

ZBA Minutes 03/05/12

NEWMARKET ZONING BOARD OF ADJUSTMENT MEETING

MARCH 5, 2012

MINUTES

Present: Chris Hawkins (Chairman), Wayne Rosa (Vice Chairman), Diane Hardy (Zoning Administrator), Bob Daigle, Bill Barr, Ea Ksander, Gerry O'Connell

Called to order: 7:06 p.m.

Adjourned: 7:42 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Review & Approval of Minutes: 02/06/12 & 02/14/12

Minutes were not available for review.

Agenda Item #3 – Regular Business

Newmarket Mills, LLC – Public hearing concerning a request for three Variances. The first Variance is reference Section 4.02(A)(4), of the Newmarket Zoning Ordinance to permit directional signage to be located on the street lights located around the property. The signs will have an area size of no more than three square feet and will be hung upon the top of the light poles. The second Variance request is from Section 4.05(A) to permit more than the allotted amount of free standing signs per lot. This will include one free standing parking sign at the accessible entry point of Penstock Way. The third Variance request is from Section 4.05(A)(3) for twelve projecting brackets to support signs representative of the commercial businesses located in the mill. The full application is available in the Zoning Office of the Town Hall during normal business hours. The property is located at 55 Main Street, Tax Map U2, Lots 365, 366, & 367, M1 Zone.

Chairman Hawkins read the notice for the application.

Eric Chinburg, Manager of Newmarket Mills, LLC, stated he was there with his Property Manager and marketing team, Brinton Shone, Brittany Verville, and Jen Chinburg.

He stated he would like to go through the five criteria. Some are a little redundant. The primary reason for the variance is the unique size of the property. He would like to go through the criteria and apply them to all three requests, if that is all right with the Board. Chairman Hawkins stated to go ahead. He thought it would be helpful to people watching if Eric Chinburg could go through and explain what each variance is and what they are proposing to do. Eric Chinburg stated the sign ordinance has been set up for the nature of the downtown, which are single occupant businesses per parcel. The signage limitations are set up on the understanding that you have a parcel of land with a single business operating on it. The mills are comprised of several parcels of land with a very large building, which used to be a single business. There are currently about 20 businesses in the mills, at this time, and there will be about 35 ultimately.

The first variance is for the way-finding directional signage, which will be located on street lights, to help guide people around their parcels to the various businesses. Chairman Hawkins stated the size of the signs is not what the variance is about, it is the fact they are mounted on light poles. Eric Chinburg stated they want to have them be protruding signs mounted on light poles, which under the strict interpretation of the ordinance is not permitted. Chairman Hawkins stated the sign ordinance contemplates a parcel with one business. The reality of this is there are multiple businesses at the mills.

Eric Chinburg stated they were looking at having way-finding signage, which will consist of small signs, no more than 3 square feet, mounted on light poles. They have several parcels that handle parking and there are different entrances. They would like to have free standing signs at each entrance to parking lots to let people know there is restricted parking, there is municipal space, visitor parking, etc.

The primary variance has to do with the signage on the building itself to let people know where the businesses are. That is the request for up to twelve brackets that hang perpendicular off the building, with one to three signs hanging from them, taking up no more than 24 square feet per bracket. The sign that is up there now is the best example, having to do with Bailey Bagworks and the bike factory. That is what they are proposing for the other signs. He showed a bracket to

the board.

Chairman Hawkins explained the ordinance allows one sign per lot and there are eight lots with this request. The applicant is asking for twelve brackets. The request has to do with the number of brackets, not the total square footage of the signs.

Bob Daigle asked if way-finding signs were the ones that fell under hanging banners from the light poles. Eric Chinburg stated that was correct.

Eric Chinburg stated the average parcel size and frontage for businesses downtown is a fraction of the size the mill building takes up. Their building is about 365 feet long. There are a lot of storefronts in town that are 20 feet wide. You could fit fifteen of those smaller buildings along the façade of his. He stated the spirit of the ordinance is still met. There would not be a greater density of signs.

Eric Chinburg stated the five criteria were included in the ZBA's packets. He asked how he should approach going through them. Chairman Hawkins stated it would be helpful to those in the audience if he could emphasize the points he felt were of particular significance, rather than read the whole submittal.

Eric Chinburg stated, for Criterion 1, if you drive down Main Street where all of the smaller storefronts are, you have a nice signage program, pattern, and rhythm to those. The mill signs would not be much different. There would not be more signs per lineal square foot per building than you have currently have downtown.

For Criterion 2, the spirit had to do with the small businesses downtown, creating a certain rhythm of signage. He felt they would meet that.

For Criterion 3, he did not see how, with a business this large, you can meet modern business needs with multiple occupants of a building with one or two signs.

For Criterion 4, he stated their experience, so far, is they have put businesses in that building and it is good for the downtown. The rising tide lifts all boats. He stated surrounding properties will benefit from the businesses in the mills.

For Criterion 5, he stated this property is very different from the surrounding properties. Chairman Hawkins stated it is the bulkiest building we have. There is no other comparable property in town.

Chairman Hawkins opened the public hearing.

Dawn Lewis, a potential tenant of the mills, stated she will be opening an ice cream, gelato, and bakery shop. She stated she was in support of the signage. Without the sign, no one would know she was there. The proceeds from her shop go to support a non-profit organization, so it is important for her to be visible and to draw people into the mills.

There were no other comments and Chairman Hawkins closed the public hearing.

Bob Daigle asked about the free standing signs. The packet shows two free standing signs, but the material inside says there will be one sign. Eric Chinburg stated they are distinguishing that from the permanent signs they have already installed across the street. They are only asking for one sign at Penstock Way. The signs installed across the street meet the requirements already.

Bob Daigle asked about the directional hanging banners. He asked if there was a list of where they will be located and what they will say. Eric Chinburg stated, within the mill courtyard, people could put banners up for the Heritage Festival or other events, so they wanted to leave the verbiage open and just be able to put these types of signs on the light poles. Bob Daigle asked if these were all in the courtyard and not on Main Street. Eric Chinburg stated that was correct. There are about 10 light poles involved. Bob Daigle asked if there was a festival coming up for example would the person have to go through the mills management group to get approval. Eric Chinburg stated that was correct. The impact to residents on Main Street would be zero.

Diane Hardy explained, typically, directional signs are permitted, but because these signs are greater than 2 square feet in size, a variance is necessary. The Board is looking at a size variance for this particular request.

Gerry O'Connell asked how close together the brackets will be. Eric Chinburg stated they could be as close as every 8 feet, but they may spread them out if they end up with fewer brackets. Chairman Hawkins stated they will all be down-lit, not internally lit. Eric Chinburg stated that was correct.

Eric Chinburg stated the challenge with wall signs is they were flush to the building. They are trying to make them look better without having a billboard effect.

Bob Daigle stated they are looking for twelve brackets. He asked how many they would be looking at on the front side.

He said in the text submitted it says five on the front and three on the back, but they are asking for twelve. His concern was they would put nine on the front and three on the back. Eric Chinburg stated he would like to modify the request to say they would like to have up to nine of them on the front. He reiterated there is 360 feet of building there.

Diane Hardy stated this is a historic preservation tax credit project. Are there requirements involved in signage due to that? Eric Chinburg stated he showed them a prototype of the one he put up and they were happy with it. They had someone else who wanted to put up an awning and they said absolutely not.

Diane Hardy stated she was directly involved with the Planning Board modifying the zoning in the M1 District three years ago. It was an oversight they did not include new signage requirements for the mills. The argument that the current standards are not applicable is a valid one.

Gerry O'Connell stated he liked the idea of the hanging signs for visibility.

Bill Barr asked if they were looking at 4.02(A)(4). From what they just discussed, he is under the impression it is subparagraph (2). Diane Hardy stated subparagraph (3) applies and deals with projecting signs. She said these are not located over doorways. Chairman Hawkins stated the first variance request for the directional signs located on the light poles is 4.02(A)(2). The freestanding entrance sign is 4.05(A). Bob Daigle stated the wording went with 4.02(A)(4). Eric Chinburg stated the Penstock Way sign is one of the larger ones in the parking lots. Chairman Hawkins stated the application says 4.02(A)(4) and it should be 4.02(A)(2). Diane Hardy stated they are within the intent of the ordinance and within the correct section; you could interpret it either way. Chairman Hawkins stated the facts are not changing; it is an issue of the section stated in the application and the notice that went out based on that. It was decided to phrase the motion to encompass the entire verbiage of 4.02(A).

Action

Motion: Bill Barr made a motion for 4.02(A) for the purpose of granting a variance to permit the directional signage of no more than three square feet mounted on the street lights
 Second: Gerry O'Connell
 Vote: All in favor

Action

Motion: Bill Barr made a motion to grant a variance from Section 4.05(A) to permit more than the allotted amount of free standing signs, specifically, to include one free standing parking sign at the accessible entry point of Penstock Way
 Second: Bob Daigle
 Vote: All in favor

Action

Motion: Bob Daigle made a motion to grant a variance to Section 4.05(A)(3), which increases the number of allowable projecting brackets from eight to twelve, with no more than nine of those brackets being on the Main Street side
 Second: Wayne Rosa
 Vote: All in favor

Agenda Item #3 – Other Business

None.

Agenda Item #4 – Adjourn

Action

Motion: Bill Barr made a motion to adjourn at 7:42 p.m.
 Second: Bob Daigle
 Vote: All in favor