



**Town of Plaistow, New Hampshire**  
145 Main Street, Plaistow NH 03865  
Phone: (603) 382-8469

## **ZBA Minutes 02-28-13**

### **ZONING BOARD OF ADJUSTMENT MINUTES**

**February 28, 2013**

**Call to Order:** 7:00 P.M.

#### **Item One:**

**ROLL CALL:** Present were – Larry Ordway; *Chairman*, Joyce Ingerson, Paul Boniface Jim Allen and Tim Fisher; *Alternate*.

L. Ordway appointed Alternate member T. Fisher to be a voting member for the meeting.

#### **Minutes of January 31, 2013**

L. Ordway motioned to approve the minute of January 31, 2013, second by T. Fisher.

There was no discussion on the motion and the vote was 3-0-2, L. Ordway and P. Boniface abstained.

#### **CONTINUED FROM JANUARY 31, 2013**

**#13-01: A request from Barlo Signs on behalf of IParty for a variance from Article IX, § 220-59.A.(2). The request is for a 26 sq. ft. sign where 1.57 sq. ft. is the maximum allowed calculating 5% of the building façade. The property is located at 4 Plaistow Rd, Tax Map 24, Lot 44 in the CI District. The Property owner of record is Plaistow Project, LLC.**

Present for the hearing was Tim Sullivan of Barlo Signs and Don Szatella, District Manager of IParty Retail Stores.

T. Sullivan explained that they are requesting a variance to allow a larger sign on the side elevation that is currently allowed by code. He added that 1.57 sq. ft. allowed is not large enough for traffic driving by to see. He noted the following:

- The plaza is perpendicular to Rte. 125 making it hard for south bound traffic to see the business
- They would like identification for the tenant facing the main road
- The four major tenants in the plaza all have a larger panel on the free standing pillar; IParty's sign is on a much smaller panel; it is about 3 sq. ft.
- They are proposing a 26 sq. ft. sign to make the business more visible to passing traffic
- IParty is about 300 ft into the plaza (from Rte 125) opposite the stop sign
- They currently have one sign on the front elevation, it is about 45 sq. ft. and is within the 10% allowed by code
- The proposed sign, just the yellow letters, will be illuminated from the inside with LED lights

as is the sign on the front of the building.

- There will be no blinking or flashing lights
- The business plans to stay permanently in Plaistow
- They are not a franchise; a chain of 54 stores

L. Ordway questioned if a sign is allowed on side façade.

T. Sullivan stated that they were told a second sign was allowed it is just a question of the size. They are seeking the variance on the size; not to have a second sign.

L. Ordway asked for clarification of the sign size; does the 26 sq. ft. cover just the letters or the whole blue surrounding area.

T. Sullivan replied that it covers just the letters. With the blue area it would measure approximately 32 sq. ft., 5% is allowed under the new ordinance.

D. Szatella noted that the hardship is in the visibility of the building due to the angle of the building. Sales are down because customers are not aware they are there.

There was discussion regarding the visibility of the other stores in the plaza and their sign sizes.

J. Allen noted that IParty is tucked a bit behind T-Mobile; T-Mobile juts out a bit.

There were no further questions from the Board and there was no one to speak in favor of or in opposition to the application and the case was closed.

L. Ordway explained that they will hear the other cases and go into deliberative sessions later in the meeting when the decision will be made. There can be no further input for the case. The applicant can wait to hear the decision but it will be mailed to them within 14 days. If granted the applicant cannot proceed until 30 days has passed to allow others to appeal the decision.

## **DELIBERATIONS**

### **CONTINUED FROM JANUARY 31, 2013**

**#13-01: A request from Barlo Signs on behalf of IParty for a variance from Article IX, § 220-59.A.(2). The request is for a 26 sq. ft. sign where 1.57 sq. ft. is the maximum allowed calculating 5% of the building façade. The property is located at 4 Plaistow Rd, Tax Map 24, Lot 44 in the CI District. The Property owner of record is Plaistow Project, LLC.**

L. Ordway motioned to grant the request from Barlo Signs on behalf of IParty for a variance from Article IX, § 220-59.A.(2). The request is for a 26 sq. ft. sign where 1.57 sq. ft. is the maximum allowed calculating 5% of the building façade. The property is located at 4 Plaistow Rd, Tax Map 24, Lot 44 in the CI District. J. Ingerson second the motion and the case was opened for discussion.

L. Ordway summarized the case noting the following:

- The hardship is in the way the plaza is laid out
- Part of the building (T-Mobile) sticks out and blocks the view of IParty entrance from traffic on Rte 125
- The Building Inspector's Office does consider the entrance way to be part of the building façade
- IParty wants to remain permanently in the plaza

- The 26 sq. ft. requested is made up only of the letters and not the blue background
- The sign will be stationary with no moving or blinking lights

L. Ordway stated that he considers the blue area to be part of the sign which makes it a 31 sq. ft. sign. He is worried that granting this variance will set precedence for other store owners who want larger signs.

The Board discussed if the other businesses in the area have the same situation as IParty in terms of how the businesses are laid out.

There was no further discussion on the motion and the vote was 3-2-0, L. Ordway and T. Fisher voted against the application.

**Other Business/Updates: Misc. Notices, letters, and other Correspondence from Dept. of Building Safety, Planning Department and ZBA**

There is no other business before the Board; the meeting was adjourned at 7:35 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Zoning Board of Adjustment on \_\_\_\_\_

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Larry Ordway, Chairman