

ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053

DATE: DECEMBER 16, 2009

CASE NO.: 12/16/2009-3

APPLICANT: BOND BUILDING HOSPITALITY LTD.
C/O MICHAEL MCDONOUGH
799 UNION AVE
LACONIA, NH 03246

LOCATION: 176 MAMMOTH ROAD, 6-72-1, C-1

BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
YVES STEGER, VOTING MEMBER
NEIL DUNN, VOTING MEMBER
JIM SMITH, VOTING MEMBER
MICHAEL GALLAGHER, NON-VOTING ALTERNATE
MATTHEW NEUMAN, NON-VOTING ALTERNATE
JOE GREEN, NON-VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/
ZONING OFFICER

REQUEST: AREA VARIANCE TO ALLOW A CARRIAGE STRUCTURE
WITHIN THE 60-FOOT FRONT SETBACK REQUIRED BY
SECTION 2.4.2.1.

PRESENTATION: CASE NO. 12/16/2009-3 WAS READ INTO THE RECORD WITH TEN
PREVIOUS CASES LISTED.

VICKI KEENAN: So, if you could state your name and address and then present your case.

STEVE MCDONOUGH: Hi, I', Steve McDonough, one of the owners of the Homestead and the application that I filled out, a lot of the questions were...didn't apply or seemed kind of redundant, but when I applied for new sign permit with Richard, I showed him a sketch that had a columned roof system over a carriage that I wanna put down there. And he said, 'well, you are outside the building setback, so that's gonna require a variance.' So we did a drawing on the back page, a gal that works down there, it's kind of a animated rendering, if you will. But the real carriage is on page two (2) [see Exhibit "B"], it's gonna be out front. The sign to the right that says "Groton Exchange" is just to...we're building a new sign, it's in the works now,

45 that is...I gave him that picture and said I want the sign to look just like this. And it's being
46 constructed now. The reader board that you see below the Homestead sign, it's trimmed out in
47 green, the letters are kind of crooked and so forth, there will be a new reader board that is black
48 with white letters that is the same size as that "Groton Exchange" sign that sits below it. So if
49 you look on page three [see Exhibit "C"], you'll see the signage that has the top sign and bottom
50 sign but they total four (4) by eight (8)...they're four (4) by eight (8) or thirty two (32) square
51 feet. So I have got a permit for the base with one (1) sign and I can put the carriage down there
52 at any time. What I'm looking for today is permission to do the columns with the roof to protect
53 the carriage and to do the sign on the other side of the carriage because my reasoning there is
54 that right now, we have a double sided sign, those are front and back pictures of the Homestead
55 sign that exists. You know, it's two (2) sided reader board and a two (2) sided sign and the new
56 sign would be, you know, single faced, if you will. And Richard and I just talked a little bit
57 about how the ordinance reads and if the entire structure was considered the sign, then I believe
58 there's a thirty (30) degree, and I'll defer to him in a minute, but there's a thirty (30) degree
59 figure in the ordinance for both signs. And I'm not entirely clear on that piece but initially, I
60 came...I was coming for the structure and then the sign thing because I'm going from a double
61 sided sign to two (2) single sided presented itself, so I wanted to try to get that addressed
62 tonight as well, if I could at least look at and get some feedback on that one. But as we sit here,
63 there is one (1) sign that is being constructed. The base is in on site right now. It was poured
64 about a month ago. And I went before the Heritage Commission prior to the...after I got the
65 permit but prior to doing the construction to get their feedback on that and one of the things
66 that they felt pretty strongly about was that the face of that base be fieldstone and look natural.
67 And I had a company out of New Ipswich do a vertical stamp in fieldstone that's colored and it
68 looks pretty nice. John, I may get this wrong, Dahlgren [sic] I believe, from the Heritage
69 Commission has been down to look at it and he was the one that brought up the fieldstone
70 request and he wholeheartedly approved. And I'm pretty biased but I think it looks pretty nice
71 too.

72
73 MICHAEL GALLAGHER: Excuse me, Steve. Did you say the fieldstone, is that already
74 poured?

75
76 STEVE MCDONOUGH: Yes.

77
78 MICHAEL GALLAGHER: I go by it every morning and...

79
80 STEVE MCDONOUGH: And you'll see if...you will probably look now that you know, but
81 when you go by, you'll see there is aluminum angle iron sticking up out of the...those are
82 brackets for the anticipated sign. So it looks kind of peculiar with these four (4) rods sticking up
83 in the air on each side of it now. But, you know, the structure I should also talk about. My
84 initial request, I wanted to glass it in. And I went to the...you know, when I was at the Heritage
85 Commission, there was one or two guys who had concerns about reflection of headlights and
86 keeping it clean and fog and things blowing in there and having it become a maintenance issue,
87 so that's why you read "glass eliminated." I pulled that out for now but my argument for the
88 glass was that snow blowing sideways would get all through the wagon and sit there and so, it

89 still is a maintenance issue whether the glass is there or not. But for the sake of discussion
90 today, I've removed that glass piece from that. So, essentially, the structure has four (4)
91 columns and a hip roof. And decorative columns meaning, you know, probably a composite
92 material, round, trimmed out on the base and the top where they meet the hip roof. Shallow
93 hip roof, probably less than two (2) feet and, again, the whole idea behind it is to protect what is
94 a rather pricey wagon. Again, the Heritage Commission said, 'well, you know, leave it out
95 there, it'll look antiques,' but, you know, it will look antiques fairly quickly, I can assure you
96 that my goal isn't to get a patina on it real quick. I'd like to keep it looking as you see it in the
97 picture as long as I can. So, I guess I would be welcome to your questions or comments now.
98 And I'm anticipating there will be a few, so...

99
100 VICKI KEENAN: Okay. Do you wanna take a minute and walk through your application?

101
102 STEVE MCDONOUGH: I will. If I can ask for a copy of it? I too showed up without it and I
103 feel like it's gonna be...some of the answers may seem redundant just because the hardship that
104 I'm trying to show here is the protection of the wagon out...which falls into the scope of the
105 structure, so, I couldn't really come up with anything to protect it that wasn't, you know, a
106 structure. I tried to keep it as basic as I could without bringing a lot of, you know, attention to
107 it. I guess...I don't believe it will diminish surrounding property value. I can't see that being an
108 issue. Mainly, you know, the sign we have has been there twenty (20) years and my brother,
109 when we put it up, there's always been a kind of an ongoing joke that it was put in kind of a
110 funky spot and it wasn't centered and twenty (20) years later, it's kind of run its course. It's
111 cracked, the posts are ready to be replaced and, you know, I thought that this, as elaborate as it
112 may seem, I thought that this new sign might enhance the historic building a little bit and bring
113 some attention to it. I mean, part of my goal is to use the corner to bring some attention to the
114 restaurant itself and the sign that's there now is nothing to write home about, so...I talked about
115 it protecting the sign and it doesn't interfere with traffic or public interest, in my opinion. I
116 think it's...you know, it may...unless you wanna argue that it might be a bit of a head-turner,
117 but I don't think it's gonna be that big a deal out there. The setback for the structure...setback
118 for structure prevents signage from being visible to street traffic. I'm not really sure why he
119 answered that that way, but...An area variance is need to enable the applicant's proposed use of
120 the property, given the following special conditions of the property. Oh, the setback for a
121 structure...in other words, the sign, if the sign was to be put in the building setback, it would on
122 the building. It would be at the building, so that's why we're here for the variance. The benefit
123 sought, again, is to protect the carriage, which is the centerpiece of the whole proposed sign.
124 And it would do justice because, you know, it is the oldest property on that piece of town, that
125 area. I think it would enhance it, I think it would add some feel to it. I think, you know, I mean,
126 people drive by Mack's Apples and, I mean, it's a much bigger property but there's still a feeling
127 you get when you go by Mack's that this used to be a farming community and it has some
128 history. You get down to 102 and you've got CVS, the bank, you know, Crossroads. You don't
129 have a lot of history left down there except for the Homestead on that corner. And, you know, I
130 think that this sign would be in keeping. I think that it would be fitting and it's hard now
131 because you've just got the base in and you've got the other sign sitting next to it and when the

132 other sign is gone and the new signs are up and the carriage sits there and it's landscaped in
133 front of it, I think it will be very attractive. I think it would be a nice piece for the town.
134
135 VICKI KEENAN: Can I ask a question? Is the sign...do you plan to put it in the exact same
136 place where the sign is today? I didn't see it, either, on the way here.
137
138 STEVE MCDONOUGH: No, it's...
139
140 YVES STEGER: No.
141
142 STEVE MCDONOUGH: It's pushed into the center of the property. It sits behind the existing
143 one, if you will. Towards the old fire station.
144
145 YVES STEGER: [indistinct] ...down here. I think it's not very clear from the drawings that you
146 have. Where was the old sign and where is the new sign? Not clear at all.
147
148 VICKI KEENAN: Do you have the drawings that were submitted with the package?
149
150 JAYE TROTTIER: That's what it is, what you have in front of you.
151
152 VICKI KEENAN: Okay. In the package that Jaye gave you? Do you have the...?
153
154 YVES STEGER: Look at the...there is a...
155
156 NEIL DUNN: That's what's on the scan, I think.
157
158 YVES STEGER: Yeah.
159
160 JAYE TROTTIER: It's just what's in the computer.
161
162 VICKI KEENAN: Oh, okay.
163
164 YVES STEGER: Yeah, that one...
165
166 VICKI KEENAN: Can we show him that and ask him, just to clarify the placement?
167
168 YVES STEGER: If you could...
169
170 VICKI KEENAN: Come on up. Okay.
171
172 YVES STEGER: Indicate here where is the existing sign and where is the new sign?
173
174 STEVE MCDONOUGH: This is the existing sign [see Exhibit "D"].

175
176 VICKI KEENAN: Mm-hmm.
177
178 STEVE MCDONOUGH: And this is the new sign, is back in this area here. In here.
179
180 NEIL DUNN: So you're pulling it closer to the road.
181
182 STEVE MCDONOUGH: No.
183
184 VICKI KEENAN: Closer to the building.
185
186 YVES STEGER: No, closer to the building.
187
188 STEVE MCDONOUGH: Closer towards the old fire station that's back here. So it's closer to the
189 center of the property. And we kept the front of it even with the old sign.
190
191 JOE GREEN: Actually, it does have, on the file we have it as a yellow highlight as to where it
192 says the approximate location would be and then the sign that's two (2) sided faced. I think it's
193 halfway through.
194
195 VICKI KEENAN: Okay.
196
197 JOE GREEN: So, it's...I'm sorry.
198
199 VICKI KEENAN: One of...I'm sorry, no go ahead, no, no, no.
200
201 JOE GREEN: It's quite a bit larger, right, than what you have now? I mean, the structure itself.
202
203 STEVE MCDONOUGH: Yes. Signage wise, exactly the same square footage of sign itself.
204
205 JOE GREEN: Sign space, right.
206
207 STEVE MCDONOUGH: The carriage piece, again, is...yeah, I mean, overall size of the
208 structure's bigger, yes.
209
210 MATT NEUMAN: That's the sign. That's the existing sign right there.
211
212 VICKI KEENAN: I think the design is beautiful. I think it will look very nice. I drive by there
213 daily. But one of the things the Board has to do is make a decision for an area variance for a
214 structure that, and I'll just read this to you, "an area variance is needed to enable the applicant's
215 proposed use of the property, given special conditions of the property," and also that "the
216 benefit sought cannot be achieved by some other method reasonably feasible." This is a sign,
217 really, and not...but I mean...

218
219 YVES STEGER: It's a structure.
220
221 VICKI KEENAN: I know, but the...
222
223 YVES STEGER: That's why it's a problem. If it was a...
224
225 VICKI KEENAN: But it seems like the intended purpose of it is to be...enhance signage. I'm
226 struggling with this.
227
228 YVES STEGER: This is gonna be the difficulty in this one.
229
230 VICKI KEENAN: Yeah.
231
232 YVES STEGER: You're gonna have to demonstrate to us, to approve it, that there is something
233 special on your property that is different from any other property that prevents you to position
234 a structure, not signs, signs are irrelevant. You don't have a problem with signs. You have a
235 problem with the structure, which is the foundation and the carriage and the top and
236 everything else. What is special about your property that prevents you from putting that
237 structure, not the signs...?
238
239 VICKI KEENAN: Right.
240
241 YVES STEGER: ...within the sixty (60) foot setback.
242
243 LARRY O'SULLIVAN: Outside the sixty (60) foot setback.
244
245 YVES STEGER: Yeah.
246
247 VICKI KEENAN: Right.
248
249 STEVE MCDONOUGH: I guess what's special is that it's not possible to put it within the
250 setback. The building setback is the building, if you look at the map, I mean, that...
251
252 YVES STEGER: That's the green line that you have shown in there, correct? Yeah, it is.
253
254 JIM SMITH: Little green triangle.
255
256 YVES STEGER: The building setback over here.
257
258 VICKI KEENAN: Mm-hmm.
259
260 JIM SMITH: Yeah.
261

262 YVES STEGER: So, yes, it shows that.
263
264 VICKI KEENAN: This is what they're saying...
265
266 JIM SMITH: This is the building setback.
267
268 YVES STEGER: [indistinct]...put any other structure on your property because of the size of
269 anything.
270
271 VICKI KEENAN: There's no room within the setback limits to put the carriage structure, is that
272 what you're saying?
273
274 STEVE MCDONOUGH: That's what I'm saying. And I'm saying that it would have no
275 business being there. It would be...people would say 'what was he on when he did that?' You
276 just...you wouldn't do that.
277
278 YVES STEGER: We're very happy that you're saying that.
279
280 VICKI KEENAN: Yeah.
281
282 YVES STEGER: Because that is very important to us...
283
284 VICKI KEENAN: Yes.
285
286 YVES STEGER: ...to be able to approve it because you must show that, otherwise we can't
287 approve. We're very limited. The Zoning Board is very limited into what we can decide. We
288 can't decide because we like something or refuse because we don't like it. We have points of
289 law that are very, very clear. And if you meet them all, we must approve. If you miss one, we
290 cannot approve. That's why we're really looking at this. And so, you have also to show the
291 number two is that there is no other method reasonably to achieve the same goal of putting the
292 structure.
293
294 VICKI KEENAN: If you all look at the page four (4) of the application, the map, that little green
295 triangle is the only area that meets the sixty (60) foot setback.
296
297 YVES STEGER: Where he could put a structure.
298
299 VICKI KEENAN: Where he could put a structure.
300
301 YVES STEGER: And it's not even big enough to put the carriage in there.
302
303 VICKI KEENAN: Right. Right.
304
305 JOE GREEN: It's sixty (60) from the front, thirty (30) and thirty (30).

306
307 YVES STEGER: Exactly.
308
309 VICKI KEENAN: Yeah. Yeah, so just to make that clear...
310
311 JIM SMITH: Well, see, it's got front on three (3) sides.
312
313 JOE GREEN: Yup.
314
315 VICKI KEENAN: Right. It just took me a little while to pick up on that.
316
317 JIM SMITH: So it's sixty (60) feet on three (3) sides.
318
319 YVES STEGER: Right.
320
321 VICKI KEENAN: Okay.
322
323 YVES STEGER: And when there are multiple sides, it must be on all sides.
324
325 JOE GREEN: Mm-hmm.
326
327 JIM SMITH: You got a street on three (3) sides of the lot.
328
329 JOE GREEN: Yeah.
330
331 MICHAEL GALLAGHER: Yeah.
332
333 VICKI KEENAN: That's the...special condition.
334
335 JOE GREEN: Yup.
336
337 YVES STEGER: Yeah.
338
339 VICKI KEENAN: Okay.
340
341 YVES STEGER: Good.
342
343 VICKI KEENAN: I'm satisfied. I have no further questions.
344
345 JOE GREEN: So that's the special circumstance, right?
346
347 JIM SMITH: Well, you got the additional problem that the State right-of-way cuts off a good
348 portion of the...

349
350 VICKI KEENAN: Right.
351
352 JIM SMITH: ...what appears to be their front area.
353
354 YVES STEGER: Mm-hmm.
355
356 VICKI KEENAN: Okay.
357
358 YVES STEGER: Okay.
359
360 VICKI KEENAN: I have no other questions. Anyone else from the Board?
361
362 LARRY O'SULLIVAN: Is the State right-of-way marked on the drawing that we have?
363
364 JIM SMITH: Well, the right hand...
365
366 VICKI KEENAN: Line.
367
368 JIM SMITH: ...line, that's the State right-of-way.
369
370 YVES STEGER: Yup.
371
372 LARRY O'SULLIVAN: Of, the Highway Department, "NHHD"?
373
374 JIM SMITH: Yeah.
375
376 VICKI KEENAN: Mm-hmm.
377
378 LARRY O'SULLIVAN: Thank you.
379
380 YVES STEGER: And, actually, there is quite a distance between there and the road.
381
382 LARRY O'SULLIVAN: Currently.
383
384 JIM SMITH: Yeah. [indistinct].
385
386 YVES STEGER: Look.
387
388 VICKI KEENAN: Yeah, there is.
389
390 YVES STEGER: See?
391
392 VICKI KEENAN: Yup. There is quite a bit.

393
394 YVES STEGER: Look at that.
395
396 JIM SMITH: Yeah.
397
398 VICKI KEENAN: Hmmm.
399
400 YVES STEGER: Okay?
401
402 VICKI KEENAN: Okay. Are there any other questions for the applicant? Okay, seeing none,
403 we're gonna open it up to the public for comment. Is there anyone in the audience that would
404 like to speak against or for? Okay, we're on a roll. Seeing none, we will close the public
405 comment and we will bring it back to the Board for deliberation.
406
407 NEIL DUNN: Before you do that, can I...? Richard, does this fall in the 102 overlay quarter?
408
409 RICHARD CANUEL: No, it's outside of that.
410
411 DELIBERATIONS:
412
413 VICKI KEENAN: I have no issues with this application.
414
415 YVES STEGER: I don't either. It's beautiful, actually.
416
417 VICKI KEENAN: It is.
418
419 JOE GREEN: Yeah, excellent.
420
421 VICKI KEENAN: [indistinct] clean. I think, though, when we state...do we have to state the
422 special conditions of the property when we approve the motion or do you think it's
423 unnecessary? It's really more when you deny an application.
424
425 YVES STEGER: It's only when we deny.
426
427 VICKI KEENAN: Okay. Alright then.
428
429 YVES STEGER: We can say that it met all the five points of law...
430
431 VICKI KEENAN: Okay.
432
433 YVES STEGER: ...and that will be sufficient and because it is part of the record...
434
435 VICKI KEENAN: Right.

436
437 NEIL DUNN: Well we really don't have a size on this...
438
439 LARRY O'SULLIVAN: You don't have a size on the sign, we don't know exactly where it's
440 gonna be.
441
442 NEIL DUNN: No, the sign's not the issue.
443
444 YVES STEGER: The sign is not an issue.
445
446 NEIL DUNN: The sign's not the issue.
447
448 VICKI KEENAN: He's not here for a signage variance.
449
450 YVES STEGER: He's only here for the structure.
451
452 VICKI KEENAN: For the structure only.
453
454 LARRY O'SULLIVAN: Well, I can't understand how you can add a wall of four (4) by eight (8)
455 and not add a sign.
456
457 VICKI KEENAN: But by right, he could just put those two (2) signs up on the right side
458 of...and left side, right?
459
460 NEIL DUNN: He could just put the carriage...
461
462 RICHARD CANUEL: Well, that was an issue from the beginning. He already has a sign
463 permit now to erect a single face, freestanding sign in that area where that stone wall is shown
464 on the rendering. The problem came in is, number one, when he was looking to split those sign
465 faces and still tie them in with that wall as you see on the rendering, and include that carriage
466 structure to make that all one sign structure. I looked at that issue as being more than just a sign
467 and that is a structure and that's why he's here to request a variance in the first place. So I think
468 the Board probably should be specific when you put a condition on your approval, if you so
469 choose, if you wanna allow those two (2) separate, if you wanna call them separate, or require
470 that they be tied in as shown on the rendering and that they not exceed the allowed square
471 footage for a freestanding sign for the site, so you may want to be specific in that.
472
473 VICKI KEENAN: Well, I go to 3.11.6.4.3.2.2 and it says, "When a building faces two (2) rights-
474 of-way, the permitted area of the wall sign may be divided between the two (2) building faces."
475
476 RICHARD CANUEL: Yeah. Well, this is a freestanding sign, not a wall sign.
477
478 YVES STEGER: It's freestanding, it's not on the building.
479

480 VICKI KEENAN: But...okay. Sixty five (65) square feet.
481
482 YVES STEGER: So what is the size of...how much signage is...?
483
484 RICHARD CANUEL: He's allowed up to sixty five (65) square feet for a freestanding sign.
485
486 VICKI KEENAN: So that's...
487
488 YVES STEGER: That's thirty two (32), he can have two (2).
489
490 VICKI KEENAN: He can have two (2). It's within...
491
492 YVES STEGER: Correct?
493
494 RICHARD CANUEL: Yeah.
495
496 VICKI KEENAN: Yeah.
497
498 RICHARD CANUEL: That's why I say it's probably important to keep that criteria part of your
499 condition if you...
500
501 YVES STEGER: Well...
502
503 VICKI KEENAN: No more than...
504
505 LARRY O'SULLIVAN: Wait a minute, there's a four (4) by eight (8) and then a reader board.
506
507 JOE GREEN: No.
508
509 YVES STEGER: No.
510
511 RICHARD CANUEL: No. It's all part...
512
513 VICKI KEENAN: Four (4) by eight (8)...
514
515 [overlapping comments]
516
517 LARRY O'SULLIVAN: The whole thing is a reader board? Four (4) by eight (8)?
518
519 MICHAEL GALLAGHER: Each one's gonna be four (4) by eight (8)?
520
521 VICKI KEENAN: Yeah.
522
523 LARRY O'SULLIVAN: The reader board plus the restaurant, tavern sign is four (4) by eight (8).

524
525 JIM SMITH: The total of the two (2).
526
527 NEIL DUNN: They're two (2) feet each.
528
529 MICHAEL GALLAGHER: Oh.
530
531 LARRY O'SULLIVAN: Gotcha. Thanks.
532
533 RICHARD CANUEL: It's the total area...
534
535 YVES STEGER: So he has presented that he will not have signage that are beyond what is
536 required, so he's only asking for the structure at this time. And he, I mean, if there was no
537 carriage, he could do it right today. He doesn't even have to come here.
538
539 VICKI KEENAN: Those two (2) signs.
540
541 RICHARD CANUEL: Well, that's the concern. If that carriage structure does not tie it all in, if
542 you look at that picture, if you see, it does appear as all one structure. You've got the two (2)
543 sign faces, the carriage structure in between. It does look all one. If the carriage structure was
544 not there, you would have a stone wall and two (2) separate signs, basically.
545
546 VICKI KEENAN: But can't he, by right, do those without...let's say he never builds the carriage
547 structure, can't he, by right, have those two (2) signs...
548
549 RICHARD CANUEL: No.
550
551 VICKI KEENAN: ...because they're within the sixty five (65) feet?
552
553 RICHARD CANUEL: No.
554
555 JIM SMITH: No. [indistinct]
556
557 VICKI KEENAN: [indistinct]
558
559 RICHARD CANUEL: Our ordinance allows one (1) single freestanding sign. That freestanding
560 sign can be two (2) faced.
561
562 VICKI KEENAN: Oh, yeah. Gotcha. Gotcha.
563
564 RICHARD CANUEL: Which means it can be parallel or it can be two (2) faces up to thirty (30)
565 degrees apart.
566

567 JIM SMITH: See, this is one thing, this is another.
568
569 VICKI KEENAN: Got it. Okay.
570
571 RICHARD CANUEL: The intent of the ordinance is so that thirty (30) degrees, you know, is
572 still connected. In this particular case, it's not connected.
573
574 LARRY O'SULLIVAN: Richard, could you approximate...
575
576 RICHARD CANUEL: So, we can say it's technically connected by the stone wall structure in
577 between but that's something...
578
579 VICKI KEENAN: [indistinct] state this...
580
581 RICHARD CANUEL: ...I think the Board needs to look at, so...
582
583 LARRY O'SULLIVAN: Right now, the sign that he has is two (2) sided, right?
584
585 VICKI KEENAN: Mm-hmm.
586
587 RICHARD CANUEL: That's right.
588
589 LARRY O'SULLIVAN: Are we measuring both sides when we say how many...?
590
591 RICHARD CANUEL: No. No.
592
593 LARRY O'SULLIVAN: Okay, so we're only measuring one (1) side.
594
595 RICHARD CANUEL: You're only measuring one (1) side. That's one (1) face. One (1) face.
596
597 NEIL DUNN: I guess my...
598
599 JOE GREEN: So it's doubling, right? It's doubling the sign.
600
601 VICKI KEENAN: Can I ask a question? The two (2) signs you have total what square footage?
602 Or that are proposed?
603
604 JOE GREEN: Sixty four (64).
605
606 STEVE MCDONOUGH: Sixty four (64).
607
608 RICHARD CANUEL: Sixty four (64).
609
610 VICKI KEENAN: Okay. Alright. I just wanted to clarify.

611
612 YVES STEGER: So he's okay.
613
614 STEVE MCDONOUGH: But if you add it...if you take both sides of the Homestead sign that
615 exist, you have sixty four (64).
616
617 VICKI KEENAN: Right.
618
619 STEVE MCDONOUGH: For just the Homestead sign itself, not the reader board, which is two
620 (2) sided and displayed both ways as well.
621
622 VICKI KEENAN: Okay. Neil, I'm sorry. I interrupted you.
623
624 NEIL DUNN: That's alright. I guess I'm still having trouble. We're looking to approve a
625 structure in the setback but we have no details on the size of the structure, we have no
626 measurements on where we are in the setback. I'm a little concerned...
627
628 RICHARD CANUEL: You should have that information in your...
629
630 NEIL DUNN: Well, there's...
631
632 VICKI KEENAN: It shows...
633
634 RICHARD CANUEL: Wasn't there a design rendering of the sign?
635
636 [overlapping comments]
637
638 YVES STEGER: ...in yellow and...
639
640 VICKI KEENAN: It's on here.
641
642 NEIL DUNN: Yeah. What's the dimensions?
643
644 YVES STEGER: This is eight (8) by ten (10). This is eight (8) by ten (10)
645
646 NEIL DUNN: But where does it say "eight (8) by ten (10)," though, is my point?
647
648 YVES STEGER: It's written in the application.
649
650 NEIL DUNN: Oh.
651
652 YVES STEGER: Otherwise, how would I know it is eight (8) by ten (10)?
653
654 NEIL DUNN: Eight (8) by ten (10) is the carriage section?

655
656 RICHARD CANUEL: See, I don't know what you have there. Did you guys get something
657 that looks like this?
658
659 YVES STEGER: Yeah.
660
661 RICHARD CANUEL: The rough sketch?
662
663 YVES STEGER: Yeah, it's right here. It's in color.
664
665 NEIL DUNN: Well, yeah, but there's no dimensions. That's my whole point, yeah.
666
667 RICHARD CANUEL: No, this has the dimensions. Right there.
668
669 VICKI KEENAN: It isn't here, Yves.
670
671 YVES STEGER: I read it somewhere. I didn't make it up.
672
673 NEIL DUNN: Well, I know...
674
675 JIM SMITH: Eight (8) by ten (10).
676
677 STEVE MCDONOUGH: "The structure consisting of..."
678
679 VICKI KEENAN: Oh, it's in the handout Neil. The one he gave us.
680
681 NEIL DUNN: It's not on the record, though. I guess it...
682
683 VICKI KEENAN: It is now, since he gave it to us, right?
684
685 JAYE TROTTIER: Mm-hmm.
686
687 VICKI KEENAN: Yeah.
688
689 [overlapping comments]
690
691 NEIL DUNN: Well, yeah, but I'm really still concerned that there's...the location is... Richard,
692 does Janusz or anybody have to look at this for site blockage or anything from intersections or
693 anywhere?
694
695 RICHARD CANUEL: That's part of it, yeah. If the Board approves the variance, it has to go
696 through the Planning Board for site plan approval because it's a structure.
697
698 NEIL DUNN: Oh, okay, well that's...

699
700 RICHARD CANUEL: Didn't you have that? Oh, right here.
701
702 MICHAEL GALLAGHER: Yeah, this handout.
703
704 YVES STEGER: Yes.
705
706 RICHARD CANUEL: Yeah, there is...
707
708 MICHAEL GALLAGHER: It mentions the size.
709
710 RICHARD CANUEL: See, there's the sign setback right there.
711
712 NEIL DUNN: No, that's the...
713
714 LARRY O'SULLIVAN: There's no measurements and there's no...
715
716 RICHARD CANUEL: Yeah, and then the proposed location, so here's where the existing sign
717 is now.
718
719 YVES STEGER: [indistinct] show that.
720
721 RICHARD CANUEL: No, I'm just showing the setback there, that's it.
722
723 LARRY O'SULLIVAN: But that's what I'd like to see is I'd like to see where it's gonna be placed
724 there and right now, you know, I think it's a great looking sign. It looks like it's gonna be a
725 good...an advantage for us to have that there.
726
727 VICKI KEENAN: Doesn't the map show in the yellow, he came up here and pointed that out.
728 That's the approximate location of the sign.
729
730 LARRY O'SULLIVAN: Where's the sign?
731
732 RICHARD CANUEL: That's your existing...
733
734 NEIL DUNN: Yeah, but there's no measurements. There's very...we would never let
735 anybody...I mean, we'll end up with a building on a lake that's too big for the lot is what...
736
737 YVES STEGER: Look, look, this is the carriage...
738
739 [overlapping comments]
740
741 MATT NEUMAN: Yeah, but if the Planning Board's gonna have to approve it...
742

743 YVES STEGER: These are the two (2) signs. Look, this is the carriage and these are the two (2)
744 signs.
745
746 NEIL DUNN: Do you think that's to scale?
747
748 YVES STEGER: Yes, I think so.
749
750 VICKI KEENAN: We have to take their faith for it, right?
751
752 NEIL DUNN: No, we need a little bit more support. I'm just looking for more information.
753 Where is it and what is the size and the sign issue, I think, is a separate issue. It's not on the
754 application. We need to be careful with that.
755
756 YVES STEGER: Correct. I have more problem with the sign...
757
758 VICKI KEENAN: Right.
759
760 YVES STEGER: ...because we're authorizing two (2) signs and that's not part of the application.
761 The only thing that we're approving here is a structure, not two (2) signs. That's a separate
762 request.
763
764 RICHARD CANUEL: I guess that's the proposal. The sign located right at the face of sign,
765 right at the setback line with the two (2) sign wings and I guess the structure would be back in
766 here.
767
768 LARRY O'SULLIVAN: Eight (8)...
769
770 NEIL DUNN: Which is different than what was originally shown on that little sketch.
771
772 LARRY O'SULLIVAN: Yup.
773
774 NEIL DUNN: So that's why I always go back to when we don't have drawings and it's
775 everybody's intent or plan...
776
777 LARRY O'SULLIVAN: Let's get as precise as we can, right?
778
779 NEIL DUNN: Yeah.
780
781 LARRY O'SULLIVAN: That's all.
782
783 NEIL DUNN: But we still don't have the...
784
785 LARRY O'SULLIVAN: I think that's a great idea. I'd like to see how far that sits from the
786 marked spot. Let's start there. I mean, if we wanted to put that in there...

787
788 RICHARD CANUEL: [indistinct]...setback line right there.
789
790 LARRY O'SULLIVAN: If we wanted to put it, you know, that 'it shall be so many feet from,'
791 but we don't know that because he's already got something in the ground, so...
792
793 RICHARD CANUEL: Well, if he complies with the fifteen (15) foot setback, then it
794 doesn't...it's not an issue.
795
796 LARRY O'SULLIVAN: There's an "if."
797
798 JIM SMITH: As far as the sign goes.
799
800 RICHARD CANUEL: Yeah. As far as the sign goes.
801
802 VICKI KEENAN: Well, then if it doesn't, he's gonna have to...and we make a restriction on it,
803 he's gonna have to dig it up and re-pour it. If it doesn't. No?
804
805 YVES STEGER: So for the sign, it is within the fifteen (15) foot setback, correct?
806
807 NEIL DUNN: Which is a State right-of-way.
808
809 RICHARD CANUEL: Yes, the sign complies.
810
811 VICKI KEENAN: If we...
812
813 RICHARD CANUEL: The sign would be in compliance. It's the structure itself that's...
814
815 LARRY O'SULLIVAN: Right, it is the structure that's the issue.
816
817 RICHARD CANUEL: Yes, that's right.
818
819 LARRY O'SULLIVAN: It's not marked on the...
820
821 YVES STEGER: Well, also the fact that there are two (2) signs.
822
823 JOE GREEN: There are two (2) signs now, not just one (1).
824
825 LARRY O'SULLIVAN: Well, that's...
826
827 VICKI KEENAN: That's what I'm confused about.
828
829 LARRY O'SULLIVAN: One issue is the structure, the other part is the sign.
830

831 JIM SMITH: I think...

832
833 LARRY O'SULLIVAN: So, let's take it one at a time.

834
835 YVES STEGER: Yeah, okay.

836
837 LARRY O'SULLIVAN: For the...did he meet the five (5) points is a major part of the question.
838 But I would like to have the evidence in hand to help me to verify the five (5) points and I think
839 that's gonna require that we have a drawing that shows the placement more precisely with
840 measurements on the site. It means literally taking a ruler by the person who drew up those
841 plans and placing what exists there now. And I wouldn't see being able to approve it without
842 it. I don't think we would be doing justice without it.

843
844 VICKI KEENAN: Richard, I have a question for you on the signs.

845
846 RICHARD CANUEL: Mm-hmm. Yeah.

847
848 VICKI KEENAN: Where they're going from...and I'm sorry if I'm sort of beating this up a little
849 bit...

850
851 RICHARD CANUEL: Okay.

852
853 VICKI KEENAN: A two (2) sided freestanding sign that complies with the sixty five (65)
854 limitation to two (2) signs, part of a structure, that still meet the sixty five (65) feet...how does
855 that fit into this? Are the signs not part of the structure but they're still signs but the signs are
856 mounted to a structure, so does that fall into...what is that...6...3.11.6.4.3.2.2 when it says "a
857 building faces two (2) right-of-ways [sic], the permitted area of the wall sign may be divided
858 between the two (2) building faces"...?

859
860 RICHARD CANUEL: Okay. Again, this is not a wall sign. This is a freestanding sign.

861
862 VICKI KEENAN: Right.

863
864 RICHARD CANUEL: And this is certainly a unique situation.

865
866 VICKI KEENAN: It's attached to a structure.

867
868 RICHARD CANUEL: Yup.

869
870 VICKI KEENAN: That's my...I'm confused by that.

871
872 RICHARD CANUEL: Okay. Yeah, this is certainly a unique situation. From the way I
873 interpret it, it's certainly a freestanding sign. There's no question. The concern about this
874 freestanding sign is that we're now incorporating a structure as part of that sign. When Mr.

875 McDonough first came to me and was talking about installing that sign and using the carriage
876 and placing it on site, that's not an issue as far as I'm concerned. His concern for protecting that
877 carriage by enclosing it in a structure...

878
879 JOE GREEN: Mm-hmm.

880
881 RICHARD CANUEL: ...now we have a structure be definition of our ordinance. And the
882 fifteen (15) foot setback only applies to the sign. So once we incorporate a structure as part of
883 that sign, now we have to apply the sixty (60) foot setback to that structure or otherwise require
884 a variance, which is what Mr. McDonough's here in the first place. My concern is, without that
885 carriage, if you look at that rendering, those two (2) sign faces are only connected by that stone
886 wall. If you were to look at that without the carriage structure, that would appear to be two (2)
887 separate signs. Although our ordinance does allow our two (2) sign faces to be at thirty (30)
888 degrees from each other, I believe the intent of the ordinance is that those signs at least be
889 together at some point so that it is one (1) freestanding sign. So that was my concern and that's
890 the point I wanted to bring up to the Board so they would take that into consideration. It's
891 either looking that as two (2) separate freestanding signs or as one (1) sign as part of the entire
892 structure. If you want to look at it as one (1) sign as part of the entire structure, then as long as
893 he meets the maximum sixty five (65) square foot limit, then he's okay.

894
895 VICKI KEENAN: Okay.

896
897 JIM SMITH: Aren't we mixing and matching, though?

898
899 LARRY O'SULLIVAN: Yeah, that's...

900
901 RICHARD CANUEL: Excuse me?

902
903 JIM SMITH: Aren't we mixing and matching...?

904
905 YVES STEGER: Yes, we are.

906
907 RICHARD CANUEL: Oh, absolutely. Yeah, I mean, like I say, this is definitely a unique
908 situation. We definitely are mixing and matching here.

909
910 JIM SMITH: Right, because if we call it a structure, now we're putting signs on a structure
911 which would limit it to the fifty (50) square feet.

912
913 VICKI KEENAN: Mm-hmm.

914
915 RICHARD CANUEL: I suppose you could look at it that way, too.

916
917 JIM SMITH: That would be one way.

918

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919 RICHARD CANUEL: Yeah, see, I think the intent of the ordinance, when they talk about wall
920 signs, is wall signs for the primary structure, which would be, in this, would be the restaurant.
921
922 VICKI KEENAN: Right.
923
924 RICHARD CANUEL: The signs on the restaurant.
925
926 VICKI KEENAN: The building.
927
928 RICHARD CANUEL: If we have additional structures on site, I mean, if it were a storage shed,
929 we wouldn't allow additional signage on the storage shed because it's a structure. So, I think we
930 definitely need to consider this as a freestanding sign and go from there.
931
932 LARRY O'SULLIVAN: As a single freestanding sign? I think that the intent of our...
933
934 YVES STEGER: Well...
935
936 LARRY O'SULLIVAN: ...writers was that we have the sign that exists there now that's two (2)
937 sided...
938
939 RICHARD CANUEL: Mm-hmm.
940
941 LARRY O'SULLIVAN: ...and that's freestanding.
942
943 RICHARD CANUEL: Right.
944
945 LARRY O'SULLIVAN: What is proposed is, in my opinion, two (2) freestanding signs.
946
947 RICHARD CANUEL: Okay, that's...
948
949 STEVE MCDONOUGH: But real life is, you drive by that building and you're looking at a
950 Homestead sign from one direction and you're looking at it from the other and the intent of the
951 way the signage was laid out on each side of the carriage was to make it visible from both sides
952 of the intersection where we're at and, you know, my argument would be that, you know, we're
953 not increasing the signage itself. We're just splitting it and, I mean, I'll be the first one to admit
954 that there is gray area here but, you know, again, I think it's...if you don't look past to the finish
955 result, you're gonna have half a...if you take the structure and one of the signs away, what
956 you've achieved is putting an imbalanced unit out in front of the building because, you know,
957 interpretation of the ordinance says, you know, this. And I'm not...I think that if you've met the
958 five (5) points, and that was our first hurdle to cross, then it comes down to, 'okay, so he's
959 gonna have a structure in this, we're gonna allow him the structure to protect that carriage
960 because he's hit the five (5) points,' then I think what it boils down to is does the carriage
961 structure tie the whole unit together, which makes it one (1) sign?

962
963 VICKI KEENAN: What's your...
964
965 YVES STEGER: Yeah, but...
966
967 JOE GREEN: One (1) of the five (5) points is that this can't be achieved by some other method
968 feasibly produced, so it really, to me, in my opinion, talking about this on the Board, I mean, if
969 this was a different design and we had a sign that was two (2) faced and there was just a
970 structure over the carriage, four (4) columns with a structure over a carriage with the
971 Homestead sign that, just like the one you have now, that could be feasibly obtained, you know,
972 if we did it that way. We're struggling over this drawing but there's other ways that could be
973 done.
974
975 LARRY O'SULLIVAN: Didn't we bring this back to the Board?
976
977 VICKI KEENAN: Yeah, we're back to the Board.
978
979 JOE GREEN: No, I know.
980
981 YVES STEGER: So...
982
983 VICKI KEENAN: Richard, what...I'm sorry. Go ahead, Yves.
984
985 YVES STEGER: Go ahead.
986
987 VICKI KEENAN: What is your opinion?
988
989 RICHARD CANUEL: As I look at the design, I would interpret that to meet the intent of our
990 ordinance for a freestanding sign.
991
992 YVES STEGER: Okay.
993
994 RICHARD CANUEL: With two (2) faces.
995
996 YVES STEGER: Because there is a...
997
998 RICHARD CANUEL: Like I say, our ordinance does allow the two (2) faces to be at thirty (30)
999 degrees to each other. You know, I look at that as the ordinance's intent is that those two (2)
1000 faces be, you know, connected.
1001
1002 VICKI KEENAN: And they're connected by the base.
1003
1004 RICHARD CANUEL: In this particular case, yeah, it's connected via that structure and the
1005 stone frame below, so, in my interpretation, I think that meets the intent of our ordinance.

1006
1007 YVES STEGER: Okay.
1008
1009 NEIL DUNN: In regards to the sign issue but how about in regards to the structure in the
1010 setback?
1011
1012 RICHARD CANUEL: The only issue with the structure is the setback.
1013
1014 YVES STEGER: But that's why he's coming for a variance.
1015
1016 VICKI KEENAN: Right.
1017
1018 RICHARD CANUEL: If the carriage was just sitting there on its own, we would not have an
1019 issue...
1020
1021 NEIL DUNN: Exactly.
1022
1023 RICHARD CANUEL: ...but because it's being enclosed, we now have a structure, so...
1024
1025 YVES STEGER: But imagine that he came and he said, 'I'm not gonna put any sign here. I just
1026 wanna put the carriage and protect it,' you know? As part of the decoration of The Homestead.
1027
1028 LARRY O'SULLIVAN: A single deal.
1029
1030 YVES STEGER: He would have to come back here, so even if there are no signs at all, he would
1031 come to the variance.
1032
1033 VICKI KEENAN: Right.
1034
1035 RICHARD CANUEL: We have a setback issue.
1036
1037 YVES STEGER: So, we could approve or deny this variance for the structure only...
1038
1039 RICHARD CANUEL: That's right.
1040
1041 VICKI KEENAN: Right.
1042
1043 YVES STEGER: ...and then if there was any question about are the signs single or double, he
1044 would have to come for a second variance.
1045
1046 VICKI KEENAN: And it goes to Planning Board anyway, right?
1047
1048 RICHARD CANUEL: Well, that...
1049

1050 LARRY O'SULLIVAN: Anyway.
1051
1052 MATT NEUMAN: Right.
1053
1054 VICKI KEENAN: Right. Okay.
1055
1056 YVES STEGER: So, the only question is, are we allowed to include our interpretation of the
1057 signage...?
1058
1059 JIM SMITH: Well, okay, I think that's where we're off the hook. The Zoning Officer has made
1060 an interpretation.
1061
1062 VICKI KEENAN: Right. He's made a recommendation.
1063
1064 YVES STEGER: Mm-hmm.
1065
1066 VICKI KEENAN: Yup, he's read it.
1067
1068 JIM SMITH: All we're really looking at is whether or not we want to give a variance for the
1069 structure for the carriage.
1070
1071 VICKI KEENAN: Why don't we walk through the five (5) points of law.
1072
1073 YVES STEGER: Yes.
1074
1075 VICKI KEENAN: Do you wanna do that really quick? Okay. (A), The proposed use would not
1076 diminish surrounding property values.
1077
1078 YVES STEGER: That's obvious.
1079
1080 VICKI KEENAN: Okay. Contrary to the public interest?
1081
1082 YVES STEGER: There's no issue with the interest.
1083
1084 JOE GREEN: No.
1085
1086 VICKI KEENAN: I don't see anything. Speak up if you see why it would fail. Special
1087 conditions of the property. I think that was demonstrated.
1088
1089 JOE GREEN: Well the [indistinct] that was way back.
1090
1091 [overlapping comments]
1092
1093 YVES STEGER: There was only that little yellow...

1094
1095 LARRY O'SULLIVAN: Can somebody give me a definition of that? I'm kind of missing where
1096 you're coming from with that. Special conditions of the property. Right now there's a very little
1097 spot, okay, I'm trying to walk myself through this, okay? There's a very little area to put this
1098 structure on this.
1099
1100 YVES STEGER: Yes.
1101
1102 LARRY O'SULLIVAN: Do you need the structure to operate your business? To have the
1103 restaurant, to have the parking, to have the...You know, the use is what we're approving here.
1104 I'm sorry, the area is what we're approving here. And the issue is going to be can you
1105 accomplish the same thing without that building there? Right now, he's had that sign there for
1106 twenty-odd years...
1107
1108 VICKI KEENAN: But it's not about the sign.
1109
1110 YVES STEGER: It's not about the sign.
1111
1112 VICKI KEENAN: It's the structure.
1113
1114 LARRY O'SULLIVAN: It's the structure itself, right.
1115
1116 YVES STEGER: I think it is a reasonable use for a restaurant to use a carriage...
1117
1118 VICKI KEENAN: Mm-hmm.
1119
1120 YVES STEGER: ...as a way to attract the business, improve the visibility of the restaurant.
1121
1122 LARRY O'SULLIVAN: See, I think the idea is awesome. I think what we're looking at is
1123 putting up a building, though, as opposed to just a carriage. So it's a structure, right? That's
1124 what my issue is. We're in the setback. You're putting up a structure in the setback. Let's just
1125 address that.
1126
1127 VICKI KEENAN: But he couldn't put the structure and get the same impact in the setback area.
1128 If he built the structure...the intent of the structure is the carriage, okay? But that's moot. If he
1129 wanted to build this structure and he put it in the building setback area, he would lose the
1130 impact or the intended use of the structure.
1131
1132 JOE GREEN: Well, isn't it more of just about, as it states here, denial of the variance would
1133 result in unnecessary hardship. I think we're saying that if the structure wasn't there, the
1134 unnecessary hardship would have to do with the carriage and how rusty it would become and
1135 how the intent of the use of it is gone at that point because it's gonna be...that's where the
1136 hardship is. The upkeep of it. So I'm trying to interpret that way. You know, the upkeep.

1137
1138 NEIL DUNN: So if I wanna keep my boat down next to the road in front of my house, I can
1139 build a structure down there because it would...?
1140
1141 JOE GREEN: No, because you gotta come to the Board and you have to have...
1142
1143 NEIL DUNN: Right, but under that precedent, then someone could come and argue that, 'well,
1144 the precedent is that because...'
1145
1146 JOE GREEN: No, what' I'm...
1147
1148 [overlapping comments]
1149
1150 YVES STEGER: We have places where people have put a structure above their RV's.
1151
1152 JOE GREEN: Right.
1153
1154 YVES STEGER: There is one next to my house.
1155
1156 VICKI KEENAN: It's down south, yeah, I've seen them down South Road.
1157
1158 YVES STEGER: So...yes.
1159
1160 LARRY O'SULLIVAN: We're talking about building in the setback here, Yves. So, that's an
1161 issue.
1162
1163 NEIL DUNN: In the setback is the issue, is what I'm getting at. How do we...?
1164
1165 LARRY O'SULLIVAN: Let's justify it is all I'm trying to think of.
1166
1167 JIM SMITH: I think one of the things you have to do is look at this particular piece of land and
1168 what is unique about this particular piece of land. And I think what we're looking at, it's a
1169 piece of land that has frontage on three (3) different streets, has exposure to two (2) major
1170 highways and what he's attempting to do is to display a carriage to enhance the aesthetics of the
1171 situation. I'm trying not to say 'a sign.'
1172
1173 YVES STEGER: Yeah, and the hardship would be that not putting the structure will expose it to
1174 the elements and destroy its value.
1175
1176 JIM SMITH: Right.
1177
1178 YVES STEGER: That's the hardship.
1179
1180 JOE GREEN: Yup.

1181
1182 YVES STEGER: And because of the limited setback available, there is really no other method
1183 that could be used. Yes, he could put it and not have to come here if he just put it on the ground
1184 but then he doesn't protect it and we're not talking about signs at this time. So I think it's a
1185 reasonable use and there is a hardship.
1186
1187 VICKI KEENAN: Those are the two key words. I just read that. "The landowner's reasonable
1188 use of the property," it's absolutely a reasonable use.
1189
1190 YVES STEGER: Yup.
1191
1192 VICKI KEENAN: Those were the two key words. I'm gonna miss you.
1193
1194 JOE GREEN: Hardship.
1195
1196 VICKI KEENAN: So that's a pass.
1197
1198 NEIL DUNN: As I'm going through it, I think we were at the special conditions, so I guess I
1199 could agree with that after Jim's [indistinct]
1200
1201 YVES STEGER: Mm-hmm.
1202
1203 VICKI KEENAN: Okay, number two (2), cannot be achieved by some other method reasonably
1204 feasible.
1205
1206 JIM SMITH: Again, because of the setback.
1207
1208 VICKI KEENAN: Right. Would do substantial justice?
1209
1210 YVES STEGER: Yes.
1211
1212 VICKI KEENAN: Okay, and not contrary to the spirit of the ordinance. Yes. Okay. Well, any
1213 other comments? Otherwise, I'd entertain a motion.
1214
1215 LARRY O'SULLIVAN: I only would look forward to seeing how it was plotted on the lot. And
1216 I also think we're using some of the restrictions... I'm sorry, some of the existing conditions
1217 there as the reason for the variance that aren't legitimate. And we're saying that because there's
1218 no setback area that he can build in, that we have to go outside it and we don't. And that it's
1219 reasonable to have a sign or a structure as big as this in that area because there's no other place
1220 to put it when it hasn't existed to date. That's it.
1221
1222 VICKI KEENAN: But you could say what he's trying to do is reasonable and not without
1223 reason. It's a reasonable design...
1224

1225 YVES STEGER: If we had to put any restrictions, it would be it has to be within the fifteen (15)
1226 foot setback.
1227
1228 VICKI KEENAN: Right.
1229
1230 YVES STEGER: And that has been shown to be the case on the documents that we have, so if
1231 we wanna put the restriction, it is that the structure and the signs...and the sign, no's'...
1232
1233 VICKI KEENAN: Very good.
1234
1235 YVES STEGER: ...must be within the fifteen (15) foot setback.
1236
1237 RICHARD CANUEL: If I can remind the Board, this still does have to go to the Planning Board
1238 for site plan review, so, you know, the Planning Board could put conditions on where the
1239 location of this structure can be. I think the Board's concern is where we want this structure to
1240 meet the setbacks. If it's the fifteen (15) foot setback, then that's probably what you should place
1241 as part of your condition.
1242
1243 VICKI KEENAN: I agree.
1244
1245 NEIL DUNN: I agree with that, too.
1246
1247 LARRY O'SULLIVAN: So we would be covered if we said that it would be outside the fifteen
1248 (15) foot setback?
1249
1250 JOE GREEN: Correct.
1251
1252 YVES STEGER: Yeah.
1253
1254 VICKI KEENAN: Mm-hmm.
1255
1256 NEIL DUNN: Well, we couldn't even give him permission to build in that fifteen (15) foot
1257 setback anyway, can we?
1258
1259 VICKI KEENAN: We can.
1260
1261 RICHARD CANUEL: Say that again?
1262
1263 NEIL DUNN: We can't...we could not allow them in that fifteen (15) foot setback anyway,
1264 could we?
1265
1266 RICHARD CANUEL: Sure you could. You could allow it right up to the property line if you
1267 wish.

1268
1269 YVES STEGER: It's an area variance.
1270
1271 RICHARD CANUEL: Yeah.
1272
1273 NEIL DUNN: But I thought that was a State highway and that...
1274
1275 YVES STEGER: No, no, no, no...
1276
1277 VICKI KEENAN: That's the...
1278
1279 [overlapping comments]
1280
1281 RICHARD CANUEL: The State only has jurisdiction up to the property line.
1282
1283 VICKI KEENAN: Yeah.
1284
1285 YVES STEGER: Look, I'm gonna show...
1286
1287 NEIL DUNN: Well, that's where the fifteen (15) foot was measured off, though, the New
1288 Hampshire...
1289
1290 YVES STEGER: Look, look...
1291
1292 RICHARD CANUEL: It's measured off of the property line.
1293
1294 JIM SMITH: It's measured in the red line.
1295
1296 YVES STEGER: It's gonna be here. This is all the setbacks that is to the State, here. So, the
1297 fifteen (15) foot setback is inside the red line, here. That's very far from the road.
1298
1299 VICKI KEENAN: How about a motion? I'm sorry, Neil.
1300
1301 NEIL DUNN: I was gonna say, so the existing sign is in that fifteen (15) foot setback?
1302
1303 YVES STEGER: That is correct.
1304
1305 RICHARD CANUEL: Yeah, the existing sign is nonconforming right now.
1306
1307 YVES STEGER: And this one will be, for the sign.
1308
1309 RICHARD CANUEL: Right.
1310
1311 VICKI KEENAN: Within the setback.

1312
1313 YVES STEGER: Yeah.
1314
1315 VICKI KEENAN: Yes.
1316
1317 NEIL DUNN: That's why...
1318
1319 YVES STEGER: Including the structure.
1320
1321 NEIL DUNN: ...when you don't have good drawings...
1322
1323 [overlapping comments]
1324
1325 YVES STEGER: Okay. I would like to make a motion...
1326
1327 VICKI KEENAN: Okay.
1328
1329 YVES STEGER: ...for case 12/16/2009-3, to approve it, given that he has met all the five (5)
1330 points of law and with the restriction that the structure and sign must be outside the fifteen (15)
1331 foot setback.
1332
1333 VICKI KEENAN: Is there a second to the motion?
1334
1335 JIM SMITH: I'll second.
1336
1337 VICKI KEENAN: Any discussion surrounding the motion? Seeing none, all of those in favor,
1338 signify by saying 'aye.'
1339
1340 YVES STEGER: Aye.
1341
1342 NEIL DUNN: Aye.
1343
1344 JIM SMITH: Aye.
1345
1346 VICKI KEENAN: Aye. Opposed?
1347
1348 LARRY O'SULLIVAN: That's me.
1349
1350 VICKI KEENAN: Abstentions? Okay.
1351
1352 RESULT: THE MOTION TO GRANT CASE NO. 12/16/2009-3 WITH RESTRICTIONS WAS
1353 APPROVED, 4-1-0.
1354
1355 RESPECTFULLY SUBMITTED,

1356

1357

1358

1359 LARRY O'SULLIVAN, CLERK

1360 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

1361

1362 **APPROVED JANUARY 20, 2010** WITH A MOTION MADE BY JIM SMITH, SECONDED BY

1363 MATT NEUMAN AND APPROVED 5-0-0.