



Town of Plaistow
ZONING BOARD OF ADJUSTMENT
145 Main Street - Plaistow, NH 03865

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
October 31, 2019**

The meeting was called to order at 6:30 p.m.

Roll Call: Peter Bealo, *Chair Elect*
Dan Lloyd, *Vice Chair Elect*
John Blinn
Jonathan Gifford, *excused*
Gary Ingham
Ethan Conley, *Alternate*

★ *Ethan Conley was appointed as a voting member.*

Election of Officers

★ *D. Lloyd nominated P. Bealo as chair for the ZBA, second by G. Ingham. There were no other nominations. The vote was 4-0-1 (Bealo abstaining).*

★ *J. Blinn nominated D. Lloyd as vice chair of the ZBA, second by G. Ingham. There were no other nominations. The vote was 4-0-1 (Lloyd abstaining)*

PUBLIC HEARING:

#19-18: A request from Chandler Place Apartments for a variance from Article IX, §220-58.1.D to allow a 20SF residential subdivision entrance sign, where 8SF is the maximin allowed. The property is located at 18 Chandler Ave, Tax Map 38, Lot 4 in the MDR District. The applicant is the property owner of record.

Steven Lewis, Owner/Manager Chandler Place Apartments was present for the application.

S. Lewis noted that following information regarding the application:

- When the site plan for Chandler Place was approved by the Planning Board, this sign was part of that plan and it was an oversight that the applicant was not sent for a variance at that time
- Chandler Place receives Federal funding and certain information is required on the project's sign as outreach that there is senior housing available
- The second building has fourteen (14) units, and there were fifty (50) applicants for those units

- 85% of the residents at Chandler Place were Plaistow residents who relocated to Chandler Place

A Pictometry picture was displayed on the room screen. It was noted that the large parcel is surrounded on three sides by commercial development with signs larger than the one that was being proposed.

S. Lewis explained that there is currently a 4' X 8' (32 SF) temporary sign at the entrance to Chandler Place. He noted that the proposed 4' X 5' (20 SF) permanent sign would be smaller. Mr. Lewis offered that the sign was even smaller than the 20 SF, because the measurements are derived from squaring off the curved design at the top of the sign. He also noted that the sign would be installed on a stonewall and would be landscaped to improve the aesthetics of the sign.

S. Lewis noted that he had been questioned by an abutter who thought the proposed sign would be larger than what was out there. He added that he grateful for the opportunity to explain the new sign to the abutter.

S. Lewis reiterated the Federal requirements that contact information, equal-opportunity compliance and handicap accessibility are all noted on the sign. He noted it would be difficult for passersby to see all that information on a smaller sign. He also added that he has already had the proposed sign certified by HUD (Housing and Urban Development) and NHHFA (New Hampshire Housing and Finance Authority).

S. Lewis offered the following responses to the criteria for the granting of a variance:

- The proposed variance is not contrary to the Public Interest because it provides valuable information about the site in a tasteful manner
- The Spirit and Intent of the Ordinance are preserved because the sign is placed in a landscaped setting and will be of residential character. It will not be a traffic distraction and will be installed on a stonewall
- There is Substantial Justice in granting the variance because the proposed sign serves as a visual notice of available affordable housing units and is required by HUD
- The Values of Surrounding Properties will not be Diminished because the proposed sign is located in a transitional area between commercial and residential uses. The property is abutted by commercial uses on three sides. The sign will blend with the residential neighborhood and will not be internally lit
- Literal enforcement of the provisions of the ordinance would result in Unnecessary Hardship because the sign is not located near any dense residential neighborhoods, and is situated in an area with similar informational signs.

P. Bealo asked if the lights could be installed to be facing downward.

S. Lewis offered that all the lighting for the development is LED and all shine downward. There is no light pollution, the light is focused to the surfaces that need to be seen.

P. Bealo asked if the Board had any other questions.

There was discussion regarding the placement of the sign on the stone wall. It was noted that the wall would provide a frame for the sign and would help deter any vandalism of the sign.

P. Bealo asked if there was anyone speaking in favor of, or in opposition to the variance application. He explained that once the Public Hearing was closed and the Board was in deliberations there could not be any additional input. There was no one in the gallery to speak and the Public Hearing was closed.

DELIBERATIONS:

#19-18: A request from Chandler Place Apartments for a variance from Article IX, §220-58.1.D to allow a 20SF residential subdivision entrance sign, where 8SF is the maximum allowed. The property is located at 18 Chandler Ave, Tax Map 38, Lot 4 in the MDR District. The applicant is the property owner of record.

★ J. Blinn moved, second by G. Ingham, to grant the application for a variance from Article IX §220-58.1.D and allow a 20SF residential subdivision entrance sign at 18 Chandler Ave, Tax Map 38, Lot 4.

G. Ingham offered that he had originally thought that the request was for a larger sign than what is currently out there. He added that he has no issues with the request.

E. Conley noted that the allowed 8 SF was small and that he had no issues with the request.

The Board reviewed the criteria for the granting of a variance with the following findings:

- The variance is not contrary to the Public Interest because it is an innocuous sign that provides information about a senior living development. It provides information for emergency responders as well as visitors to the site. It serves a public purpose considering that the buildings are setback and not visible from the street
- The Spirit and Intent of the Ordinance are preserved because there are already several signs in the area that are at least as large, if not larger, than the proposed sign. The sign will not be internally lit and will blend with its surroundings
- There is Substantial Justice in granting the variance as there is no loss to the Town in the granting of the variance.
- The Values of Surrounding Properties will not be Diminished because the temporary sign that is currently there is larger than the sign that is proposed by this variance, so it is an improvement for the neighbors
- Literal enforcement of the provisions of the ordinance will result in an Unnecessary Hardship because the applicant would not be able to meet HUD requirements for the sign. Making the sign smaller would make it more difficult

to read. The applicant applied for the sign based on what had been approved by the Planning Board.

There was no additional discussion on the motion. The vote was 5-0-0 U/A.

It was noted to the applicant that there would be no permits issued for thirty (30) days to allow for anyone who feels the Board erred to request a re-hearing.

Other Business

Samuel Sainsbury, property owner of 37 Kingston Road, was sitting in the gallery. He was asked if he was in attendance for a specific agenda item. He offered that he had been trying to come before the Board for some time. It was explained to Mr. Sainsbury that he was not on this meeting's agenda and therefore could not be heard at this time. It was suggested to him that he come into the office, during regular business hours, to get assistance.

Review/Approval of Minutes – September 26, 2019 Minutes

The Board reviewed the draft minutes of the September 26, 2019 meeting.

★G. Ingham moved, second by D. Lloyd, to approve the minutes from the September 26, 2019 meeting. There was no discussion on the motion. The vote was 4-0-1 (Blinn abstaining).

CORRESPONDENCE:

Re a matter heard by the Board on September 26, 2019:

#19-17: A request from William & Cheryl Dumaine for a variance from Article V, §220-32F.C(7) to allow a shed for a horse to be within 59' of the side property line where 100' is the minimum. The property is located at 74 Kingston Rd, Tax Map 44, Lot 37, in the LDR District. The applicants are the property owners of record. –

A letter from Wanda Torrey, Your Lucky Day Trust, 76 Kingston Road, was read for the record.

The letter requested that the Board re-consider their vote to conditionally approve a variance that was granted (by a 3-2-0 vote) to allow a shed for a horse at 74 Kingston Road to be within 59' feet of the property line with 72 Kingston Road.

The letter also offered reasons why the author felt the variance should not have been granted:

- It should have been denied for the fact that it was not allowed under zoning
- Consideration of the abutters concerns was not given proper priority
- Ms. Torrey offered that it was not the Board's job to negotiate conditions under which the approval could be granted
- The emotional outburst from the property owner (Cheryl Dumaine) should not have been considered

- When the applicant stated that she wanted to withdraw her (Cheryl) application, the Board should have allowed that withdrawal. It was noted that the co-applicant, William Dumaine, wanted to move forward with the application.
- The expressed thoughts of some Board members regarding the fact that they had animals, should have precluded them from considering this application

G. Ingham noted that this abutter was on the side of the subject property where the owner of the horse could comply with the minimum setback of 100 feet. He added that he felt that didn't give her standing to contest the decision of the Board.

P. Bealo offered that the Board needed to decide whether or not the request was a valid re-hearing request.

It was noted that under the NH RSAs the standard for requesting a re-hearing is to submit a letter that describes procedural/process errors on the part of the Board and/or provides new evidence to the Board that if they had at the original meeting, might have changed their decision to grant the variance. The discussion noted that neither of these criteria were provided in the letter from Ms. Torrey.

★G. Ingham moved, second by E. Conley, that the letter submitted by Wanda Torrey, 76 Kingston Road, did not meet the legal standard under the RSAs as a request for a re-hearing. There was no discussion on the motion. The vote was 5-0-0 U/A.

Review/Approval of 2020 Deadline and Meeting Schedule

The Board reviewed the draft calendar of deadline and meeting dates as proposed for the 2020 calendar year.

★G. Ingham moved, second by E. Conley, to approve the 2020 deadline and meeting calendar. There was no discussion on the motion. The vote was 5-0-0 U/A.

There was no additional business before the Board and the meeting was adjourned at 7:05 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant