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**Town of Sandown
Zoning Board of Adjustment
Minutes 3/27/14**

6 **Meeting Date:** March 27, 2014
7 **Type of Meeting:** Public Hearing
8 **Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,
9 Sandown Website, Eagle Tribune
10 **Meeting Location:** Sandown Town Hall
11 **Members present:** Chairman - Steve Meisner, Christopher True, Curt Sweet,
12 Hans Nicolaisen – Selectmen’s Liaison
13 **Absent:** Dave Ardolino, Donna Green

15 **Opening:** Mr. Meisner opened the meeting at 7:07 p.m.

16
17 **Case # 01–M10 L32-3**—**The property is located at 351 Main Street, Sandown, NH.**
18 **Robert Nickerson is requesting a variance from Article III, Part C, Section 3A of the**
19 **Town of Sandown Zoning Ordinance to permit the removal of the existing changeable**
20 **sign, to be replaced with an internally lighted LED sign.**

21
22 Mr. Meisner notified the applicant that he didn’t have a full board and he had the right to
23 postpone to next month if he wanted to wait for a full board. Mr. Nickerson noted that he
24 would move forward with the meeting. Mr. Meisner noted he could ask for a postponement
25 or withdraw at any time until the hearing is closed. Mr. Meisner noted he would probably be
26 able to have a four or five member board at the next meeting.
27 Mr. Nickerson opted to move forward with the hearing.

28
29 Mr. Nickerson noted he currently has an antique changeable sign and he was hoping to
30 change it with a smaller sign that is internally lit by LEDs. He noted the sign is currently over
31 lit with flood lights and it seems to make sense to put in an LED sign which wouldn’t put up
32 nearly as much light. He would be able to reduce the wattage he currently has so he wouldn’t
33 be wasting voltage and the sign would be more readable than what it is now.

34
35 Mr. Nickerson noted it is currently a three sign marquee with a changeable portion in the
36 middle. Mr. Nickerson showed the board a sample of what he was looking to put in.

37
38 Mr. Sweet clarified he was looking to change the message center part of the sign. Mr.
39 Nickerson confirmed that was correct, nothing on the sign would change besides that center
40 message center. Mr. Sweet questioned what portion would be lit. Mr. Nickerson noted just
41 the letters would be lit.

42
43 Mr. Meisner asked if there would be any flashing lights. Mr. Nickerson noted he wouldn’t
44 have any flashing, but he might have the type scroll. Mr. Meisner felt that having flashing
45 lights in Sandown would be too much.
46

47 Mr. Meisner noted that no residences would have direct site line to the sign. The only
48 residence that might be able to see the sign would be the home on the corner of Glastombury,
49 but they probably don't have direct site line.

50
51 Mr. Sweet asked for dimensions for the sign.

52
53 Mr. True questioned why he needed to change the sign. Mr. Nickerson noted that his current
54 sign is pretty antiquated, no one notices it, it blends with the landscape and isn't that
55 productive as far as merchandising. He is in the business district and needs to merchandise to
56 exist. Also, the electric bill is high because of the halogen lights over-lighting the sign.

57
58 Mr. Nicolaisen asked if anyone has seen the sign at the town hall in Auburn. At first he didn't
59 like it, but now feels it is much more effective and not obnoxious.

60
61 Mr. Nickerson noted the approximate dimension are 6'x39" and would be two-sided.

62
63 Mr. Nickerson noted the current sign is so mundane and doesn't serve the intended purpose.
64 He noted it is a different world now then when the regulations were written.

65
66 Mr. True didn't feel there would be any hardship if they didn't grant the variance. He has a
67 sign that he is able to use.

68
69 Mr. Nickerson noted the whole purpose of the board is to weigh the pros and cons of an
70 application and decide if the current statute needs to be embellished. The current statute
71 hasn't kept with the times.

72
73 Mr. True didn't feel he has the authority to change ordinances. Mr. Meisner noted they aren't
74 changing ordinances, they are allowing opportunity. It is the board's responsibility to look at
75 the criteria and all the information the applicant presents us to make a determination. Board
76 members have to decide that for themselves.

77
78 Mr. Nickerson noted in a sense, the sign creates a hardship because it is expensive to run and
79 it isn't very effective. He would like to keep with the times and doesn't doubt that the town
80 will likely have one in the near future. He felt the proposed sign would be less intrusive than
81 what is currently there. He noted the current regulations haven't kept pace with the times. Mr.
82 Meisner noted the current ordinance restricting internally lit signs has been in place for many
83 years because no one has requested it be changed.

84
85 Mr. Sweet noted they needed to consider that it is the business district and he is trying to
86 make a viable business. His business uses the LED signs and it serves them very well.
87 He feels Mr. Nickerson's location is very neat and clean and he has no residential abutters.
88 He noted if the business was in a different location than it might be different.

89
90 Mr. Nickerson noted he understands why the board wouldn't want any neon on the marquee.
91 He is trying to put up something fairly innocuous.

92
93 Mr. Meisner noted that he is in the business district and doesn't have any residential
94 neighbors. If it were a quarter mile up the road, he would feel different about it. He would
95 likely add a contingency if it were to pass that it wouldn't be allowed to flash. If something

96 were to change with Sue Padden's building and it became a residence, he doubted anyone
97 would want to see flashing lights coming in their window.

98
99 Mr. Sweet noted that they could add conditions to the approval if they want to have more say
100 in how it appears.

101
102 Mr. Sweet asked if it would be color. Mr. Nickerson noted it would likely be color. You can
103 program it to use different colors.

104
105 Mr. True asked if he would have scrolling messages. Mr. Nickerson noted he probably would
106 so that he could have multiple messages at one time.

107
108 Mr. Sweet asked if it would be one- or two-sided. Mr. Nickerson noted it would be two-
109 sided.

110
111 Mr. Meisner asked Mr. Nickerson to read through his questions and answers:
112

113 1. ***The variance will not be contrary to the public interest because:*** The stated purpose
114 of Article III indicates that it is to insure the public health, safety and not endanger
115 the public. The installation of this sign would cause none of these issues to occur and
116 further could be made available in times of emergency to police and fire.

117
118 2. ***The spirit of the ordinance is observed because:*** The sign would promote the general
119 health by focusing the light within the sign enabling a wattage reduction in the
120 current lights. Night time sky light emission would be reduced—energy conservation
121 would occur. The area would not be over lighted as it currently is. The public would
122 benefit by its availability to police and fire in times of emergency.

123
124 3. ***Substantial justice is done because:*** Of the gains stated in #1 and #2, would allow
125 better use of commercial property there by employing local people.

126
127 4. ***The values of surrounding properties will not be diminished because:*** There is now
128 an existing sign that is illuminated in a different way and lighted at a greater volume.
129 The replacement sign would not be any more unsightly and most certainly would
130 cause less peripheral light.

131
132 5. **Literal enforcement of the provisions of the ordinance would result in an
133 unnecessary hardship because: USE (A) or (B).**

134
135 **The "Special Conditions" of this property that distinguish it from other
136 properties in the area are as follows:** The property and its building is elevated and
137 set back making visibility of the business and visibility for display purposes very
138 difficult.

139
140 **(A) Owing to the special conditions of the property, set forth above, that
141 distinguish it from other properties in the area:**

142
143 (i) **No fair and substantial relationship exists between the general
144 public purposes of the ordinance and the specific application of**

145 **that provision to the property because:** The public health or safety
146 would not be diminished by replacing the existing sign with an
147 internally lighted one.
148 (ii) **The proposed use is a reasonable one because:** The change is not
149 substantial. Changing from an externally lighted sign to a more
150 energy efficient internally lighted one. No radical change that would
151 affect abutters.

152
153 **If the criteria in subparagraph (A) are NOT established, an unnecessary**
154 **hardship will be deemed to exist, if and only if:**
155
156 **(B) Owing to the special conditions, set forth above, the property cannot be**
157 **reasonably used in strict conformance with the ordinance, and a variance is**
158 **therefore necessary to enable a reasonable use of it because:** Elevation and set
159 back from the road causes decreased visibility.

160
161
162 Mr. True asked if the 6’x39” was the dimensions of only the message area or the entire sign.
163 Mr. Nickerson confirmed it was the dimensions of the entire sign, but he was only replacing
164 the white portion of the sign.

165
166 Mr. Meisner opened the hearing to the public.

167
168 *Linda Meehan, 56 North Road, Sandown*
169 Mrs. Meehan noted the purpose of the zoning board is they do bend the laws when there is a
170 need. She recently came to town hall for an Eagle Scout award ceremony and noticed the
171 town had replaced the old broken shades with beautiful blinds. She was thinking the town
172 was making progress and she feels our town needs to continue to make progress. The digital
173 age has come. She thinks the signs are great because they are far easier to use.

174
175 She noted there is a gentleman running a business in town. He is in the business district and
176 feels our town should support the few business we have. She hoped the board would vote in
177 favor of the application.

178
179 *Ed Mencis, 56 North Road, Sandown*
180 Mr. Mencis noted he felt similar to Mrs. Meehan; times are changing and we are in the digital
181 age. We need to promote and help business in town and help them succeed. He feels it would
182 be a step forward in the right direction. As someone in town who has been doing business for
183 many years he is in support of the project and hopes the board supports the application.

184
185 Mr. Nickerson noted it is a small town and it’s tough to do business in a small town. He tries
186 to draw in as much business as possible. The economy has made it much harder to make a
187 living. He employs four mechanics. The new sign would be much more effective and easier
188 to use and feels it would help his business.

189
190 Mr. Meisner noted the sign ordinance was adopted on March 8, 1988. Mr. Nickerson noted
191 there probably wasn’t a business district then. Mr. Meisner noted the ordinance is under
192 general provisions and isn’t specific to the business district.

193

194 Mr. Nickerson noted there are special purposes in the business district. He doesn't have
195 people across the street to offend.
196

197 Mr. True asked if it would be on all night. Mr. Nickerson noted it needed to be off at 9:30
198 according to the current ordinance. He noted Mr. Sherwood used to help him set his timers to
199 make sure the lighting was turned off at 9:30.
200

201 Mr. Meisner closed the hearing. He asked the public and the applicant not to add any
202 additional comments.
203

204 Mr. True noted he would like to add no neon as a condition of approval. Mr. Meisner noted
205 he wouldn't be able to add neon to what he's proposing, and he isn't anyway. He can't go
206 beyond what he has specified to the board.
207

208 Mr. Sweet asked what the ordinance allowed for in terms of square footage. Is the board
209 allowing more square footage than what is allowed in the business district?
210

211 Mr. Meisner confirmed that Mr. Nickerson had a sign permit for the sign that is there. Mr.
212 Nickerson confirmed he did and that Mr. Sherwood measured the sign to make sure it was in
213 compliance.
214

215 Mr. Sweet noted that the regulations state no more than 35 sq. ft. per lot in the business
216 district. Mr. Meisner noted in his opinion there is an existing sign with a permit. He hasn't
217 measured it, but puts his faith in code enforcement that it is of legal size.
218

219 Mr. Meisner did the calculations and came up with 39 square feet. He reiterated that he puts
220 his faith in code enforcement to do their job. If it's over, it's not our responsibility.
221

222 Mr. Sweet noted he doesn't mind if it's over, he just wants the dimensions stated correctly.
223

224 Mr. Nicolaisen noted he already has a permit for the sign, which was measured by the
225 building inspector. He is there tonight to only change the lighted portion of the sign.
226 Mr. Meisner noted it is their job to pick apart the regulations.
227

228 Mr. Meisner noted he is not concerned about the size of the sign.
229

230 The Board agreed that no flashing on the sign was important to add. No one had any other
231 conditions to add to the approval.
232

233 Mr. Nicolaisen noted that no abutters were present to add concerns.
234

235 **MOTION:** Mr. True made a motion to approve the variance from Article III, Part C, Section
236 3A of the Sandown Zoning Ordinance for Case # 01-M10 L32-3—for the property located at
237 351 Main Street, Sandown, NH to permit the removal of the existing changeable sign, to be
238 replaced with an internally lighted LED sign. The following condition will apply: No flashing
239 lights are allowed on the sign/display.
240

241 Mr. Sweet seconded the motion. The board voted unanimously in favor (3-0). The motion
242 passed.

243

244 The variance was granted. Mr. Meisner noted for the applicant that there is a 30-day appeal
245 timeframe if someone has new information not covered at that hearing, they could apply for a
246 rehearing. Mr. Nickerson noted he is familiar with the process.

247

248 Mr. True asked if he had to wait to change the sign until the 30 days was over. Mr. Meisner
249 noted he could change it tomorrow, but if someone did file an appeal, he would be issued a
250 cease and desist and if the appeal went through, he would have to change it back to original
251 condition. It's at their risk if they want to move forward before the 30 days process.

252

253 **Minutes**

254 Members decided to hold off on the minutes until the next meeting.

255

256 **Other Business**

257 Members discussed the conference at the Grand View Hotel. Mr. Meisner noted they do
258 usually have classes closer. Mr. True noted he would like to attend some kind of class.

259

260 Ms. Cairns sent an email to the board noting a legislative change that made variances good
261 for two years. Mr. Meisner noted that their regulations are more stringent and the more
262 stringent regulation is the one the board would go by.

263

264 **MOTION:** Mr. Sweet made a motion to adjourn. Mr. True seconded the motion. All
265 members voted in favor. The motion passed. Meeting adjourned at approximately 8:30 p.m.

266

267 Respectfully Submitted,

268



269

Andrea Cairns