



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, May 17, 2016 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair John Samonas, George Baryames, Liz Cummings, Steve Gerrato, Leonard Schwab

Staff: Jim Marchese – Building Inspector

Chair Samonas opened the Board of Adjustment meeting at 7:00 p.m. and a roll call was taken. The Chair explained the procedures of the Zoning Board of Adjustment, stating that a quorum was present and the meeting was being recorded. Chair Samonas welcomed Leonard Schwab to the Board as well as the new Building Inspector/Code Enforcement Officer, Jim Marchese, to Town.

1. Reorganization of the Board

MOTION: *L. Cummings moved to appoint J. Samonas as Chairman of the Zoning Board of Adjustment. Second – S. Gerrato; four in favor, one abstain (J. Samonas). MOTION CARRIED*

MOTION: *Chair Samonas moved to appoint L. Cummings as Vice Chairman of the Zoning Board of Adjustment. Second – S. Gerrato; all in favor. MOTION CARRIED*

2. Request for a Variance: 11 March Farm Way [Map R21, 55 – Commercial Zone]

Owner: ThurKen IV, LLC

Applicant: Michael Buote – Smash Brothers Coffee LLP dba Aroma Joe's

The owner and applicant are proposing a 24 sq. ft. sign on a building that scales 19' facing Rt. 33. Greenland Zoning Ordinance: Article VI – Signs, Section 6.3, Subsection 6.3.8 allows 4.75 sq. ft.

Chair Samonas clarified with the Building Inspector that the allowable signage of 4.75 sq. ft. was based on a calculation of the building frontage on Rt. 33.

Michael Buote, Smash Brothers Coffee, addressed the Board, stating the sign will be slightly less than 24 sq. ft. Aroma Joe's is the standard Concord style building with a channel letter sign. A larger sign is necessary for visibility on a busy four lane road. The building itself is abnormally sized; the long side is not the frontage. There will not be signage on any other side of the building; the awnings above the windows will be plain blue, with no logo; directional signs will not have a logo. There will be a menu board with the Aroma Joe's logo, but it is not visible from Rt. 33, and not attached to the building. Other than a panel on the proposed pylon, there is no freestanding signage.

There was a discussion about the lighting of the flush-mounted sign. The plans call for black metal external goose-neck lighting; the letters will be fabricated from black aluminum and lit with LED bulbs. Chair Samonas noted the lighting description on the plan vs. what the applicant was telling the Board were not the same. After further review, it was confirmed that the sign will be internally lit. Chair

Samonas clarified that the sign will be internally LED lit, not neon, and without goose-neck lighting. There will be an LED “open” sign inside the front window. M. Boute told the Board that he is trying to follow Aroma Joe’s corporate set as closely as possible. They are a small building on a busy road, located between two larger buildings. The awnings will have a light behind them that will shine down on the windows.

Chair Samonas opened the hearing to public comments. Rich Landry, property owner, stated that the building is 19’ wide, which is unique. The use is busy, but small; a small sign would be confusing, and felt it was important that they have a larger sign. L. Cummings requested updated plans with the correct sign lighting noted. She did not want the plan going on the record as presented; Chair Samonas agreed the Board would not accept the plan.

There being no further comments, Chair Samonas closed the public hearing and returned to the Board for discussion. G. Baryames stated that his concern was signage: there would be signage on the road, and thought something else could be done on the building. He suggested something on the sides that would not be as large. His concern was the look and feel along Rt. 33, and mentioned downtown Portsmouth as an example of small, elegant signage. G. Baryames felt the corporate signage didn’t fit Greenland, and that adjustments could be made based on the town.

L. Cummings disagreed. The number of businesses on that lot was granted by the Planning Board. She continued that the look of the sign and wording was a freedom of speech issue; the ZBA had no control over that according to the US Supreme Court. If they have a corporate logo, the Board cannot require that to change. She didn’t see the request for a Variance as being outlandish; the Planning Board doesn’t see the Sign Ordinance as being an issue. She noted that Article 6.3.8 used the word “street”, and read the definition of “street” according to the Ordinance. If the sign was on the long side of the building, they would not have to be at the ZBA. The requested size is not a significant request; she was more concerned about the menu board because it’s freestanding.

L. Schwab asked additional questions regarding the sign. The depth of the sign will be 3” to 4”. The mounting of the sign will be individual letters on a backing; that will be part of the total size. S. Gerrato stated the sign request was very reasonable. The role of the Board was to correct any discrimination in the Ordinance. Chair Samonas stated that if the building was facing the road the other way, the sign would be allowed based on frontage. He continued that he was disappointed in the Ordinance for allowing internally lit signs; externally lit signs were more tasteful. He didn’t think the sign for Aroma Joe’s was excessive; the building was freestanding. He had no issues other than the lighting.

MOTION: *L. Cummings moved to grant the Variance for Michael Buote, Smash Brothers Coffee LLP, located at 11 March Farm Way [Map R21, 55], for a 24 sq. ft. sign in lieu of the 19 sq. ft. as required by the Ordinance, subject to revisions of the plan that was submitted to show an internally lit sign and a LED lit “OPEN” sign. Second – L. Schwab*

DISCUSSION: Including the requirement for a revised plan in the motion ensures that one will be submitted in order to receive the Variance. The Building Inspector noted that “OPEN” sign must meet the requirements of Section 6.2.10, which states the sign can be no larger than 25% of the window. L. Cummings added that the applicant would need to see the Building Inspector for a permit. There is not an exception on the “OPEN” sign.

L. Cummings reviewed the five elements for granting a Variance. (1) *Granting the Variance would not be contrary to the public interest:* The Sign Ordinance is designed to help our businesses attract attention without detracting from the total overall area to prevent Greenland from looking like some neighboring

towns. The change in the sign is not significant in affecting the public's interest. (2) *The spirit of the Ordinance is observed*: The sign, while not subdued, is not gaudy or inappropriate. (3) *Granting the Variance will do substantial justice*: The sign doesn't flash or cause a distraction. (4) *The values of the surrounding properties will not be diminished*: The only place it might be diminished would be across Rt. 33, and there are businesses with larger signs. (5) *Unnecessary hardship*: This element was a little tougher; the main purpose of the Ordinance, is to minimize signs. Had the sign been on the longer side of the building, there wouldn't be an issue. They met the requirements of unnecessary hardship due to 5 sq. ft. Based on the requirements, L. Cummings recommended the Board vote "yea".

MOTION: L. Cummings moved to grant the Variance for Michael Buote, Smash Brothers Coffee LLP, located at 11 March Farm Way [Map R21, 55], for a 24 sq. ft. sign in lieu of the 19 sq. ft. as required by the Ordinance, subject to revisions of the plan that was submitted, to show an internally lit sign and a LED lit "OPEN" sign. Second – L. Schwab; all in favor. MOTION CARRIED

3. Request for a Variance: 13 March Farm Way [Map R21, 55 – Commercial Zone]

Owner and Applicant: Richard Landry, Thurken IV, LLC

The owner/applicant is proposing 80 sq. ft. of wall signage. Greenland Zoning Ordinance: Article VI – Signs, Section 6.3, Subsection 6.3.7B allows a total of 60 sq. ft. when there are multiple businesses on one lot.

Chris Mulligan, Attorney and representing the applicant, was present. Richard Landry addressed the Board, explaining that he was seeking a Variance for the retail building. The units vary in size, and he wanted each sign to be the same size and uniform. There will be requirements in each tenant's lease for specific signs with individual channel letters. These signs will be on the side of the building that faces Rt. 33.

The building is set up for five units; at this time, R. Landry is anticipating four tenants and four signs. Each sign will be 16 sq. ft. (2' x 8'). Rt. 33 is a high-speed road and small signs will not be seen. The signs facing the parking lot don't face a public way; the size has yet to be determined but may also be 16 sq. ft. It was clarified that the ZBA did not have jurisdiction on the side facing the parking lot. The tenant occupying two units will have one sign. Each tenant will also have a small panel on the pylon.

The allowable signage of 60 sq. ft. was based on Article 6.3.7B, which permits up to 48 sq. ft. per side in the Commercial District for a single business and 60 sq. ft. for multiple businesses on a lot. The application was based on Article 6.3.8 which allows ¼ sq. ft. per lineal foot; it would have scaled down to approximately 30 sq. ft. A Variance would be needed for either. R. Landry added that if the Variance was granted, tenants could not come back before the Board for signage due to specific covenants in their lease.

The signs will be LED and internally lit. There will be individual channel letters. Signs will be uniform with the exception of branding; all are local businesses and not corporate. Tenants include a high-end salon, hot yoga, massage therapy and a dentist's office. Signs will be off one hour after the parking lot lights. There are no signs on the gable end.

Chair Samonas opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board. G. Baryames commented that the request seemed reasonable; however, he preferred a different type of signage. L. Cummings felt the signs were reasonable; however, had a problem with the amount of signage allowed for multiple businesses on a lot. There were currently five businesses on the lot as well as the possibility of something on the rear of the lot. R. Landry responded that when the back of the lot was developed, it would be condominiumized.

L. Cummings stated that the Planning Board didn't see a need to revise the Sign Ordinance. Yet, there were three Variance requests for signs before the ZBA. She reminded the applicant that the Variance would go with the property if it was sold. Chair Samonas felt the signs were balanced.

MOTION: *L. Cummings moved to grant the Variance for the property located at 13 March Farm Way [Map R21, 55], Thurken Development, not to exceed 80 sq. ft. where only 60 sq. ft. is allowed by the Ordinance, subject to no more than five individual signs, no greater than each sign being 2' x 8' (16 sq. ft.); the number of signs shall be equal to the number of tenants. Second – L. Schwab*

DISCUSSION: It was clarified that the Board was approving the signs located at the rear elevation of the building. The application indicates there are five additional signs on the front of the retail building. Article 6.5.13 applied to the signs on the front of the building because they were not visible from a public thoroughfare or right-of-way; the Board was in agreement.

AMENDED MOTION: *L. Cummings moved to grant the Variance for the property located at 13 March Farm Way [Map R21, 55], Thurken Development, not to exceed 80 sq. ft. for the rear elevation (facing Rt. 33) of the retail building where only 60 sq. ft. is allowed by the Ordinance, subject to no more than five individual signs, no greater than each sign being 2' x 8' (16 sq. ft.); the number of signs shall be equal to the number of tenants. Second – L. Schwab*

Due to the extensive narrative (copy on file), the five elements for granting a Variance were not reviewed in detail. L. Cummings stated for the record that the applicant met the requirements for granting a Variance.

MOTION: *L. Cummings moved to grant the Variance for the property located at 13 March Farm Way [Map R21, 55], Thurken Development, not to exceed 80 sq. ft. for the rear elevation (facing Rt. 33) of the retail building where only 60 sq. ft. is allowed by the Ordinance, subject to no more than five individual signs, no greater than each sign being 2' x 8' (16 sq. ft.); the number of signs shall be equal to the number of tenants. Second – L. Schwab; all in favor. MOTION CARRIED*

4. Request for a Variance: 11 & 13 March Farm Way [Map R21, 55 – Commercial Zone]
Owner and Applicant: Richard Landry, Thurken IV, LLC
The owner/applicant is proposing a free standing sign of 80 sq. ft. Greenland Zoning Ordinance: Article VI – Signs, Section 6.3, Subsection 6.3.12 allows one remote sign not exceeding 48 sq. ft.

Chris Mulligan, Attorney and representing the applicant, deferred to Richard Landry. The property is very large and when it's developed in the future, the tenants would be 600' off the road. They are adding room on the pylon to allow more space for the tenants on the rear lot. He didn't want to return to the Board for a Variance for additional signage. Six tenants were included on the pylon sign.

R. Landry planned to condominiumize the lot, and there would be no space on the front of the road for an additional pylon. The pylon will be designed to accommodate the development of the back lot. The pylon will be the typical pylon sign with no moveable print. G. Baryames commented that the sign looked good aesthetically, but was concerned it may be an LCD panel; he was assured by R. Landry that it was not.

The Planning Board had approved two proposed pylon signs in addition to Tractor Supply's pole sign. L. Cummings did not want to see two pylon signs and the Tractor Supply sign. R. Landry assured the Board there would only be the Tractor Supply sign and the pylon he was requesting. Asked if he knew the size

of the proposed remote sign at the back of the lot, R. Landry stated it was unknown at this time. A 20' sign at the back would not be visible from Rt. 33.

The depth of the proposed pylon is 14" to 15", including a slight roof overhang. Wording will be on both sides of the sign. The pylon will be placed on the left side of the driveway near the stormwater drainage area. There was a discussion about the pylon location and the grade of Rt. 33. There is approximately 1,000' of frontage on the property. It starts low, goes high and levels off near the truck stop.

L. Cummings noted that the scale on the plan was incorrect. S. Gerrato stated he didn't think the applicant was asking for too much considering the size of the property and amount of business on the lot. L. Cummings was concerned the Board was approving a pylon that included an unknown tenant on the back lot. There was a discussion about granting the Variance for a business that was not going to be on the lot when it was subdivided. After it was clarified that the lot would be condominiumized and not subdivided, L. Cummings was agreeable. Chair Samonas reminded the applicant the sign will need to stay 20' above the surrounding area and not to measure off the low end of the lot. R. Landry stated that the sign would be built 20' up from the ground where it will be located. L. Schwab shared L. Cummings' concern about the rear lot. In addition, the application stated 11 & 13 March Farm Way and the rear lot was not listed. Chair Samonas stated that the Board could mandate that the sign include the entire lot, including the rear.

Chair Samonas closed the public hearing.

MOTION: *L. Cummings moved to grant the Variance for the property located at 11 & 13 March Farm Way [Map R21, 55], Thurken Development, for a freestanding sign of 80 sq. ft. where the Ordinance allows 48 sq. ft., subject to the following: the sign must encompass all businesses on Map R21, 55. Second – L. Schwab*

DISCUSSION: Due to the extensive narrative (copy on file), the five elements for granting a Variance were not reviewed in detail. L. Cummings stated for the record that the applicant met the requirements for granting a Variance.

MOTION: *L. Cummings moved to grant the Variance for the property located at 11 & 13 March Farm Way [Map R21, 55], Thurken Development, for a freestanding sign of 80 sq. ft. where the Ordinance allows 48 sq. ft., subject to the following: the sign must encompass all businesses located on Map R21, 55. Second – L. Schwab; four in favor, one abstain (L. Cummings). MOTION CARRIED*

5. Approval of Minutes: Tuesday, February 16, 2016

MOTION: *L. Cummings moved to approve the minutes of Tuesday, February 16, 2016. Second – Chair Samonas; four in favor, one abstain (L. Schwab). MOTION CARRIED*

6. Other Business

The Board was reminded that the resident at 179 Post Road had been asked to return to the ZBA in the spring regarding the Variance he was granted on July 21, 2015. In addition, the Board requested he submit pictures of the property line and arborvitae planting during the winter months. L. Cummings will write the resident.

7. Adjournment

MOTION: *L. Cummings moved to adjourn at 8:33 p.m. Second – Chair Samonas; all in favor. MOTION CARRIED*

NEXT MEETING

Tuesday, June 21, 2016 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Recording Secretary

Approved: Tuesday, June 21, 2016