

**Unofficial**

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, July 9, 2013

HOOKSETT MUNICIPAL BUILDING

**CALL TO ORDER**

Chair Chris Pearson called the meeting to order at 6:32 pm.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**

Michael Simoneau, Don Pare, Richard Bairam, Roger Duhaime, Chris Pearson, Jackie Roy, James Levesque, Council Rep.

**EXCUSED:** Phil Denbow, Gerald Hyde

**STAFF:** Jo Ann Duffy, Town Planner, Lynn Perkins, Code Enforcement Officer

**APPROVAL OF MINUTES**

June 11, 2013 Regular Meeting – *R. Bairam moved to approve with amendments, Roger Duhaime seconded. Motion carried.*

**NEW PUBLIC HEARINGS**

**BASS PRO SHOPS      Case #13-09**

2 Commerce Drive      Map 37, Lot 43-1

MUD #3

A variance is requested from Article 20-A, Sections B.9 and B.12 to permit a building signage, site signage and branding elements in conjunction with the proposed Bass Pro Shops Sportsman's Center.

Austin Turner, Tetra Tech: We are here to talk about the building signage. We are requesting a variance for the signage package and the branding elements associated with this location. You have presentation material which details the building signage and the square footage associated with it as well as some additional sight signage. We are pursuing a highway sign along Rt. 293 and also directional signage at the first two entrances as you come up to the top of Commerce Drive and take a left into the Bass Pro parking lot. We also have a presentation that includes those slides as well as examples of the architecture pursuant to what the facility will look like in Hooksett. Bob will walk through the detail in that presentation. One thing Jo Ann and I

discussed this afternoon, is that we caught a math error on the front building elevation which summed up the total signage package. This will be included in the presentation.

C. Pearson: Are the variances that you are looking for all covered in the application?

A. Turner: I believe so. We need to refine the application. It is a bit general in terms of what we are seeking. It says for the zoning ordinance to allow for the building signage and branding elements associated with this project. What we are looking for is a variance to allow for the number and square footage of building and directional signage, and the tower on Rt. 293.

J. Duffy: The tower would be part of the overall square footage package. The size of the directional signs and the fact that they have their logo on them requires a variance.

C. Pearson: The one I have a question on is the tower signs.

B. Stockdale, Bass Pro Shops: We are excited about coming to this community. We believe when Bass Pro Shops enters a community we enter a relationship with that community and respect regulations, however, we have a particular look and style that makes us what we are. In Springfield, Missouri, Bass Pro Shop is the largest tourist attraction in the state. It is a significant experience to our customers and we draw from beyond 1500 miles. Our research shows people will drive from 8 hours away to our stores. A good part of that is due to the branding of our stores which equates to a hand crafted type of experience. We do a lot of research of the community we are going into, and try to fit the store esthetic to the region, therefore, each store is unique. In general, signage issues within communities goes back to retailers doing a poor job in cheapening graphics and signage to make it bigger, bolder and brighter to attract customer instead of quality and craftsmanship. In exchange for allowing us to have additional signage, we offer a higher quality product, with a lot of character, making it part of the overall experience. Quality signage enhances visitor experience, reinforces the architectural vocabulary that we use in designing our stores, and heightens the overall building aesthetic. They are hand crafted and authentic. They come balanced, proportioned and property scaled, are timeless and memorable. We offer a quantitative solution to a qualitative problem. The whole experience of the signage works together and is balanced. We are requesting a variance because it is what we normally do for our stores in terms of the signage, the amount of branding, and the esthetic. This particular location is challenging because if you approach from the west, which would be the entry, you can barely see the edge of the existing building and would not be able to see any signage due to the retaining wall. From the opposite direction coming in from Walmart you cannot see the existing Lowes building. There is some visibility from the street but that will be the only signage in view. Other than that, the signage will not be seen from any public right away which concerns us. We would like a couple of directional signs which include our logo, because as you enter the property from the entrance drive you still cannot see the front of the building. From a safety perspective it can be a hazard for people who are trying to identify which store is ours, therefore, we would like some way to offer direction on the property. We are proposing to replace the chain link fence with a rod iron fence and to add a ranger tower. We wanted to come to this board first to see if you would pre-approve the ranger tower and that sign itself.

A. Turner: We are also amending some of the existing monument signs, but that is not as simple as securing a variance from the zoning ordinance. We have to work through some of the condo documents with Walmart on specific restrictions. Those discussions are happening between Bass Pro Shop's legal team and Walmart's legal team so we don't know if that's actually going to come to fruition or not. We are putting the concept out there now so everybody is aware of it, if and when it becomes a reality.

B. Stockdale: The total request of the signage on the building is 2200 sq. ft. Given the character of the building and what we showed you with some examples, we think it is reasonable. With the proposed ranger town we would get visibility along Rt. 293. The San Antonio store best represents the aesthetic and character of the building we are presenting for Hooksett, even though it has some original materials and details. The signage is done tastefully and complements the building with craftsmanship, character and quality. Signage is as much a part of our identity as it is for other retailers. I would like to call attention to the blue gable that is a trademark of Lowes. The blue gable is the same for their logo as the fish is for our logo. We are asking for our official logo. The blue gable on the front of the existing building measures about 1600 sq. ft. In consideration of that, we are requesting 2200 sq. ft. If you add up the rest of the signage on the building with the 1600 square feet, there is actually 2100 sq. ft. of signage currently on that building. We are not asking for much more than what Lowes had. We ask that you take that into consideration.

A. Turner: Jo Ann and Lynn had showed me some photos they had taken on visibility assessing what it would look like from Rt. 3A, and I took some photos as well of the areas we are requesting for the monument signage, for an idea of it would look like in terms of height and scale. At the first entrance into the Bass Pro parking area, the hydrant and the base for a light pole is roughly 42 inches and the directional/monument sign is not much higher. The sign is going to be in that corner so motorists can take that first left and find the parking area. The sign will be consistent with the architecture and the theme of the building. It is not much higher than the hydrant. The next sign will be placed at the next entrance up, and will be the same sign and the same size. They will be placed at the first two lefts entering into the parking lot.

R. Duhaime: What is the square footage on the directional sign?

J. Duffy: 33 sq. ft.

A. Turner: 6 ft. wide by 4 ft. tall.

C. Pearson: Do you have anything else to share?

A. Turner: We put together a picture of what the building rendered would look like with the signage footage that we are currently allowed by right and we have a slide to show you has a summary of the signage package.

C. Pearson: Does the 2200 sq. ft. include the tower?

A. Turner: No, that is separate. The proposed ranger tower has four of the trademark logos on it so they can be seen it from every direction. Each one of those is 81 sq ft. so total would be 424 sq. ft. We haven't sighted it yet. As Bob mentioned, we wanted to gauge your reaction to it and see if you would approve it. Secondly, with the wetlands we probably have to secure some state approvals and with the local conservation commission if we are going to be doing any work in any of the buffers. We didn't sight it, necessarily, only that it is going to be adjacent to the highway.

C. Pearson: I don't think we can weigh in on the ranger tower at this time. We can weigh in on the signage on the ranger tower but I would have to look to the town and to our code enforcement to give us some guidance on what is allowed on a ranger tower.

J. Duffy: The variance they are requesting, is for the signage on the ranger tower. That ordinance only allows for monument signs 10 ft. in height and 32 sq. ft. on the sign itself. This sign exceeds the height requirements, plus the square footage, that was included in the variance request.

C. Pearson: Would this be considered a monument sign?

J. Duffy: It is not considered a monument sign. That is why they need the variance.

R. Duhaime: They need a variance for monument sign and a variance for the square footage?

J. Duffy: Correct for both.

C. Pearson: Do we have a signage ordinance for anything like this?

J. Duffy: No. That is why they are here for the variance. The variance size covers the height of that structure as well as the square footage.

C. Pearson: Would we call this a monument?

J. Duffy: You wouldn't call it a monument because if someone wanted to come in, for example, to put a sign in front of their business, our ordinance only allows monument signs. If someone wanted to put in a pole sign, that would require a variance because our ordinance doesn't permit a pole sign. It is the same thing, only instead of a pole, it is a tower.

C. Pearson: Should we call this a variance to get a pole like sign?

J. Duffy: It is a variance to go higher and substitute the monument sign with this structure.

C. Pearson: Let's move on because I have a lot more questions.

R. Duhaime: Will the signs will be lit?

B. Stockdale: Yes. Some of them will be lit. If you have a preference for back lit signs, and that was a stipulation, we can substitute and accommodate that.

J. Levesque: Exhibit C shows the existing sign for Walmart. Are you going to comply with the square footage on that sign to match Walmart's, and the rest of the monument signs on that road?

B. Stockdale: Yes.

J. Levesque: How about the one on Rt. 3A?

B. Stockdale: I think that sign complies with the monument sign in square footage?

A. Turner: Yes. That monument sign was permitted previously. We haven't made any formal proposal to the Board yet in terms of modifying that sign. We have to look through the legal documents and the condo agreement and work that out with Walmart. That might be coming forward later if we can get it resolved with the real estate and legal groups and both retailers .

J. Levesque: My only concern is that we held Market Basket to square footage and we modified the sign so it could be seen from three directions. If we are going to keep that type of standard on that road we need to do that. It do not have a problem with the other signs, however, I think we'd have to keep that one standard.

C. Pearson: To clarify, that front monument side with Walmart, that is not what you are saying is in need of Bass Pro Shop addition, is it?

J. Duffy: That sign is not under consideration for this evening. They are just showing you what they would like to do.

C. Pearson: So nothing with the Walmart monument out front is up for question?

A. Turner: We just wanted to show everything that we potentially could foresee happening in the future so you could get a feel for what this would look like.

R. Duhaime: Is that included in the square footage calculation?

A. Turner: No.

R. Duhaime: On the map it says Bass Pro Trail. Is that going to be up on a sign with lights?

A. Turner: It is way down toward Commerce Drive. That has to be looked at with Walmart to see if they can or will change the name. I think we would have to go to city council to see if the name of the Drive could be changed. That is something that Bass Pro is working on in the background. It may or may not happen, but it is included on the rendering as a possibility.

B. Stockdale: It would just replace the existing directional sign.

C. Pearson: Would you please read the application into the record.

The application was read into the record by A. Turner (see file).

R. Duhaime: Where is the sign that says New Hampshire on the building?

B. Stockdale: That is just above the front entry door. It is a welcome sign as you enter the building.

A. Turner: That sign is on the rendering and as you can see, by right, would be the only sign this building could have.

R. Duhaime: Is that included in the square footage outside?

A. Turner: Yes.

R. Duhaime: What is the square footage on that sign?

A. Turner: It is about 144 sq. ft.

R. Duhaime: What is the 9 sq. ft.? Welcome Fishermen, Hunters and Other Liars?

B. Stockdale: There is also a larger sign that says New Hampshire's Great American Outdoor Store.

J. Roy: Is the 392 sq. foot sign to the west side of the building free standing or connected directly to the building?

B. Stockdale: It is connected to the building.

R. Duhaime: Is that signage going to be like the tower? Are there signs on the on the other side of it as well?

A. Turner: No, only in the front.

M. Simoneau: It is just visible from the front?

B. Stockdale: Correct.

### **Opened to Abutters**

No Abutter comments

### **Closed to Abutters**

## Opened Public Hearing

Leslie Boswak (6 Orchard Drive): I am a member of the Hooksett Town Council and Dept. Council Representative to the Economic Development Committee. I am here to offer my support for Bass Pro coming to town. I find that their signs are very tasteful and very fitting with their building. I have had the opportunity to visit a few of the Bass Pro Shops in the eastern region and I have always found them very tasteful and well done. I think it is a great asset to the town of Hooksett and to the region. Recently, after the news broke in the Union Leader about Bass Pro coming to Hooksett, I had some business at the legislative office building. Representatives from communities congratulated me on behalf of Hooksett and the great opportunity on behalf of not only the town, but for the region. They saw not only economic impact for us but for themselves as well. So I ask you to support Bass Pro Shops.

Michael Sorel (54 Cross Road): I own property and run a business at 1345 Hooksett Road. I have been in the real estate business and enjoyed good signage at my property since 1969. I was the first business on Hooksett Road to get a message board sign. The signs I have enjoyed on Rt. 3 have contributed greatly to my success. Signage is something I feel strongly about. In my industry, which is the real estate construction industry, studies tell us that the #1 item that sells product in the United States is word of mouth, and the #2 item that sells product is signage. My interest is in what is beneficial for the Town of Hooksett, and I hope and trust that this Board can support the needs of Bass Pro and their signage requests. It is good for Hooksett for several different reasons. It is going to provide great tax base for the community, it will lead other businesses to follow which will provide more commercial tax base for the town. We don't educate their children, we don't plow their streets and parking lots, and we don't pick up their trash, but we do enjoy the taxes they pay for the town. From an economic point of view, it is in the best interest of the town that these businesses are located here and can be successful here. In general conversation, about signage on Rt. 3A, comments have been made to me such as Walmart and Lowe's didn't ask for extra signage. It's my understanding that when Lowe's and Walmart came before the Planning Board, it was the Planning Board's position that they were the ones that would decide the signage issues and the Zoning Board had no input at that time. Since then, the town changed legal representation, and that legal representation has advised the community that the Zoning Board now has the responsibility and the authority to pass variances on signage and other issues.

C. Pearson: That was specific to Performance Zone.

M. Sorel: That is correct, but the same signage for Performance Zone was passed on Rt. 3A by the voters, so now its your responsibility to make these decisions. I would respectfully submit to you, even though it is not part of the approval this evening, that the monument sign on Rt. 3A that was used to accommodate Lowes, and now just Walmart, is not functional. It isn't large enough to compliment the businesses and the plantings that were required for the approval are now screening that sign. Signs perform a function and they make businesses successful. The type and quality of the signage is very important and holds value over size. If it is tasteful, functional and it works for the business, than it's good for the community. There are a lot of other properties that are still undeveloped at Exit 11, and the success of Bass Pro can only lead to further development in that area. It is good tax base to the town. It makes sense. It appears

that the ranger tower will perform a function of identification from Rt. 293 and/or Rt. 93. I believe that is very important. It will contribute to transit traffic coming into Bass Pro Shop, which will be good for Bass Pro Shop and for the community.

Matt Mercier (339 Hackett Hill Road): I am the immediate past Chair of the Economic Development Committee and I come here to support Bass Pro Shop. I echo everything Leslie had to say. Everything I've ever seen from Bass Pro Shops is perfectly tasteful, well-done, and meticulous in every detail. I also agree with Mr. Sorel, that this serves the best interest of the town. I love open space and woods, but would love to have low taxes as well. I think the proposed plans are tasteful and well-done. I drive by this location 2-3 times a day and am amazed that Walmart has done as well as they have with the limited signage they have on the street. We spend a lot of time wondering if Hooksett is business friendly, but I'm not sure we all agree as to what that means. I think the signage issues that have faced a lot of the businesses up and down Rt. 3 have been a bit of a travesty, and I would like to see the people of Bass Pro get their due and make sure they can have a successful business.

David Boutin (1465 Hooksett Road): We have many good things going on in Hooksett and people around state are recognizing it which is good for us. Hooksett is a good place to buy a house, raise a family or have a business. My background is as a Planner, and it has always been about businesses saying they need visibility. I see this differently. It is not about being seen by the road. It is about branding. This sight is fairly isolated from all directions. There are no residential neighborhoods being impacted by this project with visibility and the traffic issue was already debated years ago when this sight was approved. We are talking about a company, with a very high quality, coming forward. Any Planner or community in the State of New Hampshire would be very excited to have this project come into their community. This is a very high quality project. I have been in Hooksett since 2005, and we have gotten some good quality projects since then. The purpose of the Exit 10 Tiff was to create economic development for the town. The town probably could not have anticipated a project like this. It is the brand that attracts people. This is going to become a stop on Rt. 93. People can buy the same things here that they can buy in other Bass Pro locations, without a sales tax, and this will ultimately help pay for our state. With respect to the ranger tower, I doubt that the Commission of the Dept. of Economic Development or the Commission of the Dept. of Transportation are going to have a problem with this ranger tower. While watching the fireworks, I knew they were in Boston when the Citgo sign popped up on TV. The ranger tower will become a landmark for Hooksett just like that. People will say lets pull over in Hooksett and that will bring business to other stores as well. This is a proposed project that impacts nobody. It allows a company that has a certain brand to have success. It will create jobs. There is ongoing work to eventually get a sewer line by Exit 10, across the river and tying into Martins Ferry Road, bringing it to the west side of town. That is a multimillion dollar project which we could never afford. Bringing in another major corporation adds to the potential of getting that done and brings synergy with many companies. Therefore, this is a project that has no visual impact to the neighbors or the greater town. It is a branding issue that is all internal to the site and it is going to bring jobs. I hope this Board will approve this project because we need jobs.

Mike DiBietto (2 Tay Road): I agree with everything that has been said. We want Bass Pro Shops in Hooksett. I don't believe anyone in town would argue that point. Our ordinances may

need some work, specifically signage. There are areas that are deficient. Hooksett has traditionally been a town that has had local, neighborhood, and community shopping. We haven't dealt with a super regional player like Bass Pro. We are currently drawing from the Hooksett community and maybe a 10-mile radius. Our signage is functional because our current businesses are fairly well known commodities. We are going to be drawing people in from as far as 8 hours away, clearly a 2-3 hour radius is going to be the general customer base for this store. 4-5 hours is not unusual. Signage needs to be tailored to the use and the needs of the public that are going to be servicing it. Their signage is tried and true. They know what works and what helps to get people to their store and direct them around the site. We don't have the resources to do the signage studies that a firm like Bass Pro does. I think we can rely on it as being technically a very sound product. I will be with the Planning Board, at some point, to see if we need to address our overall signage ordinance to deal with the different types of uses. I am here to speak in favor of this. It will be a benefit to the community and be a safer signage package for people that are trying to negotiate this area who are not familiar with Hooksett. It is a unique case and requires the ZBA to address it as the unique entity that it is.

Dean Shankle (Town Administrator, Hooksett) I am responsible for economic development in Hooksett and sat on ZBA in Keene, so I understand the difficulties you face. The pictures show a little red sign titled Great American Outdoor Store. If you follow the town zoning ordinance, that is the only sign that could go on the front of that building. I don't think it is a matter of whether you are going to give the variance, but a matter of how much the variance will be. I recently visited a Bass Pro Shop in Maryland and the signage was part of the overall experience. The store and signage were amazing and high quality. Driving back, I wanted a cup of coffee so I typed Starbucks into the GPS. The map showed I was going past Starbucks but, due to poor signage, I had a hard time finding the store. All of the signs in the shopping center were the same color. The branding wasn't there and branding to a company is everything. It was an unpleasant situation to not have the branded sign. As far as economics, one of the great things about a store like this is outside money. When I was in school, it was said that every dollar that came in from outside the region rotated in that region 6 times. That is a good thing. One thing to think about is the special conditions on the property that distinguish it from other properties in the area. In the case of Bass Pro Shop, there are very specific conditions on the property that make it different from other properties in the area. You can not see this building. For whatever reason, Lowes did get to brand that building with their normal branding which would be about the same size as what Bass Pro wants. The only increase over what is already there now, in terms of signs and branding, is the ranger tower. When people drive down the highway they would see that and it would become what people think of Hooksett and that is what we want people to think of Hooksett. A place where families can come and enjoy themselves. Bass Pro is a high quality family place. I support this and think it is great for the future of the town. I hope that as you go through the criteria you see the wisdom and justice in this, see that it is a special property and that it makes sense to allow them to do what they are asking.

J. Duffy: I would like to point out one thing about the ordinance. The zoning ordinance, years ago, allowed for one sign and over the years that has changed. The restrictions on the signage on Rt. 3 became smaller. Signs that were approved with Walmart and Lowes came under the old ordinance. At that time, building signs could be 15% of the facade of the building itself. Today, you can only have two signs, if you are on a corner lot, that are 32 sq. ft. on each side.

This building is more than 150 ft. back from the roadway so there is a formula which allows somewhat more. We approximated about 145 sq. ft. for each side of the building would be allowed, for a total of two signs, which would total 290 sq. ft. That is why there is so little discrepancy when you look at what Lowes had vs. what is allowed in the ordinance you are reading today.

### **Closed Public Hearing**

R. Duhaime: The wall that is there now doesn't look very nice. I would encourage you to put a sign on that side. Is the front of the building is going to be all landscaping?

B. Stockdale: We would like to put something there and propose to put wildlife cutouts on the wall along with some vines and vegetation.

R. Duhaime: It would be more decorative rather than signage?

B. Stockdale: Correct. We have blacksmith's in house that create these decorative items for us. Also, the chain link fence would be replaced with a rod iron fence.

R. Duhaime: Walmart has no irrigation and when the trees and grass die it is unsightly. It would be nice to see something, like you are proposing, go in. Would the signage package include the lighting, landscaping and irrigation?

A. Turner: Yes, it would be a branch of the monument signage.

J. Roy: I would like clarification on the ranger tower? Are you requesting the variance under B.9, as a building, or under B.12 as a directional sign?

C. Pearson: The one issue I have with the application, is that the ranger tower isn't clear on the application. It seems like you are ready to go through all of the steps to get to that point. It is clear what you want on the building and directional signage. Since the ranger tower is not part of the application, as current, I don't know if we can approve it tonight.

A. Turner: The application itself did not specify the ranger tower. It was brought up as a general point, but the specifics for the sign were not included with the application. We are requesting a variance from the zoning ordinance for the monument signage, specifically, which I believe is B.9.

B. Stockdale: Unless we get this Board's approval to move forward to try to get the ranger tower we are not going to proceed with the other approvals necessary to build the tower and design it.

J. Duffy: The approvals that they need to get may be from the state DES due to the closeness to the pond. They are here tonight to ask only for the size and height of the sign.

C. Pearson: Our sign ordinances are ambiguous at times, so, therefore, I am not 100% clear on what they can or cannot have for signage.

J. Duffy: They can have one sign for their business. It can only be a monument sign no larger than 32 sq. ft. x 10 ft. high. They are asking for a second sign because there is already a sign in front of that property.

C. Pearson: For the monument, is there any variance to ask for two monument style signs?

J. Duffy: No. The ordinance reads that you can only have one identification sign measuring 32 sq. ft x 10 ft. high. They are asking for a variance to that requirement. The variance would be to ask for a second sign which would be 324 sq. ft.

C. Pearson: When we address the ranger tower is it specific to Article 20-A, Section B.9, identification sign for the monument? They are asking to have a second monument which also exceeds the square footage because it is 81 sq. ft. times 4 sides?

J. Duffy: It is not a second monument, it is a second sign.

C. Pearson: What are we calling it?

J. Duffy: A second identification sign.

J. Roy: For clarification, Section B.9 is with reference to buildings. This is not attached to the building and it is not a freestanding building. There are no stairs to get to it. That is my only concern. I am just wondering if it should fall under Section B.10 which is not referenced on the application. I think we need clarification.

J. Duffy: Due to the fact it is more of a structure than monument, we felt it would be better to have it fall under building than freestanding since this is unique.

C. Pearson: It is unique and I want to make sure we clarify 100% to get the correct variance.

R. Duhaime: With the placement of this tower, did you do any kind of balloon test?

B. Stockdale: There are a couple of dead trees sticking up above the edge of the vegetation and we gauged them in terms of height. Through photo shop, we calculated that 66 ft. was the height that would get us to the tree tops that were visible from the highway.

J. Duffy: The tower itself will require a building permit as well as a signage permit so it is considered a structure.

R. Duhaime: They would need a variance for a building?

J. Duffy: No, under the codes it requires a building permit because it is considered a structure. It is not a building itself but it falls under that category.

C. Pearson: If they were to come for an application, you are considering this as a separate building with a separate identification side?

J. Duffy: Not a building, but a structure.

C. Pearson: Is a 64 ft. pole, holding a sign, a structure?

J. Duffy: It falls under a different category.

A. Turner: Can we amend the application to include B.10 just to cover it?

C. Pearson: If we are going to act on this, I want to make sure we are acting on the right variance as it applies to this. I am not 100% sure we are, if we look at B.9 vs. B.10.

A. Turner: We are confident that B.9 would be for the building signage.

C. Pearson: Are you under a time crunch?

A. Turner: Yes, if we are to open in the first couple of weeks in November.

J. Roy: Are they allowed to amend their application to include B.10?

C. Pearson: No. We would have to notice properly and they would have to amend the application. We cannot amend the application here.

A. Turner: When is the next available hearing?

C. Pearson: August 13.

A. Turner: They can consider putting an application together which would include the materials specific just to this sign if we determine tonight that B.10 is the appropriate path to go.

C. Pearson: I don't think we can determine tonight. I am not sure if it is B.9 or B.10. It is very unique.

A. Turner: Would you like us to work with Jo Ann and the planning staff between now and August 13 to figure that out and come back with the application materials specific to this ranger tower?

C. Pearson: Yes, you could do that.

J. Duffy: I feel confident tonight that B.9 is proper. It is definitely a structure. It may not be a building and it is not housing anything, but it does require a building permit under the rules of what a structure is.

C. Pearson: Any further questions for Bass Pro?

**Discussion ensued.**

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 392 sq. foot “Bass Pro Shops” LED Illumination sign as proposed on plans. R. Bairam seconded.***

Discussion ensued. C. Pearson stated the applicants mentioned the sign could be externally illuminated with a hand-carved appearance vs. internally illuminated. He said his preference would be to have it externally illuminated with a hand-carved look and believes those signs are very nice and have a sharp look to them. He asked if anyone else had a preference? D. Pare stated he believes the external illumination would give the sign a classier look than the internal LED sign. C. Pearson asked if the motion could be amended to have the external illumination with the hand-carved appearance. J. Roy was in agreement.

***C. Pearson moved to grant a variance under Article 20-A, Section B.9 for a 392 sq. foot “Bass Pro Shops” sign to be hand carved in appearance and externally illuminated.***

**Motion carried unanimously.**

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 195 sq. foot “Tracker Boats” sign to be internally LED illuminated, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a “White River Fly Shop”, 228 sq. foot, carved appearance, externally illuminated sign, as proposed. R. Duhaime seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 392 sq. foot “Bass Pro Shops”, carved appearance, externally illuminated sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a “Sportman's Center”, internally LED illuminated sign, not to exceed 224 sq. ft., as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a “Welcome Fishermen, Hunters and Other Liars”, a 9 sq. foot sign as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a “New Hampshire's Great American Outdoor Store” sign, not to exceed 144 sq. ft., as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 220 sq. foot, “Redhead, An Outdoor Tradition Since 1856” cut foam, externally illuminated sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 72 sq. foot “Sun Tracker” sign, as proposed. R. Bairam seconded.***

Discussion ensued. D. Pare asked if it is a tent sign. B. Stockdale stated it is a painted sign on a metal plate that would be attached to the existing outdoor garden area.

**Motion carried unanimously.**

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 72 sq. foot “Nitro Performance Fishing Boats sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 6 sq. foot “1 2 3” sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 234 sq. foot “Boat Service” sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 9 sq. foot “Customer Pick-Up” sign, as proposed. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.9 for a 2 sq. foot “Please Ring Bell For Assistance” sign, as proposed. D. Pare seconded. Motion carried unanimously.***

C. Pearson: The directional sign is a center identification freestanding sign that will come under B.12. What is the total square footage?

J. Duffy: Both signs together equal 66 sq. ft.

C. Pearson: For both sides?

J. Duffy: You would double that for both sides.

B. Stockdale: There are two directional signs and they are dual faced.

J. Roy: 132 sq. ft. dual faced is what you are saying?

B. Stockdale: Correct.

J. Roy: I would like to clarify that you have two signs, one at each entrance that are each double sided, so the square footage is 33 sq. ft., double sided?

***J. Roy moved to grant a variance under Article 20-A, Section B.12 for a double-faced 33 sq. foot directional sign, where 8 sq. feet is allowed, to include Bass Pro Shop advertising, for a total of 66 sq. feet. R. Bairam seconded. Motion carried unanimously.***

***J. Roy moved to grant a variance under Article 20-A, Section B.12 for a second double-faced, 33 sq. foot directional sign, where 8 sq. feet is allowed, to include Bass Pro Shop advertising, for a total of 66 sq. feet. R. Bairam seconded. Motion carried unanimously.***

C. Pearson: With regard to the ranger tower, there is some concern on whether it should fall under B.9 or B.10.

R. Bairam: I think we should fall under B-9.

D. Pare: Where is the tower coming from?

B. Stockdale: It would be new construction. If you can find one that works and is structurally sound we would consider it for conservation.

J. Roy: B.9 is specific to buildings and the definition of a building is 4 sides with entrance or exit. This is a tower and there are 4 sides to it at the top, but there is no entrance or exit to the tower because we are taking the stairs out. I don't want to set precedence for everyone to start building freestanding buildings with signage on it.

D. Pare: If something were to fail on Bass Pro Shops part and something else were to move to this town would they have rights to this sign?

C. Pearson: I think we could make it specific to a Bass Pro Shops sign.

D. Pare: Does the next person that comes into that building have the same rights as Bass Pro with regard to the variance?

C. Pearson: We can be specific to Bass Pro Shops and the next person would have to come in front of us to get their signage approved. The issue is the semantics of the application of whether we are acting on a building or a freestanding structure, which is not clear in the application.

D. Pare: What will keep people from accessing the structure on the bottom?

B. Stockdale: It will be fenced and we recognize that there is a liability to Bass Pro Shop. We would also take care of any graffiti that may be incurred?

C. Pearson: Our point is the signage and whether we are acting on B.9 or B.10. If B.10 was noticed we could make a determination.

J. Duffy: I spoke with the fire department today about any concerns they may have with someone climbing the tower and they were satisfied with the fence that is going around it. The only concern they had was if there was a gate to get into that site, which there is.

C. Pearson: Those are things they have to be worked out with Planning. I want to give them, or not give them, the right sign variance as it pertains to the application.

D. Pare: B.9 would be if it is attached to the building.

R. Duhaime: Is the tower LED lighted inside on all four sides?

B. Stockdale: Yes, the lamp life is 20,000 hours and allows for high visibility.

J. Roy: What is inside the tower? Are there any type of electrical fixtures or anything that require maintenance that you need to go into the tower for?

B. Stockdale: Only whatever electrical service is needed for the signage up at the top.

R. Duhaime: I don't see the rush.

J. Roy: They need to get through the wetlands permitting with the state and they won't start that process unless we have a process started.

B. Stockdale: We want to make sure it is correct, as well, and don't want to create problems with the community later. We can make the structure conditional on our occupancy of this property. If we leave, we could take it with us, as we are currently leasing the property. We would just like to know that we have the support of the Board. If you let us know that you would consider approving the signage, that motivates us to pursue this as an idea with the other entities that we need approval from.

J. Roy: There is also an issue of whether or not there are stairs, and that leads to a point of whether we call it a building or not. If they call it a building, even if they take it with them, would the next person that moves in also be allowed to put a building there?

B. Stockdale: We would probably install a ladder with a cage that is secured just like you would on a water tower.

C. Pearson: What is the preference of the Board on how you would like to word the application for this? I would prefer to continue and identify if it is freestanding or not.

D. Pare: Would this affect anything if we went into August?

B. Stockdale: I think it is probably going to take that long to secure some of the other approvals, but would those other approvals have the prerequisite of this Board for the identification?

J. Roy: When you go to the state they are not going to request whether or not you have signage on a building for a DES permit.

A. Turner: If we decide to put this structure in a buffer and wetland system that requires DES approval, the Hooksett Conservation Commission would be weighing in an application as well, and it would be a structure in a wetland buffer zone. What if this structure was accessible internally, by maintenance personal, which would make it a essentially a utility building on stilts.

J. Duffy: Our zoning ordinance does have a definition of a building on page 144. It says a structure for the enclosure of persons, animals, property or activities.

B. Stockdale: We can work with the architect to design a structure so that it meets the intent of a building to store property and have access for maintenance.

D. Shankle: I think there are enough questions to rewrite the application. I know you are willing to vote on it, but I think if you start calling this structure a building there are going to be issues down the line.

C. Pearson: They could come back and re-notice it under B.9. Our issue is that we have enough questions about it and the questions are really to help the applicant. They may not want to call it a building and get a variance for a building. They may want to call it a freestanding sign. Also, if we notice it as B.10, and we didn't notice it property, we cannot switch it. We have to notice it properly.

J. Roy: I don't have any problems with the signage other than clarification of how we approve it. I am not sure I can approve this tonight without clarification.

D. Shankle: It think everyone will feel better if it is a freestanding sign. We could put in the notice that it will disappear if Bass Pro disappears. If it is a building, it is noticed properly, but if you look at the pictures it is clearly not a building. The appropriate thing to do is continue next month.

B. Stockdale: We would like to protect the town as well and have some language developed with attorneys to make sure everyone is comfortable.

***R. Duhaime made a motion for a continuance for the variance for the ranger tower until August 13. R. Bairam seconded. Motion carried unanimously.***

**JAMES WELCH**

**Case #13-10**

16 Rae Brook Road Map 47, Lot 32-8

MDR

A variance is requested from Article 8, Section E.3. (Open Space – A minimum of 50% of the tract area shall be set aside as common land covenanted to be maintained as permanent open

space in private, cooperative or public ownership and shall be designated by the Conservation Subdivision applicant.) Applicant is requesting permission to install a 20' X 40' in-ground swimming pool within the buffer.

*R. Duhaime excused himself due to a conflict of interest.*

J. Duffy: Before you open up this hearing you need to know that this particular parcel is in an open space development that was approved in 2005. This parcel abuts part of that open space which is owned by the Homeowners Association. When the abutters list was submitted it did not include The Homeowners Association. As an abutter they would have to be notified.

C. Pearson: Does the Homeowners Association include all of the abutters?

J. Duffy: Yes. I looked up the property card and I believe it goes to a P.O. Box. There is probably someone who is in charge of being the contact person, however, I am not sure who that is. I heard from a neighbor this morning saying that they have not had a homeowners meeting and that the Homeowners Association did not know anything about it.

C. Pearson: If we notify the person who is in charge of the P.O. Box isn't our town obligation done?

J. Duffy: They were not notified. Nothing went out to that P.O. Box. We were not supplied with a P.O. Box number or anything. I looked it up on my own. It is labeled as Lot 32 and it starts off by Mammoth Road and goes all the way back behind the properties.

C. Pearson: When we granted these variances we knew this was eventually going to happen. It is a great neighborhood.

J. Welch: My problem with it is that I have a narrow lot and a wide building. I have to put my tanks on the side between the house and the boundary line. I have to do everything in the backyard before I put the tanks in so I am trying to get everything done out back so his equipment doesn't have to go out back.

J. Levesque: Why was this allowed to come before the Board if everything wasn't done right? It puts a burden on the homeowner. They are going to have to come back again because there is no abutter list and there is no certified plot plan. The application is not complete.

C. Pearson: The issue is that, unfortunately, this wasn't properly notified. When you submitted an application it goes out to all of your abutters. One of those abutters is the Homeowners Association and they were not notified. The other issue is that we request a certified plot plan and we don't have one.

J. Welch: When I applied for this, I went into the Building Department, my address was punched in, a list of the abutters came up and that is how we came up with this list. It sounds like the addresses and abutters are pre-programmed in the system.

J. Duffy: I think when they came in Evelyn assisted them, pulled up our GIS system and plugged in their lot, but the land behind them did not have a number on it. You had to go all the way down to Mammoth Road to see that was a separate lot, therefore, that lot was never included. When I looked it up this morning, it turned out that lot was part of the Homeowners Association.

C. Pearson: Is there any other lot that would flag the Homeowners Association?

J. Duffy: No, just that lot. The Homeowners Association is concerned because their homeowner association documents, which were recorded as part of a subdivision, state that this land is supposed to be 100 ft. in depth and shall be comprised of a vegetated area of composition that would provide for adequate screening for the development, subject to the approval of the Planning Board. No dwellings, accessories, structures, service roads or parking areas shall be permitted. The town doesn't do any enforcement or get involved with homeowner documents but they do need to be notified.

C. Pearson: Our hands are tied. We could act on it if everyone was notified. I don't know what we can do to help you out, but you cannot go forward with any construction that has not been approved.

J. Welch: I can continue to build my house but I will get caught up and will have to stop. My plumbing and electric have to go in starting next week.

D. Pare: Can we grant a variance pending the Homeowners Association approval?

C. Pearson: That would put all of the power on the Homeowners Association and I don't even think the applicant would want that.

J. Duffy: The only thing we could do is hold a special meeting, but there would have to be enough time for notification to the abutters and for this to go into the newspaper.

J. Welch: Could I get something in writing from the Board of Directors of the Homeowners Association with their decision and present it to you?

C. Pearson: That would be great but that won't help you tonight. They have to be properly notified. The other thing you need is a certified plot plan.

J. Welch: So we have to push it to next month?

C. Pearson: Yes, unless we hold a special meeting.

M. Simoneau: If we hold a special meeting in two weeks that would be Tuesday, July 23rd.

C. Pearson: As long as we have full Board representation and there is enough time for the certified plot plan to be completed we could hold a special meeting July 23rd. Would that help you?

J. Welch: Yes, it certainly helps.

***R. Bairam moved to grant a motion to continue to a Special Meeting on July 23 at 6:30 pm. D. Pare seconded. Motion carried unanimously.***

**ELECTION OF CHAIR AND VICE-CHAIR FOR FY 2013-2014**

***R. Bairam nominated C. Pearson as Chairman, Seconded by D. Pare. Vote unanimously in favor.***

***R. Bairam nominated R. Duhaime as Vice Chair. Seconded by M. Simoneau. Vote unanimously in favor.***

**ADJOURNMENT**

The meeting adjourned at 9:15 pm.

Respectfully submitted by,

AnnMarie White

Recording Clerk