

Town of Amherst
Zoning Board of Adjustment
Tuesday January 19, 2016

ATTENDEES: C. Vars, R. Panasiti (Alt), K. Shea, J. Ramsay, D. Kirkwood- Chair, and C. Mailloux-
Community Development Director

D. Kirkwood called the meeting to order at 7:04pm, explained the ZBA process and introduced the board members.

New Business:

CASE # PZ7000 – Variance Southern New Hampshire Medical Center (Owner) – Request for approval of a variance to install a 64.5 SF wall sign and a 16.2 SF free standing sign in the General Sign District where the total cumulative signage permitted on a lot is 24SF. 8 Limbo Lane, PIN# 020-037-000, Zoned General Office.

Paul Martin of Barlo Signs and Scott Cote of Southern NH Medical Center were present for the case. Mr. Martin described the location of the building and the placement of the wall sign. The purpose of the wall sign is to attract and direct motorists from Rt. 101.

He said the variance would not be contrary to the public interest. On the contrary, the signs help safely direct traffic to the site. The building sign won't be seen much from the residential area. It is necessary because the size of the building can easily be confused for a residence from Rt. 101.

R. Panasiti confirmed with Mr. Martin that the building sign currently on the building will be removed and replaced with the proposed sign.

Mr. Cote stated the facility has been open for about eight weeks. Patients have had a hard time finding the facility. The applicant has applied to the state to be on the traditional blue signs at the 101 exit ramps- one in each direction as well as one on Baboosic Lake Rd.

There are two components to the facility: 1-Amherst family practice which has been here for 20 years but at another location; 2-Immediate Care which is a new walk- in service for non-life threatening conditions. That is the most important reason for the sign. The patients looking for the Immediate Care are not necessarily members of Amherst Family Practice and won't be familiar with where to go. The immediate care facility won't be open until March so there isn't any information yet on if people are having a hard time finding it.

D. Kirkwood asked the applicant to address the tests.

Mr. Martin addressed the tests as follows:

1. Granting of the proposed variance will not be contrary to the public interest because the proposed signage will not conflict with the purpose of the ordinance in that adequate signage for a destination business/health facility is imperative to safely guide motorists to their intended stop, while reflecting the normal, expected, to scale, aesthetically pleasing signage that represents orderly development and growth. Signage does not threaten the public health, safety or welfare - it compliments it.

2. Both the ordinance and the Master Plan speak to the merits and the importance of quality development and growth. To allow a health facility to come into the community, one which will be used by residents of Amherst and beyond, a sign aggregate maximum of 24 sf to identify both the business

entrance at the street, and the building, is extremely restrictive. Other businesses within the same zoning district enjoy more signage, if they are on route 101A. The location of our site, the distance our building is setback from the road, warrants larger signage allowed per the sign ordinance. The spirit of the ordinance is met when SNHHS is granted signage that is reflective of a thriving, successful business that motorists can easily find, while also promoting an attractive storefront.

The signage zones were clarified by D. Kirkwood and C. Mailloux at this time.

3. There is no harm to the public when a business is allowed to properly identify itself. The public wants to easily find their destination, enjoys proper sign design, building design, attractive storefronts - and our proposal accomplishes this.

4. The surrounding properties will not be harmed when this new business completes its construction and installs signage which is attractive and to scale with its surroundings, and is a minimal waiver from what is allowed by the sign ordinance. The majority of the residents in that area will not be able to see the signage from their homes.

5. SNHHS is an approved business in the Town of Amherst; naturally it requires signs that will allow this business to be quickly identified by the way finding public. Located at the end of Limbo Lane, motorists on the road parallel to Limbo (101) will be able to identify I Limbo Lane, should our wall sign as proposed be granted. The SNHHS site is not a typical location for a business facility, it maintains a residential feel - motorists seeking out SNHHS may not think its surrounding area "fits", causing confusion to those travelling from outside Amherst. Proper signage to identify the site is imperative to aid anyone seeking care from this facility.

C. Vars stated the current sign on the north side of the building is new and about 14 sq. ft. He asked why the applicant wants to take it down and increase the size. Mr. Cote stated when they opened; they didn't have an understanding of the zoning for signage. They believe it is important to identify the site at the entrance to the site as well as on the building itself. They are a little unique being a health care facility rather than retail and want to make sure people who are unfamiliar with the area as well as people that are not feeling well will be able to locate them easily.

D. Kirkwood asked about the elevation. The higher elevation would be easier to spot.

C. Vars said the building is above the road, but the sign is still not visible if there are vans parked in front of it. He further stated that what they are proposing is overkill. The ZBA shouldn't grant variances for signs that are in excess of the amount allowed in the commercial zone. If the applicant keeps the sign on the north side that's 40 sq. ft. and the new one at the road is 14 sq. ft. that would be ok.

J. Ramsay moved and R. Panasiti seconded to go into deliberations. Vote unanimous

J. Ramsay moved and K. Shea seconded no regional impact. Vote unanimous

D. Kirkwood stated that R. Panasiti will vote tonight for R. Rowe.

C. Mailloux clarified that the variance sought is from 3.4.D.3.C.ii

Discussion

The board discussed the property's visibility from that location, permitted uses and signage zoning.

95 They further discussed the current and proposed sign square footage. They also discussed a possible
 96 condition if the variance is granted limiting the total sign square footage.
 97
 98 K. Shea brought up hardship vs advantage. The building is elevated and others in that zone have 24
 99 square feet of sign which seems reasonable. R. Panasiti said the applicant stated the building sign adds a
 100 visual reference and identifier to people coming from 101.
 101 D. Kirkwood said this property provides public health and that perhaps deserves more visibility than a
 102 business of a different category. R. Panasiti agreed that safety is an important issue.
 103
 104 The board addressed the tests at this time.
 105 1. The Variance will not be contrary to the public interest.
 106 C. Vars definitely. Nothing there that would be detrimental to public interest because of where it's
 107 located.
 108 K. Shea nothing that's contrary to public interest
 109 J. Ramsay agree it's advantageous to public interest
 110 R. Panasiti agrees with J. Ramsay
 111 D. Kirkwood it serves one of the primary considerations in support of the public interest
 112 5 True
 113
 114 2. The Variance is consistent with the spirit and intent of the Ordinance.
 115 K. Shea yes -health service
 116 J. Ramsay agree yes it is a business, but by them moving into Amherst at that location it behooves the
 117 citizens
 118 R. Panasiti true
 119 C. Vars true
 120 D. Kirkwood true
 121 5 True
 122
 123 3. Substantial justice is done.
 124 J. Ramsay yes allowed approved visibility of their facility. Driving west on 101 it behooves everyone to
 125 be able to identify it as a medical facility
 126 R. Panasiti agree
 127 C. Vars true
 128 K. Shea the applicant didn't state substantial justice. not true
 129 4 True -1 Not True
 130
 131 4. The values of the surrounding properties will not be diminished.
 132 R. Panasiti yes signs won't be visible to the houses in the area. Should increase value to the
 133 neighborhood
 134 C. Vars yes it won't diminish the value. They've done a beautiful job with the building itself
 135 K. Shea surrounding properties shouldn't be harmed.
 136 D. Kirkwood said they presented a reasonable argument for not diminishing the values.
 137 J. Ramsay agreed
 138 5 True
 139
 140 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.
 141 C. Vars said this property has special conditions that differentiate it. It is an unnecessary hardship to
 142 keep them to a 24 sq. ft. sign because it is hard to read from the road at that distance.

K. Shea no. He doesn't see the hardship for the property. He agrees they need a sign; he just doesn't agree with the size.

J. Ramsay has a hard time drawing a relationship between this property and other office facilities on Limbo Ln. This property is unique.

R. Panasiti it would be a hardship not to have the sign. It's confusing coming off that ramp, the road is confusing.

D. Kirkwood hardship in this case is not the same kind we would expect from other properties. It can be a hardship for them when you're thinking of people trying to find the facility.

4 True- 1 Not True

D. Kirkwood clarified that what the board is voting on is a reduction from 80 sq. ft. as posted in the variance application to 56.25 sq. ft. which was suggested by and agreed to by the applicants.

C. Mailloux suggested listing the specific numbers for each sign in the conditions.

D. Kirkwood clarified the wording as follows: Total signage would be the aggregate not to exceed 16.2 sq. ft. for the road sign and 40.25 sq. ft. for the building sign.

K. Shea suggested adding a condition that this variance goes with the use of the property being a health facility and if the use changes, the variance does not go with the property. Board members agreed.

D. Kirkwood wishes to talk with Town Counsel before adding the statement of the variance only going with this use of the property.

D. Kirkwood stated that having passed all of the tests, the request for variance is granted with the condition that the total signage of the lot shall comprise of a wall sign approximately 40 sq. ft. and a freestanding sign approximately 16.2 sq. ft. the total of these not to exceed 57 sq. ft. This variance only applies to medical facilities.

K. Shea moved and R. Panasiti seconded to come out of deliberations at 8:20pm. Vote unanimous

Old Business:

1. CASE # PZ6637 – Request for Rehearing Energy North Group (Owner), Blackdog Builders (Applicant) – Request for a rehearing of Case # PZ6637. 75 Rte 101A, PIN #: 002-066-002

The applicant submitted the following to the ZBA:

After the denial of our initial variance request we spoke again to the property manager about locating new signage on the existing Mobil sign. He concluded that we could not install any additional signage because it would conflict with the branding of the Mobil Company. The company only allows affiliated signage to be included with their free standing sign (ex. Coffee shops, car washes, etc.). Therefore we are requesting a rehearing for our initial variance application. We believe that we possess a very viable hardship and are willing to express that to the Zoning Board. Attached [to the application] you will find an official letter from the property owner stating the denial of our request to install additional signage on the Mobil sign.

Discussion

K. Shea said the applicant did not have a hardship last time they were here and were denied the variance. They have now come up with a hardship so technically the board should honor the request.

C. Vars is in agreement of giving them a rehearing. He is, however, reluctant to hear the same case again. He suggested since they have about 48 sq. ft. on the building now, they could put approximately 22 sq. ft. on a freestanding sign to remain under the allowed amount for a business. Their current proposal is in excess of what's allowed in the zone and if they come back with the same proposal, he is likely to deny it because of that.

R. Panasiti asked about the sign masterplan that used to exist on the property. C. Mailloux explained the past and current situations.

K. Shea asked about the applicants- the owners and the tenants. C. Mailloux clarified that they are essentially co- applicants (the owner and the tenant). K. Shea pointed out that they are essentially creating their own hardship.

D. Kirkwood wasn't at the original hearing, but can't understand why they would want a sign on the Mobil sign anyway. The board explained that they don't want it on the Mobil sign and further explained the history of signage on the property.

In regards to whether the board sees enough new information to warrant a rehearing or not, J. Ramsay stated the applicant has provided information that states they cannot put a sign on the Mobil sign. Therefore they deserve a rehearing. The board agreed with this.

C. Vars does not want to see the original request. C. Mailloux will suggest to the applicant that if they present a plan that doesn't exceed the total square footage allowed in the zone, there is a better chance of the variance being granted.

C. Vars moved to grant a rehearing as requested. K. Shea seconded. Vote unanimous

Other Business:

Minutes: December 15, 2015

C. Vars moved and R. Panasiti seconded the minutes of December 15th be approved as submitted.

Vote: 4 in favor with J. Ramsay abstaining.

C. Mailloux stated for the February meeting there is a request for a rehearing. She also reminded the board that the zoning amendment final open hearing is tomorrow night.

R. Panasiti directed the board to amendment 5. C. Mailloux clarified the amendment changes, the consequences of the changes and how the wording might be altered. The board agreed that as written, the ZBA is not in agreement with the amendment. The board agreed that the changes limit the pool of people that can be ZBA alternates. It also takes away the option of certain skilled, knowledgeable folks to sit on the board. C. Vars thinks the last line should just be eliminated. The board was in agreement.

C. Mailloux directed the board to amendment 9- floor ratio. She relayed some discussion the Planning Board had about the amendment. The board discussed some of their thoughts on the amendment.

K. Shea moved to adjourn at 9:01pm. R. Panasiti seconded. Vote unanimous

Respectfully submitted,
Jessica Marchant