

April 26, 1977

The Board of Adjustment met on Tuesday, April 26, 1977 at 7:30 P.M.

In the Antrim Town Hall to hear the petitions of Vernard E. Woods (Case No. 27) and Peterborough Oil Co., Inc. (Case No. 28) regarding signs at their places of business on Main Street. The roll call was as follows:

Benjamin Pratt, Chairman	- Present
Carole Webber, Vice Chairman	- Absent
Eugene Bried	- Present
Robert B. Flanders	- Present
Patricia Thomas	- Present
Ralph Proctor, Alternate	- Present
George McLean, Alternate	- Present
Catherine C. T. Dik, Clerk & Alternate	- Present

Also present were Mr. and Mrs. Woods, Mr. Fitzgerald, Mr. Perley Adams, Mr. Richard Cartier, President, and Joseph S. Hart, Vice President of Peterborough Oil Co., Inc. and Mr. Emery S. Doane and Eric Tenney, Selectmen, and one other unidentified young man. The Chairman called the meeting to order at 7:45 P.M. and called on Alternate George McLean to sit on the Board in the absence of Mrs. Webber. The Chairman announced that we are required to keep accurate records so we have a recorder which will be running during the hearing. We ask anyone who desires to speak to identify himself. The Chairman outlined the procedure for carrying on the hearing, and then the Clerk read the application of petitioner Vernard E. Woods and reported that notices were sent by certified mail, return receipt requested, to the petitioner and abutters Earl Codman, Perley Adams, Bruce Cuddihy, Richard Court, Eric Tenney all of Antrim and to Merrimac Spool and Reel, Joseph Aloskey, 204 Essex Street, Haverhill, Massachusetts 01830. All receipts had been received except from Bruce Cuddihy. Notices were sent by regular mail to all members of this Board, the Selectmen, Town Clerk, Town Counsel, and the Chairman of the Planning Board. Notice was published in the Peterborough Transcript, on April 14, 1977 on page 3, and posted on the Town Bulletin Board.

Mr. Woods was then called upon to present his case. He said that he

wants to put up a new sign for Getty gasoline in place of the old Citgo sign which has been taken down. It will be approximately the same size but different dimensions. It will not be much different from the one that was up there before. Those in favor were asked to speak and Mr. Perley Adams said that his property faces the Antrim Garage directly opposite and has no objections to any sign Mr. Woods might like to put up. I am in favor of it. Mr. Tenney, speaking as a neighbor and not as a Selectman, said that Mr. Woods has had a business there for a long time, has paid his taxes, and this is just a switch in business. I do not see anything wrong with it; I have no objection. Mrs. Thomas asked if Mr. Woods would use the business hours of eight to five and not have any flashing lights, and he replied no, it will be just about what I had there before. Mr. Flanders asked if the location would be at the same place and be the same type of post. Mr. Woods replied that possibly it may not be exactly the same for the original pole was offset so they will have to make a special pole. Mr. Tenney remarked that it will be approximately 29 square feet but does not know whether 4 x 7 or 5 x 6. Mr. Rymes asked if the existing sign on the pumps right now will come down? Mr. Woods said that he has not seen the sign but believes that it will be like the one over Morton Ford in Hillsborough. If there is any objection to the one over the pumps he would take it down. That is only a temporary one. Mr. Bried remarked that he drove by the garage just to see what was there and he did not really see it until he was right there. The Chairman then said that if there are no further questions and there is no one further who wants to speak either for or against he would declare this public hearing closed and go on to the next case.

The Clerk then read the petition of Peterborough Oil Co., Inc. (Case No. 28) and reported that notices were sent by certified mail, return receipt requested, to the petitioner, and abutters Miss Olive Ashford, Wayno Olson, Herbert Harvey, Maplehurst Inn, Presbyterian Church, and Mr. and Mrs. Theodore Hardwick all

of Antrim. All receipts had been received. By regular mail notices were sent to all members of this Board, The Selectmen, the Town Clerk, Town Counsel, and the Chairman of the Planning Board. Publications of the notice appeared in the Peterborough Transcript on April 14, 1977 on page 3, and was posted on the Town Bulletin Board. Mr. Hart, Vice President of the Company, presented the case saying that he would like to be allowed to keep the existing sign up there now. We need to have visibility because of being in the center of town and set back from the road. It is a trademark that is vital for us to do business there. The Chairman asked for questions or remarks from those in favor and as there were none he reported that he had a telephone call from Miss Olive Ashbord, an abutter, who was not able to attend the hearing tonight but wished to go on record that she does not have any objection to the sign. He then called for anyone to speak in opposition. Mr. Rymes said that the sign they are proposing to put is already up. This is in direct violation of the Zoning Ordinance we have. The station was bought without that sign there. They knew this was so before they bought the property. Some of us have spent a lot of money to improve Main Street and it seems too bad to put such a sign up. He spoke to seven or eight business men in town about the sign and they all signed a petition as being against it; they would like to have a sign similar to the others on the Street. The drug store had to do it. Mr. Woods' sign is lighted only during the winter months until five o'clock. Mrs. Thomas asked where can you buy gas in Antrim after six o'clock if you had to? The answer, at Citgo or Rymes, or call Wayne Texaco. Mr. Flanders asked what hours Citgo kept, and the reply was Monday through Sunday 7-9, holidays 8-9. Mr. Flanders remarked that the sign we are talking about is the sign on the existing post, 6' x 6' with an exterior light. Mrs. Thomas asked Mr. Rymes through the Chairman if it was his intention to submit that petition tonight. Reply: It was submitted to

the Selectmen; no one else was to get it. Mr. Proctor asked if the companies made a smaller sign? And Mr. Bried asked if anyone knew? Mr. Flanders replied that they are all just about the same, and Mr. Hart replied that Citgo does not make smaller than 6' x 6'; if much smaller it could not be seen. Mr. Bried: But do they make a smaller one? Mr. Pratt asked if they made any with a different style--more on the colonial, or just the one standard trademark? Mr. Cartier, President of Peterborough Oil Co., said there was a sign there when we bought that service station, an Exxon sign. I know because we had to pay to remove it. This gentleman is in error to say there was no sign there. If we had had any idea about not putting a trademark sign there we would have thought twice about making the purchase. We cater to the moving public. It would be a hardship to us not to have the sign for we require that identification be well ahead of them. Mr. Rymes remarked that the Exxon sign was on a straight pole; Mr. Cartier said no it was not. I do not have a photograph but it was on an offset pole. Mr. Woods remarked that the Exxon sign was offset but only a very little. This is quite an offset now. If it was not against the tree they might have moved it out further. Mr. Flanders asked if the sign was over the sidewalk, and Mr. Hart replied that the Exxon sign was approximately the same square feet but rectangular; that was what stuck out. It is in approximately the same location as the Exxon sign. It is the same base. Different oil companies' signs are different in design; theirs was side mount and stuck out, ours is offset but I do not believe it is over the sidewalk. It has to stick out beyond the Ashford house.

The Chairman asked if there was anyone else who wished to speak either for or against. At the suggestion of Mr. Doane the Clerk read a copy of a letter to Peterborough Oil Co. from the Selectmen explaining that an error had been made in giving them verbal permission for the sign and the necessity

for them to apply to the Board of Adjustment for a hearing, with apologies for the inconvenience to all concerned. The letter was placed on file. The Chairman asked if there were any further questions for or against. As there were none the hearing was then declared closed at 8 P.M.

Mr. Flanders moved to adjourn to executive session; seconded by Mr. Bried; and voted unanimously in favor.

The executive session was opened by the Chairman reviewing briefly the Ordinance pertaining to signs, saying that permission for a sign over nine square feet must be secured from the Board of Adjustment. It is a variance but addressed to this type of thing in anticipation of such a need. Mrs. Thomas remarked that you can go for a hardwhip. Mr. Flanders said he has no objection to an offset post. It is not over the sidewalk; I checked. And I have no objection to staying open until 9 o'clock. Mr. Proctor asked is there a standard sign that comes closer to our accepted size? The reply was that Mr. Hart had answered no, this is the smallest standard size. Mr. Proctor went on: Nine square feet is not a very big sign. The oil companies make their signs to suit them, not to suit the town of Antrim. Mr. Flanders said he had talked with a fellow named O'Neil, Vice President of the Texaco company, who said that all the signs are standard size for a station. A colonial sign would do nothing for a gas station. The Peterborough Oil people tried to put up a larger sign but the Selectmen stopped that. This sign goes with the nature of the business. Mrs. Thomas referred to those names Mr. Rymes mentioned. Should we have had them? The Chairman replied he presented them to the Selectmen to push the matter to a hearing. Mr. McLean asked if we should limit the lighting of the sign to not after dark hours? He suggested that we could issue a temporary variance for a period of, say, five or ten years. At the end of the term we could then judge it all over again. He remarked that if we did that we should research it a little bit first; but I know

we can do it. The Chairman suggested that we take these cases in sequence.

Mr. Flanders moved that Mr. Woods be permitted to erect a sign on a post on the approximate location of the old sign, and suggested that the Selectmen should deal with the other sign over the pumps. If the standing sign is ever changed they would have to come back to this Board. Mr. McLean would like to amend the motion to limit it to a temporary ten year term variance. The Chairman remarked that Mr. Woods was caught changing gas companies out of necessity and found himself on a spot where he has to come for permission to change the sign. Looking at the problem in the light of competing business, Texaco has been more fortunate and does not have to work under any kind of limitation; but they may have to do the same some-time. Anyone would have to come to this Board for any change in the future. Mr. Proctor questioned whether we had the right to put a temporary variance on something because the town ordinance might change? We can make a temporary variance of two or three years for completing a project, but I doubt we can because the law might change.

The Chairman asked if there was a feeling that we will have decisions tonight? Mr. Flanders said, "I would say very quickly." The Chairman returned to the public hearing to so announce.

Mr. Flanders continued the discussion by asking how are we going to police a temporary variance. None of us will be here in ten years, and the Selectmen then in office won't know. The Chairman pointed out that we had a motion before the Board which had not been seconded and also an amendment which had not been seconded. The first one that is seconded will prevail. Mr. Bried promptly seconded the original motion, and it was voted in favor by Messrs. Bried, Flanders, and Pratt. Mrs. Thomas thinks the limitation time is good. May be it won't be policed but it is all on record. Mr. McLean said the limitation is not hurting anyone at all; it won't cost him a nickel. The sign is free. He can come back in ten years. The Chairman remarked that

we had a vote of three in favor and two in opposition, and said that if we do not want to carry this further we should do this publicly. Mrs. Thomas said she was not opposed to the sign. Mr. McLean said if it is three to two I will withdraw the amendment. The Board then returned to the public hearing and made the following motions and votes:

Mr. Flanders

MOVED: That Mr. Woods be permitted to erect a sign on a post on the approximate location of the old sign.

SECONDED: By Mr. Bried

VOTED: In favor: Benjamin Pratt
Patricia Thomas
George McLean
Robert B. Flanders
Eugene Bried

In opposition: None

Mr. Flanders then

MOVED: That the Peterborough Oil Company be permitted to maintain a Citgo standing sign 6' x 6'.

SECONDED: By Mrs. Thomas

VOTED: In favor: Benjamin Pratt
Patricia Thomas
George McLean
Robert B. Flanders
Eugene Bried

In opposition: None

The Board returned to the discussion in executive session of the temporary time limitation of a variance and said it would like to learn more about the possibilities as there might be an occasion for that in the future.

The Board then took up the matter of the revised Ordinance with regard to the fee. We have been charging a flat fee of \$15.00 but now are mandated by the State Statute (31:71, IV) and our amended Ordinance (Article VIII, F) to charge the full cost of a hearing to the applicant. It is required by State law to advertise in a paper and notify the

applicant and abutters by certified mail, return receipt requested, of the hearing. We have no jurisdiction over that. But it has been the practice from the beginning to notify the applicant by certified mail, return receipt requested, of the decision and notifying abutters by regular mail of the decision, and in addition we are advertising the decision in the paper. That is normally costing \$12.00 and as far as I am aware there is not a requirement in our Ordinance or in the State law that we do that. I think this is where the Board might be able to exercise some discretion. Also for the hearing we notify some people who are not abutters but are near-by (within 200 feet). Do we send to them by certified mail? The Clerk answered yes. There are two possibilities on the decision: We can continue as we are doing, or we can notify the applicant by certified mail, return receipt requested, the abutters and near-by by regular mail, post on the Bulletin Board and not publish in the paper and thus save the applicant \$12.00. Mr. McLean questioned whether we should or not notify the out-of-town people by certified mail? It was suggested that we put it in the "gossip column" of the paper, but it was pointed out that one cannot be sure that they will print it because they may think it is something that should be a paid notice and therefore do not print it. It was pointed out, also, that if the petition is denied there should be some justification for that decision. Otherwise it would create more confusion than it would allay. If we notify the applicant by certified mail and put a notice in the paper the cost will still be somewhere in excess of \$30.00 for a hearing. It was agreed to cut out notices to the Town Clerk and Town Counsel, give one notice to the Selectmen for the Town offices, by hand to the Secretary. Mr. McLean

MOVED: To notify the applicant of the decision by certified mail, return receipt requested, publish in the paper, post on the Bulletin Board and hand one copy to the Selectmen.

SECONDED: By Mr. Flanders

VOTED: In favor: George McLean
Patricia Thomas
Robert B. Flanders
Eugene Bried

In opposition: Benjamin Pratt

It was agreed that the members of the Board needed no notification.

The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk