

MINUTES

NEW DURHAM

ZONING BOARD OF ADJUSTMENT

OCTOBER 10, 2007

Vice-Chair Larry Prelli called the meeting to order at 7:13 PM.

Roll Call: Bill McGrew, Michael Hoffman, Wendy Anderson, Larry Prelli (Vice-Chair) **Excused Absences:** Theresa Jarvis, Helen Wellman.

Others Present: Michael Bonier

Johnson's Sign: Acceptance and Public Hearing regarding an application by Johnson's MarketPlace, LLC for a variance to Article XI.E:1 of the Town of New Durham Zoning and Land Use Ordinance on property located on 69 Route 11, (Tax Map 8 , Lot 4) in New Durham, New Hampshire. The variance is requested so that the applicant can have an additional sign that is 6' x 4'10" and 29 square feet which exceeds the maximum sign size of 16 square feet.

Vice-Chair Larry Prelli noted for the applicant that only four members of the Zoning Board were present. He told Mr. Bonier that the applicant had a right to have a full board of five members and that he would need 3 favorable votes in support of his proposal. Mr. Bonier said he would like to go ahead with four board members.

Mr. Prelli asked if any board members had any conflicts of interest regarding the application. None did. He asked if there were any concerns from anyone regarding real or apparent conflicts of interest. There were none.

Mr. Prelli asked Mr. Bonier to describe the variance request. Mr. Bonier said it was quite straight forward. The owners of Johnson's Seafood and Dairy Restaurant have recently opened a marketplace at the same location as their successful restaurant. They get some buyers from restaurant customers but they need to attract drive by purchasers in order to make the business successful.

One of their marketing strategies is to advertise seasonal items and special buys to Route 11 traffic. In order for signs to be safely legible for highway drivers they need larger lettering. They need to be able to change the sign regularly and easily in order to advertise their specials and seasonal items. They currently have a sign that meets the specifications of the ordinance but it has room only for the name of the business.

They are asking for a variance for this purpose. Mr. Bonier shared a photograph and a sketch illustrating what the sign will look like and showing the dimensions.

Zoning Board members asked questions to clarify the nature of the sales (meat, produce, and useful items) and the relationship with the restaurant (same owner, different business with only small overlap in clientele).

Wendy Anderson agreed that guidelines for sign lettering require 8" letters for traffic traveling 45-60 miles per hour. She said she felt the larger sign was necessary for a successful business on Route 11. Mike Hoffman noted that the location of Johnson's at the very busy intersection of Route 11 and Depot Road was quite hazardous and a sign that was easier to read was very important. He added that the Board had recently approved a larger sign for another business on Route 11.

Bill McGrew commented that the town wanted more successful businesses in order to broaden the tax base so it is not entirely dependent on residential taxation. He felt the sign design was simple and attractive and would not detract from the town's character.

Mike Hoffman moved to approve the variance as requested by Johnson's MarketPlace, LLC in order to allow the placement of a lighted sign with changeable lettering not to exceed 29 square feet of sign space. Bill McGrew seconded. Unanimous with no abstentions.

Magovern. No one was present to represent the Magovern variance request. Acting Chair Larry Prelli said that in the absence of representation, the application would be carried over to the regular November meeting.

Recreational Vehicles: David Allen conveyed a request from the Planning Board for input regarding the ordinance they are working on to limit the use of Recreational Vehicles as dwelling units.

The Zoning board discussed the question at some length and made the following comments and recommendations:

The biggest potential problem with RV's is overloading existing septic capacity by using someone's bathrooms, piping stuff into the septic or letting the septic drain out unmanaged.

Therefore, most important goal is to get people to properly dispose of septic waste when they are occupying an RV in town.

Suggestion: require a permit for any active use of RV in town beyond the kids camping out in the RV for a night or weekend. When you get your permit you also get an informational/educational brochure that lists places to dispose of septic and spells out all town or other restrictions.

Permit cost should be very modest. Permit should be bright neon color and should be displayed prominently so it can be seen from the street.

Requirement is that people dispose of septic at a licensed facility. They need to get a receipt showing they disposed of it, and they need to be prepared to show the receipt to a town official at any time. Code enforcement officer will make random checks.

It is unreasonable to expect that people will be willing to pay a large fee for using their RV. If it is too large people are more likely to try to get away without it

There can be 4 kinds of permits:

- Woodlot permit allows you to have a trailer/RV on a woodlot while you are cutting timber. It is for a specified length of time.
- Construction permit allows you to live in a trailer/RV while building a house. Good for 6 months with a building permit, can be renewed once.
- Visiting permit allows you to use a parked RV/trailer for 14 days, can be renewed once.
- Summer permit allows you to stay for the summer. Limited to conforming lots (or bigger), and could have some other limitations. Not allowed in Shore Front area.

Another option is to require a refundable deposit with the permit application. Refunded as you leave when you show evidence of disposing of your septic.

Acting Chair Larry Prelli adjourned the meeting at 8:43 PM.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant

Minutes approved November 14, 2007