

**Town of Milford
Zoning Board of Adjustment
July 20, 2017
Case #2017-18
David Hammer
Variance**

Present: Michael Thornton
Joan Dargie
Tracy Steel, Alternate
Wade Scott Campbell, Alternate
Karin Lagro, Alternate
Robin Lunn, Zoning Administrator

Absent: Steven Bonczar, Chair
Jason Plourde, Vice Chair
Rob Costantino
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

David Hammer, for property located at 30 Hammond Road, Milford, NH, Tax Map 43, Lot 71, in the Commercial district, is seeking a Variance of the Milford Zoning Ordinances per Article VII Section 7.06.7.E.4 to allow wall signs totaling approximately 105 square feet when 100 square feet maximum is allowed.

MINUTES APPROVED SEPTEMBER 7, 2017

Michael Thornton, Acting Chair, opened the meeting and introduced the Board members. Tracy Steel, Wade Scott Campbell and Karin Lagro were seated as alternates by acclamation. M. Thornton introduced the Board members and informed all of the procedures of the Board. Board members agreed to table Approval of Minutes to the next regularly scheduled meeting, since there were not enough members currently present who attended the previous meeting.

M. Thornton read the notice of hearing into the record and asked the applicant to state what he planned to do. D. Hammer, co-owner of Contemporary with his wife Audrey (who was in the audience), were relocating the dealership to a new location, with larger facility – 10,000 SF larger. It will be state of the art and a more visible central location. He was asking permission to relocate five existing signs on the building at 320 Elm St. – the Dodge, Jeep, Ram sign, Chrysler, and Contemporary signs. They want to add to them the Fiat brand sign because they were awarded a Fiat franchise, and the service decal. Will have two service driveways. When you go in to have your car serviced you will drive in and get out of the weather. Important for people to know where to go when coming for service. Combined for those signs was, just in existing, over 105 SF which was over the 100 SF allowed. He was asking for permission to relocate existing signs and add two signs so that business was properly represented to the public, Chrysler, Dodge, Jeep, Ram and Fiat. And service facility being expanded significantly. New building sited differently. Distance from facing of the building to Hammond Rd was approximately 175 ft. Building will be set back from the road a fair bit. Signs would clearly be to scale on the face of the building. Not too big or small or too obtrusive. M. Thornton asked if it was commercial.

R. Lunn referred him to wall sign regulation on pg. 196 of ordinance.

J. Dargie said these were meant to be seen from Hammond Rd and the bypass.

D. Hammer said he hoped to be seen from the bypass and international logos that would be recognized by their shape.

M. Thornton read through sign regulation re area being 50% of the store front's linear measure.

R. Lunn said to go to how far away from the road.

D. Hammer said approximately 175 to 200 ft.

There was discussion about calculation of the multiplier, and that the frontage on the bypass nor in the rear didn't count.

R. Lunn said the packet showed the monument sign out front existing are limited and the revised drawing that met the regulation.

D. Hammer said the monument sign they currently had will be taken off and relocated.

M. Thornton said Fiat wasn't on that sign.

D. Hammer said Fiat had a whole sign division. Until now they had had Fiat standalone franchise. They just came around to marketing that it made sense to add to the Chrysler, Dodge dealership. They hadn't come up with how to follow it through. Their only requirement was to put a Fiat sign on the façade of the building. But they don't have a requirement for a monument sign.

M. Thornton asked if all they were dealing with was a monument sign.

D. Hammer said correct.

M. Thornton asked if anything else from the board.

D. Hammer was happy to answer any questions.

M. Thornton proceeded to discussion of the criteria and asked if the proposed use was a reasonable one. He felt applicant had given a reasonable answer.

In response to questions from J. Dargie the applicant said the lights would be lit 24 hrs. – internally lit – all the time and all night long.

J. Dargie was concerned with light pollution given they were going into kind of a residential area.

D. Hammer said it was Commercial. Two parts. One across the street that used to be residential but no longer was. Property next door was a business currently, the karate studio. Business around the corner was JP Pest. Other side of the karate studio was vacant lot. Across from that was an old day care building which was for sale. The Town asked for and received a designation for that area for economic development zone. They are the first ones as catalyst for that. He didn't think the residential consideration would necessarily apply. The lights will be internally lit LED. Trying to change to LED. It is filtered through the colors of the actual sign.

M. Thornton said you could drive by the dealership at night – same signs. He would drop by and didn't see how bright they were. One sign not LED. Trying for all LED.

D. Hammer said all LED except for the Chrysler sign.
M Thornton didn't see a projection far into the street.
W. Campbell asked if they were more backlit.
D. Hammer said he wanted to say they were. Looking at the Jeep sign, for example, the letters all individually haven't, and on the face of the each letter is green and light coming from behind the green letters.
M. Thornton asked for any other questions or comment. None. He opened the hearing for public comment. None. He stated there were no letters received or anything else to read into the record. He closed the public comment portion of the hearing and proceeded to discussion and deliberation.
J. Dargie said the signs were just getting moved, required by the franchise. That was hardship. Made it unique. Nothing contrary to the public interest and would be substantial justice to the property owner.
T. Steel said it stated they were previously granted a variance at existing location.
M. Thornton asked for what.
J. Dargie said the 200 ft. they had was already a variance on Elm St.
M. Thornton said yes, but not this location.
J. Dargie said 105 was more than what they had on Elm St.
M. Thornton said by 5 ft.
K. Lagro felt that with an additional 5 ft, it wasn't like someone would be driving by and saying it was too big.
M. Thornton felt they were doing a public service rather than a public nuisance because they were directing the public to move more smoothly in the dealership and to know what the dealership was doing.
M. Thornton asked about the spirit of the ordinance.
T. Steel said it wasn't a big difference in size.
W. Campbell had no comment.
K. Lagro agreed with T. Steel.
M. Thornton believed spirit would be kept because the difference was very small, and as he had said, it was in the public interest/
M. Thornton asked about substantial justice.
T. Steel said it would agree with Chrysler's guidelines.
J. Dargie said there would be no gain to the public by not doing it.
T. Steel agreed.
K. Lagro agreed.
M. Thornton thought it would do substantial justice because it was a minor increase. Didn't see any creep unless you added more plant. Believed it did substantial justice because it was in the public interest. Trying to increase signage was directed to make it non-cluttered. This fulfilled all of that.
M. Thornton asked about value of the surrounding property not being diminished.
J. Dargie said all surrounding property will be commercial.
M. Thornton said applicant was going to own them all.
W. Campbell agreed. Specially zoned for the designation. It would fit with what was going on over there.
T. Steel agreed.
K. Lagro agreed.
M. Thornton said it would class up the surrounding property because it was a very neatly done layout which was linear and not distracting to passers-by.
M. Thornton asked about unnecessary hardship. He read from the Handbook regarding the definition of hardship and said that the hardship went to the property itself. Did it go to the building itself?
J. Dargie saw hardship. It went with the property but the franchise required it. Property would not be good for this business.
K. Lagro said yes.
W. Campbell said yes. Agreed with that.
T. Steel yes, agreed also.
M. Thornton agreed it would be unnecessary hardship in the fact that the Fiat brand required the logo. The logo was appropriately sized and tasteful.
M. Thornton asked if there were any conditions they wanted to consider. None.

M. Thornton then proceeded to the vote on the criteria for a variance.

1. Would granting the variance not be contrary to the public interest?

K. Lagro – yes; W. Campbell - yes; J. Dargie – yes; T. Steel – yes; M. Thornton - yes

2. Could the variance be granted without violating the spirit of the ordinance?

K. Lagro- yes; W. Campbell – yes; J. Dargie – yes; T. Steel – yes; M. Thornton - yes

3. Would granting the variance do substantial justice?

T. Steel – yes J. Dargie – yes; W. Campbell – yes; K. Lagro – yes; M. Thornton – no

4. Could the variance be granted without diminishing the value of abutting property?

K. Lagro – yes; J. Dargie – yes; W. Campbell – yes; T. Steel – yes; M. Thornton - yes

5. Would denial of the variance result in unnecessary hardship taking the following into consideration:

A) 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.

B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

J. Dargie – yes; W. Campbell – yes; K. Lagro – yes; T. Steel – yes; M. Thornton - yes

M. Thornton asked for motion to approve Case #2017-18 for a Variance, request for a variance of the Milford Zoning Ordinance per Article VII, Section 7.06.7.E.4 to allow wall signs totaling approximately 105 square feet when 100 square feet maximum is allowed.

T. Steel made motion to **approve** Case #2017-18.

J. Dargie seconded the motion.

Final Vote: Yes vote was to approve

W. Campbell – yes

J. Dargie – yes

T. Steel - yes

K. Lagro - yes

M. Thornton – yes

Case # 2017-15 was unanimously approved.

M. Thornton informed applicant of approval and reminded applicant of the 30-day appeal period.