

Town of Milford
Zoning Board of Adjustment Minutes
June 2, 2011
Case #8-11
June Costa
Special Exception
(Tabled from May 16, 2011)

Present: Kevin Johnson, Chairman
Laura Horning
Fletch Seagroves
Steve Winder
Michael Unsworth - Alternate

Katherine Bauer – Board of Selectmen representative
Zach Tripp - Alternate

Absent: Steve Bonczar

Secretary: Shirley Wilson

The applicant, June Costa, owner of 127 Union Square, Map 25, Lot 23 in the Commercial “C” district, Oval sub-district, is requesting a Special Exception from Article VII, Section 7.06.7:I.2.C to permit a long term temporary (LTT) sign.

MINUTES APPROVED JULY 7, 2011

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Kevin Johnson, chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. He read the notice of hearing into the record as well as the list of abutters; June Costa, applicant and owner of 127 Union Sq was present. He noted that the application had been tabled from the May 16th meeting at the applicant's request and then invited the applicant forward to present her case. J. Costa clarified that the property address is 127 Union Sq not 127 Union St and explained that she is applying for a Special Exception to use a banner on her store because it's a key advertising piece that has driven business to her store for the last three years and until steps are taken to get more permanent signage. She is working closely with Bill Parker and Bill McKinney and the special exception will provide more time to create a positive solution. This signage is imperative because of where the store sits on the oval and because of the importance of this particular product for her store's ability to thrive and succeed.

K. Johnson asked if there were any questions from the board; there were none. He then opened the hearing for public comment; there were none, so he closed the public portion of the hearing and asked the applicant to go through the criteria for a special exception.

1. The proposed use shall be similar to those permitted in the district:

J. Costa stated that commercial establishments require proper signage to identify their products and signage is allowable in the oval sub-district.

2. The specific site is an appropriate location for the proposed use because:

J. Costa said the size and nature of the signage is small, unobtrusive and works to bring customers in the front door. Marketing development of key product has a track record for the signage and we have evidence that concurs with this.

3. The use developed will not adversely affect the adjacent area because:

J. Costa said it is an artful piece and it's mostly photography.

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

J. Costa said the signage has been in place for years and has posed no nuisance or otherwise difficult situations for vehicles or pedestrians.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

J. Costa said she didn't have an answer for this question as this was not applicable.

K. Johnson asked if the sign is attached in such a manor so that there would be minimal chance of the wind blowing it down.

J. Costa replied yes.

K. Johnson read the definition of a banner sign according to the Town of Milford Zoning Ordinance: *Banner signs are to be considered Long Term Temporary (LTT) signs.* He then said that in accordance to Article VII, Section 7.06.I: Long Term Temporary signs are only permitted in the Residential districts, but are permitted in the other districts by special exception, in accordance with Section 10.02.1 which he then read: *The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguard as determined by the board, grant permits for such special exceptions as allowed in the various zoning districts as set forth in Article II. The Board may refer all applications for special exceptions to the Planning Board for its review and recommendations prior to holding public hearing on the application. The Board of Adjustment, in acting on an application for a special exception shall take into consideration the following conditions: A. The proposed use shall be similar to those permitted in the district. B. The specific site is an appropriate location for the proposed use. C. The use as developed will not adversely affect the adjacent area. D. There will be no nuisance or serious hazard to vehicles or pedestrians. E. Adequate appropriate facilities will be provided for the proper operation of the proposed use.*

K. Johnson asked if the board had any additional questions; they did not so they continued with the discussion of the criteria.

A. The proposed use shall be similar to those permitted in the district:

F Seagroves said yes, there are other banners in the Oval district.

M. Unsworth, L. Horning and S. Winder agreed.

K. Johnson concurred saying this is a use similar to those permitted in the district and it is specifically called out in the sign ordinance by special exception.

B. The specific site is an appropriate location for the proposed use because:

S. Winder said yes, there is no uniqueness about this that would require any different conditions.

L. Horning said yes, the specific site is an appropriate location. The location of this business is at the end as you go around the oval towards Elm St and this banner would be a great eye catcher right there. It is very appropriate for that location.

M. Unsworth agreed with Steve and Laura.

F Seagroves said yes, he couldn't see where the sign could go any other place but where it is.

K. Johnson agreed; this is, in his opinion, an ideal location to place that signage to draw business into their store.

C. The use developed will not adversely affect the adjacent area because:

M. Unsworth said he did not see there being any issues, it has been up for some time and it is not a huge sign.

S. Winder said he couldn't see how it could possibly create a nuisance to anybody.

F. Seagroves said, just on that side of the Oval, there are three banner signs up, so he didn't think this would have any affect.

L. Horning said she didn't think this would adversely affect the adjacent area at all. In fact this will draw more pedestrians in hopefully and encourage some more foot traffic where maybe the other businesses in the area will benefit.

K. Johnson agreed, he can see no way where placing the additional signage at this location would adversely affect any of the other businesses, the traffic or the pedestrians in the area.

D. There will be no nuisance or serious hazard to vehicles or pedestrians:

S. Winder said he could not see how this would impact pedestrians or vehicles.

F. Seagroves said the banner was attached to the building so he didn't see how it would hurt any pedestrians. He walks past it two or three times a week and it hasn't jumped out and grabbed him.

L. Horning agreed with Fletcher and said she also walks that area frequently and hasn't been attacked by any banner signs. The applicant made it quite clear that the sign would be securely attached to the building so she doesn't see it posing any nuisance or serious hazard for anyone either.

M. Unsworth said there was no hazard.

K. Johnson said this was in an appropriate location and the nature of the sign presents no hazard; no nuisance at all.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

F. Seagroves said as long as it's secured to the building, that would be adequate.

M. Unsworth said the use is a sign, so that was sufficient.

S. Winder said he didn't think the sign needed any additional facilities.

L. Horning said yes, as long as what the advertisement is for will actually be inside the store.

K. Johnson said this question is broad to cover all sorts of cases and in this particular usage, if the sign is able to be mounted, it would meet the criteria of there being adequate facilities.

K. Johnson stated that after reviewing the petition and hearing all the evidence, and by taking into consideration the personal knowledge of the property in question, this Board of Adjustment member has determined the following findings of fact.

1. Is the exception allowed by the Ordinance?

F. Seagroves replied yes.

S. Winder, L. Horning, M. Unsworth and K. Johnson agreed, voting yes.

2. Are the specified conditions present under which the exception may be granted?

M. Unsworth stated yes.

L. Horning, S. Winder, F. Seagroves and K. Johnson agreed, voting yes.

K. Johnson called for a vote.

1. Is the exception allowed by the Ordinance?

Z. Tripp - yes L. Horning - yes F. Seagroves – yes K. Johnson – yes

S. Bonczar - yes

2. Are the specified conditions present under which the exception may be granted?

L. Horning – yes F. Seagroves – yes K. Johnson – yes Z. Tripp – yes

S. Bonczar - yes

K. Johnson asked if there was a motion to approve Case #8-11.

L. Horning made the motion to approve Case #8-11.

S. Winder seconded the motion.

Final Vote

F. Seagroves – yes L. Horning – yes S. Winder – yes M. Unsworth – yes

K. Johnson – yes

Case #8-11 was approved by a unanimous vote.

K. Johnson reminded the applicant of the 30 day appeal period.