

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
November 20, 2007

A public hearing of the Zoning Board of Adjustment was held on Tuesday, November 20, 2007 at 6:30 PM in the Auditorium at City Hall.

Sean Duffy, Chair, conducted the meeting.

Members present were:

Sean Duffy, Chair
Jack Currier, Vice Chair
Robert Shaw
Bob Carlson
Marcia Wilkins, Planner I

MOTION by Mr. Duffy to suspend the rules and waive the initial procedural reading announcements.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 3-0.

1. **Lawrence & Marguerite Kleinman (Owners) 56 Woodfield Street (Sheet B Lot 1434) requesting variance to encroach 6 feet into the 30 foot required rear yard setback to construct a 12'x12' kitchen and a 12'x12' deck. R9 Zone.**

Voting on this Case:

Sean Duffy
Jack Currier
Bob Carlson
Robert Shaw

Lawrence Kleinman, 56 Woodfield Street. Mr. Kleinman described his property, and said he wants to remove the existing deck, and construct a new kitchen addition and a deck. He stated that he contacted his neighbors, and they had no concerns about it.

Mr. Duffy said they are already in the setback with the deck.

Marguerite Kleinman, 56 Woodfield Street. Mrs. Kleinman stated that they have a deck, and the kitchen will be in the same place as the deck is. The deck will be next to it.

Mr. Duffy asked how high it will be.

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Mr. Kleinman said it will be single story, built on sono tubes, with no foundation.

Mrs. Kleinman described what it will look like. She said it will be a dining area for the kitchen, it will not have any plumbing.

Further discussion ensued between the Board and the applicant.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Shaw to grant the variance on behalf of the applicant. Mr. Shaw stated that there already is an existing encroachment into the rear setback from the existing mudroom that has been in place for quite some time, and the existing deck. Mr. Shaw said this variance would be to continue that same encroachment and add slightly to it by moving the deck to the side of the property slightly, and by adding a deck extension, and will give the property owners the ability to expand their existing kitchen, and it will not noticeably change the appearance of the structure, except in the rear.

Mr. Shaw stated that the request is within the spirit and intent of the ordinance, allowing reasonable use of this part of the property. There are no apparent affects on adjacent property values, it is not contrary to public interest, and substantial justice is served

Mr. Shaw said the stipulations are that the additional kitchen area will have no plumbing and will be one story high.

SECONDED by Mr. Carlson.

MOTION APPROVED UNANIMOUSLY 4-0.

2. Woody & Michael Realty Investments, Inc. (Owner) 233 Main Dunstable Road (Sheet E Lot 111A) requesting variance to allow an RV sales, repair and service facility in which less than 75% of the building is used for industrial or manufacturing uses. PI Zone. (TABLED FROM 11-7-07 MEETING)

3. Woody & Michael Realty Investments, c/o M. Alosa (Owner) Woody & Michael Investments, LLC (Applicant) 233 Main Dunstable Road (Sheet E Lot 111A) requesting the following variances: 1) to allow for ground signage on a lot with 50 feet of lot frontage, a minimum of 100 feet of lot frontage required, 2) to exceed maximum number of ground signs allowed per premise, one allowed, two proposed, 3) to exceed maximum ground sign area for one sign, 100 sq.ft allowed - 144 sq.ft requested, 4) to exceed maximum ground sign area per premise, 100 sq.ft allowed - 182 sq.ft proposed, and 5) to exceed maximum height of ground sign, 20 feet allowed - 60 feet requested. PI Zone.

Voting on this Case:

Sean Duffy
Jack Currier
Bob Carlson
Robert Shaw

The Board decided to hear case number 2 and 3 together, as they are interrelated, and have them both be part of the discussion.

Mr. Duffy asked Attorney Morgan Hollis if he had any objections to opening these cases and hearing them together.

Atty. Hollis stated that it makes sense to hear them together.

MOTION by Mr. Duffy to remove from the table case #2.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 4-0.

MOTION by Mr. Duffy to open and combine the public hearing of cases 2 and 3 together.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 4-0.

Atty. Morgan Hollis, Nashua, NH. Atty. Hollis said at the last meeting, many issues were brought up and the item was tabled. He said he wanted to "couch" his view of what they are asking for. He said there was a lot of discussion about the use not being consistent with the uses in a Park Industrial zone, so there's a weight given to whether this use should be allowed to infringe on the typical uses in the Park Industrial zone. He stated that

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this use is a conditional use, by adopting the last ordinance, the City of Nashua decided that this use is permitted in this zone, as long as certain conditions are met, as determined by the Planning Board. The use is determined to be permitted when the Planning Board goes over a criteria list, and the only hitch on it, is a footnote that says that to get to the Planning Board, you must have 75% of the building on the site occupied by an industrial or manufacturing use. He said they do not intend, nor want, a second use on the property from the industrial or manufacturing list. He said they could find a use, such as manufacturing, but they only want the one use. So, they need the variance to go from the 75% requirement, to 0%. It is an area variance.

Atty. Hollis said they wanted to correct one item from the last meeting, in which it was stated that they would have 180 vehicles, however, they only intend to have 50-100 vehicles. The Planning Board will tell where the display areas will be located.

Atty. Hollis stated that they met onsite with one of the direct abutters, and talked about several items. First, the plan shows a parking easement, this is the abutter identified as BD & P Associates. He said that they checked in the registry, and there is a license on record that is terminable, and we agree that it has been terminated. The letter cannot be found, and there is nothing on record, and we agree it is terminated, and they are going to create another one to be recorded, and that easement is going to go away.

Atty. Hollis said the second item they talked about was a fence along the rear boundary line of Lot E-111 and on the southerly boundary line of the site. There had been a fence there, and it was torn down, knocked down and removed. We have agreed to re-install the fence, not only along this line, but it will be re-installed along the entire length of the driveway. There is currently a gate in, about 25 feet, and we will connect the fence along the rear line, down the driveway, to the gate. This will address the concern of the neighbor, during off-hours, to park there and look and go in, so this will alleviate the issue with both the fence and gate. He said they will consult with the abutter before the fence is installed, to ensure it will be placed on our property.

Atty. Hollis stated that they also talked about drainage, and they have identified on the plan a leaching catch basin, and

they have relocated the leaching catch basin to the lowest point in the existing paved area, so it will pick up all the drainage that flows down. This is more of a site plan issue.

Atty. Hollis said the final issue is that they are proposing two ground signs, one at the rear and one at the entry point. He said the abutters concern about the sign at the entry point, was that could it be moved to the roadway side (the truck side), so that as people drive up Middle Dunstable Road and look for the sign, they'll turn into the correct driveway. He said they are relocating the sign, and will work with them.

Atty. Hollis said they've sent the abutter a letter, and they are willing to stipulate these items. He said they are aware of the boundary dispute, there are rocks shown, we will flag the boundary and will come to a resolution about the exact property location, and will also work to ensure the drainage is done correctly. This is also a site plan issue.

Mr. Duffy asked if Atty. Hollis was aware of the November 15 correspondence that the Board received this evening.

Atty. Hollis said he was not aware of it, and was given a copy of it.

Mr. Duffy wanted to reference a couple pages from the Land Use Code, he said Article 1, Section D, which describes uses such as conditional uses. He also mentioned the use matrix, and the correlation to the Master Plan. He said on Article 3, there are approval criteria for the Planning Board. He said that with all the conditional uses, at least 75% of the building must be used for industrial or manufacturing uses, 25% of the building can be used conditionally, it should not be the use of the property or structure. He said uses #143 - 191 are pretty specific, and item 190, you could have automotive or RV production as that other 75% use. He said the conditional use is a small use, where you retain the industrial use of the structure. He said the proposed use is taking the whole property, where the ordinance calls out for conditional use of just a small portion of the building.

Atty. Hollis said it was Mr. Falk's decision that it was an area variance, and not a use variance. He said the Board should concentrate on the 75%/25%. He identified uses that are permitted and other items that are allowed in the zone as a conditional use.

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Mr. Duffy said he looked at all the uses, and they are not the type that has inventory stored outside like some of the other commercial uses.

Atty. Hollis stated that there is the heating and plumbing supply business use, with outdoor storage, and other heavy equipment with outdoor storage, as a permitted use. Construction equipment is allowed, and is stored outside. He said there is only one place to store this type of equipment. He also mentioned transportation equipment, automobiles, aircraft boat and railroad are permitted. He said we are as close as you can get to that category.

Atty. Hollis said he believes the intent of the ordinance is that this use is different, and if you want to have this use, it has to be a secondary use, and has to be secondary to the extent that it's 25% of the whole site, you have to have 75% of the rest of the site, if it said that, it would probably be called an accessory use, a subordinate use. These are all principal use categories, and they're anticipating that this is the principal use of the site, but in order to get there, to the Planning Board, you need to show that in the building, 75% of the building is used for other uses that are permitted. He said they could bring in a construction company, for example, but they only want one use in the building.

Mr. Currier said from the Atty. Hollis's initial presentation this evening, the points about the vehicles being limited at the gate, from abutters point of view, this proposed plan improves it tremendously. He said the first point made, he said he opposed, and believes it is a use variance. He said the ordinance is clear, if you have industrial use, there is the little kicker that you can have something else, it is supposed to be for industrial use. He said the code has a lot of the conditional uses with the little number one in it, it is a bonus that you can have an industrial use with a second use as a minor part of it. He said you can have a motorcycle dealer, a car dealer, that's only 25%, while the 75% is the industrial use. He said this is a dealership, where you have 0% industrial use. He said this is clearly a use variance. He said the intent of the code is to promote the industrial uses, and have a minor bit of commercial use.

Atty. Hollis said he understands how Mr. Currier got to that conclusion, it may be what has been determined in the code, but what we are faced with is that we made an application and have a

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determination by the Zoning Administrator, and if the Board disagrees, they have to make an appeal of that decision once the decision has been made public. He stated that the administrator determined that it should be an area variance. He said they have made a case for a use variance, it has all the elements of a use variance, such as an unusually shaped lot, shaped like a porkchop, and it is a unique lot, has topography, and has two frontages, and has only 50 feet of frontage. It is an unusual situation. It is also near other non park industrial uses.

Mr. Currier said unequivocally it should be an area variance case. For a PI zone, it is an advantage, an industrial business isn't going to care if it's next to a roadway, or the boat repair place, these are what are supposed to be in the PI zone, and the others nearby. Industrial uses want to have privacy. He said he didn't think it's a challenged lot.

Atty. Hollis pointed out the parking spaces in the lot, and said it's not conducive to having the building expand in size, you would lose the drive aisle and parking spaces. A commercial use has more activity, more customers and lighting, there is an open opportunity to access the site for potential vandalism. The proposed use will have fencing, good lighting and will be gated, so the site is very unique and should be safer as far as vandalism goes. There is not easy access to the site.

Atty. Hollis said the arguments for the signage are similar. He said the property has a unique setting in its environment, it is located on Main Dunstable Road near the end of a cul-de-sac. It has a very unique shape with only 50 feet of frontage on Main Dunstable Road, with a long driveway back to the building, where all of the use and activity is located. It is not visible from Main Dunstable Road, but it abuts, and is viewed from the access ramp to the FE Everett Turnpike.

Atty. Hollis said the property is topographically significantly lower than either the ramp or Route 111A. He stated that the proposal for a second ground sign is reasonable given the location and shape of the property and the proposal for a ground sign higher than 20 feet, and the request is for a 60 foot high sign, and larger than 100 square feet, where we are asking for 144 square feet is reasonable given the topographic difference between the property and the abutting public rights of way adjacent to the site. He said they have a fourth variance, which is to have a sign at all, since the frontage is 50 feet, where a minimum of 100 feet is required. He said it is a lot of record,

and if anyone needs to find the site, they need a sign.

Atty. Hollis said the second part of the hardship criteria is that no fair and substantial relationship exists between the general purposes of the ordinance and the specific restrictions on the property. He stated that the general purpose of the ordinance is to implement the Master Plan, and to protect the property values, the proposal will place a larger and taller ground sign, where most of the use of the property will be seen from the ground sign at the entrance of the property, and does not violate any of the expressed goals of the Master Plan, nor does it affect property values.

Atty. Hollis said the third point is that the variance shall not injure the private or public rights of others. He said the size and location of the sign will not detract motorists, nor will it block the view of other property owners.

Atty. Hollis said essentially they are asking for a ground sign in the front, and another one in the back. He said because of the topographic changes in elevation, they went to the site and did a balloon test to see how high the sign needs to be to be seen, and 60 feet was the height. He said the sign will give direction, as Main Dunstable Road is somewhat complex to find since it is on both sides of the highway. He said the sign will provide identification.

Atty. Hollis said the sign will not violate the spirit and intent of the ordinance, in that the control of the number of signs is to protect the proliferation of signs along the frontage of the lot, which overwhelm the neighborhood. He said the purpose of the ordinance is to provide reasonable direction and information to the public. He said a second sign of adequate height and size will satisfy the ordinance and will not violate the spirit and intent, they are far away from each other and are reasonably necessary.

Atty. Hollis said for property values, the second sign at the rear of the property will not block the views from or to abutting properties, as they are used for industrial purposes, and a second sign will have no impact.

Atty. Hollis said for public benefit, the signs will allow for valuable direction and identification to the site, will reduce driver confusion, and will assist the public in locating the site.

He stated that for substantial justice, any loss to the individual does not outweigh the gain to the general public, and prohibiting the second sign, or requiring that it meet the 20-foot maximum height and a total of 100 square feet is not a gain to the general public. Denial of the signs will be a substantial loss to the owner. He said the current use is for a bus depot. He said that drawings are submitted showing what the signs will look like.

Mr. Currier said as he drove around the roadways to the site, he said he could see the tops of the RV's on site, so give another 10 feet, and that would be a very visible sign, and thought 60 feet would seem to be very tall. He asked what the target audience would be for this sign.

Atty. Hollis said from one gap at the southwest ramp location. It won't be to attract people from the highway. He said that 20 feet is too low, and trees are growing. They thought 60 feet is appropriate.

Mr. Shaw asked about the smaller sign, something is needed to mark the entrance to the property. He stated that he wanted to know the rationale for the scale of the signs.

Terry Wilkins, Barlo Signs, Hudson, NH. Mr. Wilkins stated that they look to get the best sign to identify the site. The small sign, at 15 feet in height, is more for roadway visibility, for trucks, and there is a lot of traffic coming and going, so this sign will provide identification to the company. The logo, as an identifier, will allow for recognition to the business.

Mr. Currier asked about the big sign, if it was two sides, and wanted to know what it is facing, and how it will be oriented.

Mr. Wilkins said when they did the balloon test, they are looking at a couple of angles to see what will work the best.

Mr. Currier asked if they are targeting the southbound traffic on Route 111A, the traffic that has just passed over the overpass. He said for all the traffic going southbound, you'd want them to turn left at the next light.

Mr. Wilkins said there's a height relationship, the higher it is in the air, the smaller it looks. It looks very big on the ground, but 60 feet high, it looks smaller. It will have a simple logo.

Mr. Shaw asked about the 60-foot, the 20-foot, and anything in-between, and asked why that height was chosen.

Mr. Wilkins said the site is in a hole, you'd need another 20 or so feet just to get to grade level. Also, the trees are tall, and will be growing. At 40 feet, the sign is blocked.

Mr. Shaw asked about the height, and if the context of the 12'x12' sign, at 60 feet tall, would the effective height of the sign at 45 feet.

Mr. Wilkins said under normal conditions, would the sign be this height, maybe not. He said the Motel 6 sign is 10 feet tall, but is 30 feet wide, and is 300 square feet in area. The proposed sign is 144 square feet.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

David McCullough, Meredith NH. Mr. McCullough said that he owns the property at 237 Main Dunstable Road. He stated that the businesses in the PI zone were thought to be "like" businesses, and that's why they bought there. He is surprised that some use like this is proposed to go there. He said there is an ongoing dispute with the lot line, and have asked that a fence be put up. They want a fence to be put in, and along the line, to protect from further encroachment. If there isn't a fence, kids will cut through. He said he is concerned that the proposed use will attract more kids to get to the site for vandalism. They want the fence back. He said he is also concerned about safety. His other concern is related to drainage, and the water is running down and eroding his property, and running through the cell tower pad site. He said historically they wash these RV's, and if the cleaner would harm his property. He said he believed it's the wrong use for the property.

Mr. Currier said when he goes through there now, it appears well occupied. He asked about vacancies.

Mr. McCullough said the day care building is vacant, and the occupancy rate is very low.

Ray Durand, 56 Haines Street. Mr. Durand said he sent a letter in, which was received by the Board. He said the applicant has addressed many of their concerns already, and want to make sure they do if the use is approved. He said they are concerned that the proposed use does not impact their property. He said they may put an addition on their site, and hoped the proposed use does not impact them. It appears as if the drainage issues may be taken care of with the leaching catch basin. He said the sign on Main Dunstable Road may be out of character with the other signs on the street, and is concerned with how it may look. He said the fence should be reconstructed, and they said they would do that. He said the Board should look at the conditional use, and if it creates a precedent for retail uses in the area.

SPEAKING IN FAVOR - REBUTTAL:

Atty. Hollis said a majority of the points raised are more typically addressed by the Planning Board. He said he felt it is fair for the Board to impose stipulations on fencing, he said the use issue has been debated fully, and know that the use is different from the neighbors. He said it seems reasonable that the Board could consider that as grounds for stipulations if it saw fit to grant the request.

He said fencing is proposed along two property lines, and Mr. McCullough is asking if it could be extended a third property line for about 113 feet.

Atty. Hollis said in terms of the drainage issue, typically in the site plan the engineers will ensure that it will stay on site.

Atty. Hollis said the sign height, the flagpole is about 15 feet. He said they do not want to set a precedent, and is aware that variances do not set precedents.

SPEAKING IN OPPOSITION OR WITH CONCERNS - REBUTTAL:

Ray Durant, 66 Haines Street, Nashua. Mr. Durant said he is one of the partners that own 235 Main Dunstable Road. Mr. Durant stated that in speaking with his neighbor, the only objection he has is the use, is it the right thing to be putting in there. He said that somewhat his interpretation is if there is a danger that this is going to start spreading.

Mr. Duffy said the Board can only talk about what Atty. Hollis said in his presentation.

Mr. Durant asked if the drainage system was going to be moved over, and if the pipe is extended, where the water would go. He is concerned that it will be backflowing.

Mr. Carlson said he didn't like the variance for the large ground sign. He said the only reason why they'd put up a 60-foot sign was to attract people from the highway. He said it would be in the general height of the Motel 6 sign, and it would be one more lit sign on the highway. He said he didn't have any issues with the other, smaller sign, which is necessary for business. The other large sign is an issue.

Mr. Duffy said he has a similar feeling on that. He asked about the application under the conditional 75% area variance for the building.

Mr. Carlson said he didn't think it's an area variance, but a use variance. He said you can classify it any way you want, and you can make the argument that you could put an electrical supply company, an industrial supply company, all these other uses in there, and you look at that argument, then the other argument is that you could put a car dealership, or a retail location there, because those are prohibited uses for that area, so it cuts both ways, we have to consider all possibilities. He said the other interesting point being no case law, no precedent to work from. He said the Board is in a difficult circumstance, and he said he has no issue with the business itself, he said he disagrees with Counsel's presentation about the type of variance that he's requesting.

Mr. Shaw said in fairness to Atty. Hollis, he's stuck with arguing for an area variance because that's what it was determined to be. He said we may have a unique, special circumstance that the area variance as the usage, drove to a 0%, essentially intersects the use variance and you're at the point where you could call it one or another. He said in some ways, you could hear arguments justifying it from both sides.

Mr. Shaw said it doesn't make sense for him to force some true park industrial use into the building, when in some ways, it's the full property in this type of a usage is really what is at play, so, in a way it's possible, as testimony was noted, that if this is not successful, one opportunity for the applicant

might be to consider a way to satisfy that, when they have gained no real benefit by preserving that 75% criteria. He said he didn't think that was the goal of our review of this should be. He said we should come back to the issue of whether or not this kind of business is appropriate in this conditional use for this site, he said it's very intertwined, as some of the businesses become somewhat similar. He said the idea of commercial, or retail activity at this kind of site, versus the more true previous usage or park industrial usage, but it doesn't have that kind of round-the-clock activity associated with a retail business.

Mr. Currier said it is an area variance we're looking at, the zoning regulations spirit and intent is pretty clear, to keep it primarily a park industrial use, and you have the benefit of having some commercial/retail on the side, and the proposed use is not that. He said maybe it could be accommodated if the showroom or the building ends up so that 75% for repair bays, and the other 25% as showroom, then so be it. He said that the proposed use ends up needing things like the sign from the highway, whereas if it were a classic park industrial use, you wouldn't need that, as the same employees would be going back there, he thinks this is a large deviation from the intent of park industrial, and said he's clearly not in support of it, there are plenty of other uses that could be applied and be successful on this property, his sense of this area is pretty much well-occupied, and it is not within the spirit and intent of the ordinance, and is solidly against the proposal.

Mr. Duffy said his thoughts are similar to the ones he had for Atty. Hollis, he looked at this as right, wrong or indifferent, the Board did not draw the maps, this Board did not write the ordinance, this is an ordinance that was passed in January 2006 with some pretty clear criteria, and that the Aldermen knew there were certain resources in the City, and believes that conditional uses are allowed in limited situations, in fact, they are mostly in the Park Industrial or Airport Industrial, they are not in Downtown so much, or General Business, they're not even as much in the General Industrial zones, so the conditional use with the subscript "1" is sort of a transitional process for the next period of the ordinance being effective.

Mr. Duffy said the criteria that he tried to see, for that one specific paragraph, and they were pretty straightforward and clear, and he understands the confusion in interpretation by us, but it looks like this use is permitted only as part of a site

plan which is at least 75% gross floor area. He asked if there is anything unique to the site, or under the Boccia case, whether or not there's any criteria, maybe, maybe not.

Mr. Duffy said that maybe there's other alternative methods reasonably feasible by the applicant to pursue, not for the site, but the use variance request itself. If you want an appeal of the zoning administrators decision, that suggested that they proceed with this direction of their application, so that's what we tried to do, hear the information, weigh it as best we can. He said he's not amenable to passing a conditional variance for conditional criteria of the area variance, based upon what he's heard so far. He said he's not so concerned with the signage, but didn't see any compelling testimony criteria for number 5 to exceed the maximum height of the ground sign, 20 feet allowed, 60 feet requested.

MOTION by Mr. Duffy specifically related to case #2 to deny the variance, because there have been no special conditions shown about this property which is near a high traffic interchange area, near a highway business, but specifically in the PI Zone, and that the new criteria of the ordinance, specifically reflect that there may be other methods reasonably feasible by the applicant to pursue, this being a use variance request or a change in the permitted uses in the zone through the Aldermanic process, or reapplication back to this Board for a use variance, it is within the spirit and intent of the ordinance that conditional uses as testified by the applicant, that there is no structure or other use that would meet the criteria of industrial or manufacturing categories uses 143-191 at this time, and therefore the criteria cannot be met with the commercial use designated be passed, and that the spirit and intent of the ordinance also infers that the PI Zone district be implemented in connection with the Master Plan, and provide adequate zoning for industrial park type development, and also the current ordinances, in Article 1, specifically note that our use regulations established permitted uses and also states there are allowed in limited situations known as conditional uses, as well as prohibited, so move to deny.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 3-1 (Mr. Carlson).

Mr. Duffy said the Board didn't need to review a motion for the area variances for the signage.

Mr. Shaw said the Board should go ahead with this.

MOTION by Mr. Duffy relative to the sign area variances from case #3, to deny, the reason is that the area variances requested for the use of the site, at this time, is a moot point, since the area variances have been denied. He stated that it does not preclude the applicant's further reapplication of this sign variance, so another reasonable feasible method of the applicant is to reapply for that additional sign request at a future date.

SECONDED by Mr. Carlson.

Mr. Shaw said that the validity of any discussion about any of these five different items, is essentially no longer applicable because the arguments are associated with the area variance that was just denied in the previous items, while they might be married or not to these specific items in the context of the use of the property, they're no longer applicable, so that's why the proposal is to deny this request.

Mr. Duffy said the intent of the motion worded to that, again, by making the motion this way also, it does not preclude the applicant further right under rehearing or remanded rehearing under this Board for a future kind of a variance request.

MOTION CARRIED UNANIMOUSLY 4-0.

OTHER BUSINESS:

REHEARING REQUESTS:

None.

REGIONAL IMPACT:

The Board did not see any items of Regional Impact.

MINUTES:

October 23, 2007 and November 7, 2007.

MOTION by Mr. Duffy to waive the reading and place these minutes on file.

SECONDED by Mr. Carlson.

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MOTION CARRIED UNANIMOUSLY 3-0-1 (Mr. Shaw abstained).

Mr. Shaw asked if any new information from the Town of Merrimack has been heard.

Mr. Duffy said nothing new, but there are two upcoming meetings there.

ADJOURNMENT:

Mr. Duffy called the meeting closed at 8:19 p.m.

Jack Currier
Acting Clerk

CF
Taped Hearing