the bank sign. Mr. Alberton responded in the affirmative.

Vice Chair Taylor referred to the plan in the Zoning Board of Adjustment's packet and noted there is a rectangle and oval highlighted on the plan. She asked what these represent. Mr. Alberton responded the oval is addressing the carved gold leaf signs that are going on the building and the rectangle represents where the ATM will be installed.

Mr. Remy stated that Mr. Alberton mentioned signs were going to be on opposing ends of the property. He noted that it looks like based on the pictures presented that two of the signs are 10 feet apart from each other. Mr. Alberton explained that it is actually much more than 10 feet and there is more like a 30-foot space in between the signs. In addition, he stated they brought the

NBT sign as far as they could towards the bank so the signs are not right next to one another. Mr. Alberton noted the NBT sign was a low sign and the other sign is on granite posts. Mr. Remy asked if there was consideration of consolidating the signs into one. Mr. Alberton responded there was consideration but it was deemed not to be a good use. In addition, he stated that it would not be good visibility for NBT bank. He explained the bank needs as much visibility as possible due to the orientation of the building. Mr. Alberton reported they were granted one small carved sign on one side of the building and one on the other side of the building. Mr. Remy stated that he was comparing it to the consistency to the buildings across the street multi-building sign. Mr. Alberton explained where one building will be a bank and the other residential, they wanted to make it look residential and not commercial.

Mr. Welch asked if all locations and dimensions of the signs are in conformance with setbacks and height. Mr. Alberton responded they are with size. He explained the location of the sign on West Street is grandfather and is replacing an existing sign. Mr. Alberton explained the NBT sign had to conform so that it is 10 feet back from the property line.

Chair Gorman asked Mr. Alberton if he wished to review the criteria.

Mr. Alberton then reviewed the criteria.

Granting the variance would not be contrary to the public interest.

Mr. Alberton stated the proposed sign is not in close proximity to any other sign and is at opposing ends of the property. He stated they are seeking to replace an existing sign. In addition, Mr. Alberton stated the ability for vehicular traffic to quickly locate the access to a property is seen as a safety issue.

If the variance were granted, the spirit of the ordinance would be observed.

Mr. Alberton stated the Variance process is in place to allow for deviations from the ordinance in cases where the property has extenuating conditions. He stated in this case, the property is very large with various entrances.

Granting the variance would do substantial justice.

Mr. Alberton stated granting the Variance would allow the property to be identified at each of its possible entrances. He stated change of use of the property would be clarified through the use of this property identification sign.

If the variance were granted, the values of the surrounding properties would not be diminished.

Mr. Alberton stated there would be no negative impact aesthetically and they are replacing an existing sign with one of similar construction and size.

Unnecessary hardship

A. Owing to special conditions of the property that distinguish it from other

properties in the area, denial of the variance would result in unnecessary hardship because:

1. 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.

Mr. Alberton stated the necessity of the sign is a result of another freestanding building on the same parcel, requiring a business identification sign, making it necessary for an independent sign.

ii. The proposed use is a reasonable one because:

Mr. Alberton stated of the size and scope of the property, the signs are not oversized, crowded or offensive.

With no further comment, Chair Gorman welcomed public comment.

With no comment, Chair Gorman closed the public hearing.

The Board addressed the criteria.

Mr. Hoppock stated that he did not see any indication from the presentation or the information in the packet that would lead him to conclude the proposal will alter the essential character of the neighborhood or present a threat to public health or safety by virtue of the extra sign. He stated that he does not see any concern in granting the Variance being not contrary to public interest. In addition, he stated that if the Variance were granted the spirit of the Ordinance would be observed. Mr. Hoppock stated the loss to the individual would be an inability for the bank to have this sign where it wants it to be placed. He also does not see any gain to the public that would justify denying the Variance. In addition, Mr. Hoppock stated that he does not see any diminishing in surrounding property values.

Mr. Hoppock stated by looking at the purpose of the Ordinance, which he thinks is to prevent visual clutter and manage safety of signs so that people are not inundated with too much information too fast while driving down the road, he does not see how that overall purpose is at all impaired by this specific application of that Ordinance to this property. Mr. Hoppock stated that he concludes there is no fair or substantial relationship existing between the general public purpose of the provision and the specific application to this property. He stated he would support the application for these reasons.

Vice Chair Taylor stated that she would generally agree with Mr. Hoppock's statements. She referred to the unnecessary hardship that to her way of thinking, there still has to be some sort of special condition of a property in order to justify it. In addition, she noted there are three road frontages and this is a large piece of property. Vice Chair Taylor stated that it seems it is a special condition that there are three very large road frontages but the Ordinance only permits two signs. She stated in this case it does create a hardship.

Chair Gorman added the building is enormous in terms of what Keene typically has and that would owe to a hardship. Mr. Greenwald asked if the Board could amend how many signs per square feet. Mr. Greenwald noted the Ye Goodie Shoppe had one sign on the building. He stated that he is pleased where the Petitioner is looking to place the NBT sign as opposed to the sign placed on the beautiful building. He stated that he does agree there is a hardship. Mr. Greenwald stated that he did not originally like the internally illuminated sign because it seemed to be aesthetically unpleasing to the eye. He explained that with the Petitioner correcting the submitted sign illustration to that of a roof overhead illumination, Mr. Greenwald stated this will be a lot more pleasing sign. Mr. Greenwald stated that he agrees with Mr. Hoppock and does not think there is anything contrary to the public interest. In addition, he stated it is good to have visibility so people are aware this is a bank and the setback far enough back from any blockage of visibility on the turn.

Mr. Hoppock stated that adding to the unique characteristics of the property in addition to the road frontage, are the various entrances and multiple uses. He stated that he finds the multiple uses compelling as well as its large size. He stated that he sees no problem in finding the property is unique in all the regards mentioned. Mr. Hoppock pointed out that the Board should not be adding to the application without a request and should focus on what is asked.

Vice Chair Taylor asked if there is a sign permit application for a bank sign to go on their building as well as a sign on the street. Mr. Rogers responded that he would need to check the records. He explained it would be common practice to allow parallel signage as well as the freestanding sign and multiple parallel signage per the Sign Code. Vice Chair Taylor asked if adding a sign on the building is still in compliance. Mr. Rogers responded in the affirmative. He explained that under the types of signs that are regulated in the Commerce District, are parallel signs, freestanding signs and other signs that are based on different criteria.

Mr. Greenwald asked if there could be an additional illuminated sign on the building that looks the same. Mr. Hoppock asked if the signage on the building has to be restricted to the side of the building facing the main frontage. Mr. Rogers responded the sign allows for primary frontage signage, secondary frontage signage and parking lot frontage signage. He explained that primary is based on larger square footage per frontage, the secondary frontage signage is based on a smaller amount and the parking is based on an even smaller amount of square footage. Mr. Rogers stated that would be up to the applicant to dictate to them which is their primary side of the building they would want signage and secondary frontage signage. He noted the parking lot frontage would be obvious. Mr. Rogers stated there are three parallel different types of parallel that are allowed.

Chair Gorman asked Mr. Rogers to address Mr. Greenwald's question about the further possibility of having those be illuminated signs. Mr. Greenwald noted that his question may be a Planning Board topic. Chair Gorman stated that it may weigh on the Board's decision whether or not allow another sign if sign pollution becomes a concern.

Mr. Rogers read Section 102-1292 (10) from the Zoning Ordinance as follows, "*Internally illuminated signs are prohibited in every zoning district of the city, except in the central*

business, central business limited district, commerce district, commerce limited district, industrial district, industrial park district, industrial park limited district, corporate park, and regional health care district". Mr. Remy asked if based on this information if this would limit hardship. Chair Gorman responded it would be something for the Board to consider with the possibility of three illuminated signs on a building. He stated that he would like to get more information from the applicant in terms of what they wish to do with the sides on the building.

Chair Gorman then reopened public hearing.

Mr. Alberton stated they are restricted by the size that is allowed on the side of the building. He stated this is 1 ½ square feet for each linear foot of frontage. Mr. Alberton stated they chose the Gilbo Avenue side to be the primary frontage and the parking lot side. He stated those signs are already permitted through the City as non-illuminated signs and will be carved gold leaf signs. He noted the signs will look like the signs on the building that has the date. In addition, he noted the signs are also restricted by Historic because of the historic tax credits. He added that was not to say when the lease is up someone can come in do something different and at that point there could be illuminated signs.

Mr. Hoppock asked if the Petitioner could agree with the restriction that thou shalt not have illuminated signs on or around the building. Mr. Alberton responded that he can only say that only as long as the signage is being dictated and governed by the National Parks the signs will never be illuminated. Chair Gorman asked if governance by the National Park is because of the tax credit or a result of the building being in the Historic District. Mr. Alberton explained if the building is considered a historic building and if the developer wants to get the tax credit for it to be handled as a historic building they have to comply with National Parks. Chair Gorman stated that in essence a future owner could have a different intention and not be bound by the National Parks. Mr. Alberton responded that once dictated as a national property that it goes with property but he could not say for sure.

Vice Chair Taylor asked how far away the bank sign will be from the building. Mr. Alberton responded approximately 25 feet.

Chair Gorman recognized Rob Pierson of 105 McClain Road, Alstead. Mr. Pierson stated the sign is 25-30 feet from the building. Mr. Alberton explained that one carved sign will be on one side building and one on the other side. He stated that one of the carved signs is two feet 20 inches by 8 feet. The other carved sign will be positioned right above the existing carved date sign. Mr. Greenwald asked Mr. Alberton to describe the gold leaf sign. Mr. Alberton responded that it was a black background with gold lettering.

With no further comment, Chair Gorman closed the public hearing.

Mr. Greenwald stated he liked what Mr. Alberton described by having the signs more filtered into the building making the sign more aesthetically pleasing. He stated that it does bring it back to being a hardship because they will not have booming indicators of a bank. Mr. Welch stated that he is convinced based on all of the discussion heard about the hardship. He is also convinced

by a point that Mr. Remy brought up in his discussion about the visual clutter angle. Mr. Welch asked if it would be possible to hang the bank sign under the property sign. He explained he is now convinced that would be inconsistent based on the two kinds of uses with the property and this is best that can be done based on the circumstances. Chair Gorman stated the tastefulness has been thought of with the gold leaf signs that are historically accurate. He stated there are concerns about the future of this property because it is a beacon for Keene. Chair Gorman noted that it seems like the Petitioner has done so.

Vice Chair Taylor stated that based on what has been heard the sign in the packets is not representative of what they expect to have. She noted that in the packet it states the sign being bright red and talks about being illuminated. Mr. Greenwald stated the bank sign will have the small roof with the illumination pointing down towards the sign. Chair Gorman stated the other signs will be gold leaf and this sign is a bright red bank sign. He noted the sign will not be illuminated and will not have a shroud to provide the lighting.

Mr. Hoppock made a motion to approve ZBA 19-05. The motion was seconded by Mr. Welch.

The Board reviewed the Findings of Fact.

Granting the variance would not be contrary to the public interest. Granted 5-0

If the variance were granted, the spirit of the ordinance would be observed. Granted 5-0

Granting the variance would do substantial justice. Granted 5-0

If the variance were granted, the values of the surrounding properties would not be diminished.
Granted 5-0

Unnecessary hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship. Granted 5-0

With a vote of 5-0, the Zoning Board of Adjustment approved ZBA 19-05.

V. New Business:

Mr. Rogers announced the Annual Spring Planning and Zoning Conference will be held on Saturday, June 1st at the Grappone Conference Center in Concord. Mr. Rogers encouraged the Board to register for the seminar with the staff. The fees for the seminar have been budgeted for and there is no cost for the members to attend the conference Mr. Rogers noted that previous Board members and staff have reported the seminar as beneficial.

Mr. Rogers asked the Board's feedback on the use of the monitors. The Board members responded they are in favor of the new set-up. Mr. Hoppock appreciated the code language posted in a large enough format for the ease of reading.

VI. Communication and Miscellaneous: None

VII. Non Public Session: None

VIII. Adjournment:

Hearing no further business, Chair Gorman adjourned the meeting at 7:08 PM.

Respectfully submitted by,
Jennifer Clark, Minute Taker