

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, September 21, 2016
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John Hutton; Frank Reinhold, Alternate; Craig Williams, Alternate.

OTHERS PRESENT: Wayne Lucier Sr.; Wayne Lucier Jr.; Angela Lucier; Jeff Burr, Burr Signs and Caren Rossi, Planning/Zoning Administrator.

Jim Banks, Chairman explained to the applicant that there are only 4 Board members tonight. The applicant has the right to a Board of 5. The applicant can choose to go forward with only 4 but he needs 3 votes in the affirmative for the application to be granted. If he doesn't get 3, having a board of only 4 is not a reason for an appeal.

Wayne Lucier Sr. agreed to go ahead with a Board of 4.

John Hutton clerked.

(ZBA1617-04)

The applicant, U.S. GAS Lee LLC, for property owned by Lee Circle Development LLC is requesting a variance to Article XVII, Signs, Section III C, 4 a –h as applicable. To allow for 242.3 + - sq. ft. of signage as depicted on plan set submitted by Burr Signs. The property is located on 48 Concord Rd. and is known as Lee Tax Map #07-08-0100. This request is to the 2015 Zoning Ordinance.

Caren Rossi explained that the main reason they are hear tonight is when Mobil got their approvals years ago for their signage, it was approved specific to the exact sign with all the detail etc. and the decisions referenced the plans submitted with the application. The actual number of square feet is even less but how the decision was issued requires them to come back to this Board for approval.

Jeff Burr, Burr Signs reviewed the packet presented to the Board.

Frank Reinhold spoke with concerns of light pollution and asked that they be mindful of this when they install the LED lights in the signs. He feels the circle is already quite bright and should be dimmed.

Public comment

None

Floor closed

The other Board members didn't have any issues with the application.

The Board Determined the Following Findings of Fact:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes majority**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority
- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority
- 3) In granting the variance, substantial justice is done. Yes majority
- 4) In granting the variance, the values of surrounding properties are Yes majority

not diminished.

5) Literal enforcement of the provisions of the ordinance would result (A)Yes
in an unnecessary hardship to applicant. Majority

A) To find that an “unnecessary hardship” exists, the Board must find:

- o **There are special conditions on the subject property that distinguish it from other properties in the area; *and***
- o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

John Hutton made a motion to approve the request of U.S. GAS Lee LLC, for property owned by Lee Circle Development LLC is requesting a variance to Article XVII, Signs, Section III C, 4 a –h as applicable. To allow for 242.3 +/- sq. ft. of signage as depicted on plan set submitted by Burr Signs. The property is located on 48 Concord Rd. and is known as Lee Tax Map #07-08-0100. This request is to the 2015 Zoning Ordinance.

Craig Williams second.

Discussion:

Caren Rossi expressed concern if a condition of approval with is attached because she feels that a large part of the light trespass is on the streetlights.

Frank Reinhold stated that he wasn't interested in putting a condition of approval, just wanted the applicant to be mindful of the issues.

Vote, majority, motion carried, application approved.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John Hutton

Frank Reinhold, Alternate

Craig Williams, Alternate
