

Zoning Board of Adjustment  
Minutes  
March 17, 2016

**Members Present:** Wayne Flynn, Tom Dyar, Rick Eichler, Steve Roy and Keith Roberge

**Members Excused:** Lenny Knowles

**Members of the Public:** John Scarinza (Code Enforcement Officer), Denise Vallee, Claude Pigeon, Naomi Levesque, Grace Lapierre, Marie Anne Heath, Tom Cote, Allain & Patricia Beausejour

**Call to Order:** Meeting was called to order at 7:00 by Chairman Flynn

**Election of Officers:**

**Chairman** - On a motion from Tom Dyar with a second from Steve Roy, all members voted to elect Wayne Flynn as Chairman

**Vice Chairman** – On a motion from Wayne Flynn with a second from Keith Roberge, all members voted to elect Tom Dyar as Vice Chair

**Secretary** – On a motion from Wayne Flynn with a second from Rick Eichler, the board voted to appoint Michelle Lutz as the board secretary

**Review and Accept Minutes of August 27, 2015** – On a motion from Rick Eichler with a second from Tom Dyar, all members voted to accept the minutes as presented.

**Case #01-2016 – Town of Gorham - Variance**

The chairman read the application and asked the applicant to present their case. Denise Vallee, representing the Medallion Opera House Committee for the Town of Gorham, explained to the board that they were requesting a variance to permit a 70 sq. ft. marquee sign to be installed over the doors on the Railroad Street side of the building located at 20 Park Street (U5, L2). Historically there was a copper marquee there and the hooks are still in place and will be used for the new sign. The sign was professionally designed by New Hampshire Designs and will have two angled panels connected by a flat panel in the front to allow display on both sides and make it visible from both ends of Railroad Street. It will not be internally lighted but will have downward facing lights over the top of the sign. It will have lettering that will be manually changed for events. Currently there is no indication that there is a theater in the building. The sign wouldn't diminish the value of surrounding properties as surrounding properties also have signs (Historical Society, Library, Funeral Home and Dentist). The design would fit in aesthetically with the building. Making the theater more visible will help the Town economically and culturally by allowing events to be more visibly advertised. The chairman asked if anyone wished to speak in favor. Claude Pigeon who is also on the committee felt the design paid homage to the era of the building. Naomi Levesque stated that she hears many times that people don't realize there is a theater in the building because there isn't any signage. There was no one who wished to speak in opposition. The chairman closed to public input portion at 7:11 and the board entered into discussion. Rick questioned why the sign couldn't be scaled back to meet the ordinance. The sign has already been scaled back and

any further scaling would make the lettering too small to still be visible at a distance. Tom Dyar felt the Town could have made the sign meet the 60 sq. ft. size limit. Wayne Flynn felt that the literal enforcement of the ordinance created a hardship. He also felt the design matched the façade of the building and that the sign serves a purpose. The building is also not in a residential area so wouldn't cause diminution of surrounding properties. Keith Roberge agreed with Wayne. The board completed the Finding of Facts:

- 1) No residences are affected
- 2) There is other signage in the area
- 3) Aesthetically matches the building
- 4) A larger sign allows people passing by to see it
- 5) Signage makes it visible from Route 16
- 6) The sign serves a purpose by promoting events which is a benefit to the Town.

The board completed the voting records and the chairman called for a motion. On a motion from Keith Roberge with a second from Steve Roy to grant the variance, the chairman called for a roll call vote:

Tom Dyar – Yes      Rick Eichler – Yes      Steve Roy – Yes      Keith Roberge – Yes  
Wayne Flynn – Yes

The chairman informed the applicants that by the board's decision, the abutters have 30 days to request a rehearing and any improvements made within that time could have to be removed by the applicant at their cost if the board were to reverse its decision.

#### **Case #02-2016 – Marie Anne Heath – Variance**

The chairman read the application and asked the applicant to present their case. Mrs. Heath, who owns the property at 76 Main Street (U5, L142) explained that she wanted to have some chickens to help take care of the Box Elder bugs from her Box Elder trees. She also wanted some fresh eggs for food and manure to compost for her garden. She will have a plastic chicken coop with fencing all around and on top to keep the chickens contained. The current zoning ordinance allows the keeping of up to 6 chickens in the Commercial A zone where her house is located, but it only allows them on a single family home lot. Mrs. Heath's property is a multi-family building which she owns and occupies. The chairman asked if there was anyone present who wished to speak in favor. Tom Cote stated that he had been concerned that the chickens would be free-range chickens which, it appears, they will not be. He also asked if there would be roosters. Wayne Flynn explained that the ordinance doesn't allow for roosters and Mrs. Heath reiterated that she would not have roosters. Patricia Beausejour was concerned with the waste disposal. Mrs. Heath will compost it for her garden. Allain Beausejour was concerned with waste smell. Wayne Flynn informed them that there were provisions in the ordinance to address nuisance, noise and smell and if they had any issues they should contact the Code Enforcement Officer. As there was no one who wished to speak in opposition to the application, the chairman closed the public input portion at 7:25 and the board entered into discussion. Wayne explained that the reason the applicant had requested a variance as opposed to a special exception was due to the fact the ordinance only allowed chickens by special exception on a single family home lot as opposed to a multi-family lot. He felt this was an oversight on the planning board's part. The board completed the Finding of Facts:

- 1) Keeping of up to 6 chickens is allowed in Commercial A zone by special exception on single family home lots.

- 2) The owner of the property was the applicant
- 3) The abutters asked questions and did not object

The board completed the worksheets and the chairman called for a motion. On a motion from Tom Dyar with a second from Keith Roberge to grant the variance, the chairman called for a roll call vote:

Tom Dyar – Yes      Rick Eichler – Yes      Steve Roy – Yes      Keith Roberge – yes  
Wayne Flynn – Yes.

The chairman informed the applicant that by the board's decision, the abutters had 30 days to appeal the decision and any improvements made within that time could have to be removed by the applicant at their expense if the board were to reverse its decision..

**New Business** – None

**Old Business** – None

**Public Comment** - None

**Adjourn** – On a motion from Keith Roberge with a second from Steve Roy, the board adjourned at 7:40 pm

Respectfully submitted



Michelle M. Lutz  
Zoning Board Secretary  
March 18, 2016

APPROVED AUGUST 18, 2016