

**Town of Milford
Zoning Board of Adjustment
March 21, 2019
Case #2019-03
Hitchiner Manufacturing, Inc.
Variance**

Present: Steve Bonczar, Chair
Michael Thornton
Rob Costantino
Tracy Steel, Alternate
Robin Lunn, Zoning Administrator

Absent: Joan Dargie
Wade Scott Campbell, Alternate
Karin Lagro, Alternate
Laura Dudziak, Board of Selectman Representative

Secretary: Peg Ouellette

Case #2019-03

Hitchiner Manufacturing, Inc. for the property located at 127 Old Wilton Rd, Milford Tax Map 13, Lot 11, in the Industrial district, is seeking a Variance of the Milford Zoning Ordinances per Article VII, Section 7.06.7.C.2.a and 7.06.7.G.2 to allow a monument sign greater than 75 square feet with an electronic message board greater than 24 square feet or 50% of the area of the sign.

APPROVED May 2, 2019

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. S. Bonczar read the notice of hearing and invited the applicant to present the case.

Craig Moore of Barlo Signs, came forward. He stated he was hired by Hitchiner Mfg. to remove the existing sign and fabricate and install a new one. Concern that the existing sign wasn't doing justice. Rather than having a letter board, would like to use a proposed electrical sign to identify the business, post jobs, etc. Would dispose of existing sign and replace with one in similar kind. He went through the details of the sign. The top lettering would be halo lit. Metal signs with lighting going back, not out toward the road. Lower level will have messaging. Will have self-dimming to go down at night. Fully programmable – gives capabilities to advertise to those driving by. Size was based on setback from the road and visibility for cars.

R. Costantino asked how often they planned to change the sign.

G. Moore said they reviewed the code as far as what was allowed. Not looking for images. Just some messages.

S. Bonczar asked about any alternatives that were looked at to more closely meet the ordinance.

G. Moore said they looked at sizing options on site and looking from the road. They actually got in the road lanes heading east and west. Would not be doing justice to the type of sign to give them something too small. With the fence being the property line they were trying to make up for that with the visibility. A lot of similarities between existing sign and proposed one. It was about size and having it legible to cars going by at high rate of speed.

S. Bonczar, re elevation, referred to the elevation of the road is higher compared to the sign foundation. They were looking down. Elevation of the road was lower.

G. Moore said taking into consideration viewing angles of the sign; because you were looking down you had to elevate the sign.

T. Steel asked if it was being moved forward.

G. Moore said they only proposed to move closer to the property line, about one foot from that fence.

M. Thornton asked, when he said they would still be looking down on it, had they thought of freeze

G. Moore said they did. Trying to accommodate that. Goal was not to have a massive sign.

R. Costantino said this was for a different purpose than the other sign showing where the opening was so you could find the place and in close to the road in order to find the driveway. Seemed the purpose of this was more when you see a big building and don't know what it is.

G. Moore said it was. If you were looking for access to Hitchiner, you would be next to the driveway. Due to the amount of traffic, etc., this was still the best location.

R. Costantino said for people going north once they see it and there is no place to go in. The BAE building in Nashua had a sign on the building that lets people know it is there.

G. Moore agreed. It gave it a bit of a dual purpose.

M. Thornton said it was similar to what was in other areas.

S. Bonczar didn't believe, but couldn't recall completely, if Hitchiner owned a building closest to Rte 101 where there was any sign.

R. Costantino said that was what this was for. It was advertising but not in the way you were expecting someone to come in and buy.

T. Steel said people coming there would be using GPS.

S. Bonczar said they would still need to know if they were in the right place.

T. Steel said she drives by there every day. She could see the sign, even turning left.

G. Moore said it wasn't too big for its environment.

T. Steel said it looked appropriate. How much larger will this sign be?

G. Moore said only raising three feet from the ground. There was a letter board that was smaller. They calculated the dimension and called out 70 SF. Didn't know how they came to that map. On the sign with the dimensions highlighted in yellow they came to 67 ½ SF and comes to 175.14. Because it was V-shaped. Width of the sign was 12 ½ ft. Crown molding at tip, but body 11 x 4, so it was about one ft. narrower.

S. Bonczar said they were trying to modernize. They were making changes to the building to modernize and had a variance to put up panels. The application said posts. would be clad in aluminum. Would that be shiny or brushed?

G. Moore said there would be fabricated aluminum accents. Typically they end up painting it so it won't rust or corrode. It wasn't shiny like chrome. Will look better than structure that was currently there.

S. Bonczar said G. Moore mentioned visibility from the road. Based on location on Rte. 101 and speed of the traffic.

T. Steel said speed limit was 35 there.

S. Bonczar said when you go down the road it looks smaller. Where it was being located it would not look as big as if it were on the Oval, for example.

R. Costantino said it was 100 ft. off the road.

G. Moore said rule of thumb was one inch of legible letter for every ten ft of viewing distance. Six inch letter is only good to 60 ft. and then you have factor of cars driving down the road.

M. Thornton said it would be a menace if it was made too small because people slow down to read it.

S. Bonczar asked G. Moore to go through the General Criteria in the application, Sec. 10.01.

G. Moore read through that section, with responses, on the application.

S. Bonczar asked for questions from the Bd. None.

S. Bonczar opened public comment. None.

S. Bonczar asked for additional questions or comments from the Bd.

M. Thornton said it seemed pretty straightforward.

S. Bonczar said they would consider the criteria. He looked up re the uniqueness of the sign.

M. Thornton said, the shape.

S. Bonczar said it was kind of a V shape and, how you came to the calculation of the area. He read from the section of the Ordinance. That was where some of the calculations came from the front office. What they were dealing with was the electronic sign would exceed 24 SF or 50%. They were proposing 39.2 SF and a topper of 28.3 SF, so he said to keep that in mind.

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

T. Steel said she was leaning toward it didn't necessarily have to be bigger. You could already see it from the road. The speed limit was low enough that nobody should be speeding through there. You could see it very well from the highway.

M. Thornton said the increase in elevation would help.

T. Steel agreed. S. Bonczar asked her to relate that more to the criteria of public interest. She said you could find good points for it being and not being. Most people were familiar with Hitchiner. It would be nice if it was brighter and it would stand out. But she didn't want that end of the highway to become like Las Vegas strip. Eventually everyone will want bigger signs. There were some residential areas near there up past Market Basket. She didn't know if that answered the question.

S. Bonczar read from the Handbook. He asked T. Steel if she felt the size would be adverse to the public interest.

T. Steel said if you could dim it at night, it might help.

S. Bonczar thought G. Moore had said it could be dimmed.

G. Moore said that could be answered by the manufacturer, who was there with him. Mike Patenaude from Watchfire said he manufactured the sign and signs were fully capable of dimming automatically. During the day they are bright enough to compete with the sun and they dim at night. Some areas are low ambient light areas standard brightness could be little too bright and it would have capability to dim down. They can set it at the factory. Many times you go to the site at night and tell the owner it needed to be turned down.

S. Bonczar asked R. Costantino.

R. Costantino didn't see it was contrary to the public interest. It was off the road. Not in line of sight. If you look over at the building you see that is Hitchiner. It was appropriate for what they wanted to do. You could see the Airmar and VIP. Didn't think it would be a nuisance. Didn't see it was too bright at night, and they could control that. M. Thornton said if it were animated or flashing or very bright it could be a menace to the traffic. Didn't see that happening. Hitchiner will be here for years. He looked at the sign and tried to imagine. He didn't see anything detrimental to the public. Nothing dangerous or any change that would constitute any hardship to the town. S. Bonczar didn't see harm to the public if it was granted. Based on location, lot size and density of the properties there.

B. If the Variance were granted, is the spirit of the ordinance observed?

M. Thornton said they had not gone to excess. They preserved the character of the sign. It was essentially the same. Greater size, but so much as to leap out at you. Being able to see what was on the sign and information trying to be conveyed was important because he had seen many instances of people being hurt because of signs too small and people slowing down, creating a menace.

R. Costantino didn't think it was outside the spirit. They were placing it over 100 ft. off the road.

T. Steel agreed. It will be taller, but not necessarily enormous. Will be more visible from the road.

S. Bonczar believed the spirit was to prevent oversize signs and densely positioned areas. Areas where businesses were close together. In this case, the application didn't violate the spirit because it was an open area off the side of the road and heavily traveled road.

C. Will granting the Variance do substantial justice?

R. Costantino wasn't sure about how to answer. He didn't see an issue. Didn't know how to express it.

S. Bonczar said he didn't see substantial gain to the public to deny it.

R. Costantino agreed.

M. Thornton said one step further – didn't see any gain to the town or cost to the company in approving or denying. He saw a reasonable accommodation.

T. Steel said it will be fine. Existing sign was very nice and low-key. Will not be a huge change. Will be electronic rather than static. Will not be gaudy. Will be well lit and appropriate.

D. Will the proposed use diminish the value of surrounding properties?

T. Steel said it was mostly commercial and industrial area. No residences until you got past Market Basket or further up Elm St. They were far enough away that they won't see this sign. Will not diminish area. Will encourage people to be more uniform when other people ask for new signs.

R. Costantino saw no negative impact.

M. Thornton said residential neighbors were far down Old Wilton Rd. and he didn't believe they were in any position to be harmed by it.

S. Bonczar asked about commercial.

M. Thornton said the commercial all had the same intent to make their presence and identity known. Didn't think they were harmed by the size, shape or characteristics of the proposed sign. They were seeking to do the same thing – fit within the ordinance, gain attention, and make location and identity known. With all that, and other similar signs in the area, no question of any cost to the neighbors.

S. Bonczar didn't see where other properties would be significantly impacted by this. There was no one there to testify otherwise. He felt they personally didn't have ability to say there would be diminishing of property value by X dollars. Didn't see other properties would be diminished in value.

E. Would denial of the Variance result in unnecessary hardship; and is the use a reasonable one?

R. Costantino said this property was unique in that, as opposed to other places that were usually right on the road and want to put a sign right on the road to let people know where to turn in. This was way off the main road. They were putting a sign to identify their property. The uniqueness in his mind was it was a company with the property off the road as opposed to driving down Main St where everything is right off the sidewalk. That made it unique.

S. Bonczar asked if it was a reasonable use.

R. Costantino said yes, for this.

T. Steel wasn't sure how to answer, only because it wasn't a hardship with the land.

S. Bonczar said you look at the property as a whole but did the ordinance place a hardship on the property based on characteristics of the property. A hardship on the owner of the proposal based on characteristics of the property. That was what you had to look at. There was a sign they could use, but does the restriction to the square footage in this case make a difference?

T. Steel thought that reason for the sign ordinance was to make sure everything was uniform and nobody was given special dispensation. Concerned about companies in the future asking for bigger signs and signs getting bigger and bigger.

S. Bonczar said each case was individual. If someone wanted to put this sign on the Oval – there were differences sizes there. But maybe that would not be appropriate given the characteristics of the property. If she felt it was not a hardship, that was fine. He just wanted to make sure she expressed herself clearly.

R. Costantino agreed with T. Steel that you needed to avoid opening up big annoying signs where you don't want them, but he didn't think that was the case here.

T. Steel felt R. Costantino made a good point.

M. Thornton said yes to both of those. Hardship he wrestled with. If no hardship, that would mean a vote against. He didn't feel this went to the point of deserving a no vote. He would say that the uniqueness and challenge of conveying the message rose to a level that if they were to constrain it, it would be undue.

S. Bonczar said he keyed on special conditions of the property and the part where it said, was there fair and substantial relationship between the general public purpose of the ordinance and this application. The purpose, in his opinion, was to limit or control the size of signs in certain areas based on area and zone. In this case, based on special conditions of the property they were not talking about a small lot on a town street which might, for instance, be zoned industrial where a large sign might be allowed but they want bigger. In this case it was a large tract of land off the road, on a busy route. By denying it he thought it was a hardship.

M. Thornton said it went to the land itself.

S. Bonczar said you have to look at characteristics of the property. This was wide open space with no close neighbors or those characteristics of the land. There was a hardship by not allowing. By allowing this would not violate the spirit of the ordinance. Going back to what the ordinance intended. If they proposed a highway billboard on a monolithic pole that would not be appropriate. Thought it was a reasonable use. They had a sign and were trying to modernize it and have a sign.

T. Steel thought they were calculating both sides and that was where the overage was.

S. Bonczar said they weren't because, if you read it, they were taking the single face.
T. Steel read from the application response which said that requiring both sign panels to be calculated for sign size unfairly inflates the overall sign size. She was feeling it was the overall sign size.

S. Bonczar closed public portion and moved on to vote.

S. Bonczar moved on to vote on the Variance:

VOTE: On Variance:

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

T. Steel – yes, it would not be contrary

M. Thornton – yes

R. Costantino – yes

S. Bonczar – yes

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

R. Costantino – yes

M. Thornton – yes

T. Steel – yes

S. Bonczar – yes

3. Would granting the variance do substantial justice?

M. Thornton – yes

T. Steel – yes

R. Costantino – yes

S. Bonczar – yes

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

T. Steel – yes

M. Thornton – yes

R. Costantino yes

S. Bonczar – yes

5. Would denial of the variance result in unnecessary hardship?

R. Costantino – yes

M. Thornton – yes

T. Steel – yes

S. Bonczar – yes

S. Bonczar said due to the voting the criteria for variance were satisfied and the application was unanimously approved. He reminded applicant of the thirty day appeal period.

OTHER BUSINESS:

Robin Lunn said the Bd. needed to discuss the 2020 amendments filed. Will work on housing master plan involving conversation about density in downtown, multi-family, development of tiny homes - something will be coming from Concord on that – and temporary dwellings or seasonal dwellings. That master plan chapter will impact work of the ZBA. Will want to think about if they want to be involved in that. It would be great if some of the ZBA Bd. would be involved in that work. Second piece will be parking downtown. Lincoln would love to see participants from the Bd. to talk about how they think

about capacity and how that impacts what they are doing and how they were making decisions and how they will organize things. Other is work not finished. Since this was her last meeting, unless she needed to be at the one on April 4, any way to think about getting the Bd involved so Lincoln can key that up for the full time person who is hired. She thought they needed to have their rotation to be sworn in – make sure it was before the end of the month.

T. Steel said she'd already done that.

Robin said at the next meeting Jason Plourde rolls off and Tracy Steel would be next permanent member. There being no other business before the Bd., S. Bonczar asked for motion to adjourn.

M. Thornton moved to adjourn.

R. Costantino seconded.

Meeting adjourned at 7:55 p.m.