

ZONING BOARD OF ADJUSTMENT
FEBRUARY 4, 2016

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Marianne Graham, Edwin Somero, Stanford Long, Joanne Meshna

The meeting was called to order at 7:00 p.m. at the Town Office.

7:00 p.m. Submission of a special exception application: Mr. Andrew Barlett, 80 River Road, submitted a special exception application to Article XIII.F. of the Zoning Ordinance. Mr. Bartlett is proposing the operation of a computer repair business in his home. Upon review of the application, the Board determined Mr. Bartlett's business would qualify as a minimal home occupation which is a permitted use in Village District I and an application was not required.

7:10 p.m. New Ipswich, DG, LLC – Public hearing for a special exception and variance: The applicant is proposing construction of a Dollar General store at 786 Turnpike Road, lot 7/36, rural district. An application was filed for a special exception to Article VI, C.3, and an application was filed for a variance to Article XIII, F.4.b.4 of the Zoning Ordinance.

Mr. Matthew Bombaci from Bohler Engineering presented the application to the Board. The store is a 9,100 square foot retail store. The abutter to the northwest is the Newest Mall and a vacant field is to the south. There is parking for 37 spaces along the front and side of the building. The driveway is located as far to the east as possible on the lot. Gibbs Avenue is located across the street from the site and the driveway is approximately 50 feet up the hill from the entrance to Gibbs. The stormwater management system has been designed to comply with DES standards. Stormwater is collected by catch basins on the site and then flows into an infiltration basin. Water is from a private well. The well currently on the site will be replaced. There is an on-site propane system. The applicant has applied to the Planning Board and met with Kent Brown for his review. The monument sign has been relocated as requested by the Board and complies with the Zoning Ordinance.

The applicant is in the process of applying for a driveway permit from the State. There is a catch basin in front of the property on NH DOT property and will be not be touched. The distance from the property line to the edge of the pavement is about 35 feet. The distance from the property line on the left side to the leach field will be approximately 30-40 feet. The applicant was reminded the septic is considered a structure and Mr. Bombaci responded it will be located out of the setback. All deliveries will be in the back of the building once a week. The main entrance is on the front of the building facing Turnpike Road.

Wendy inquired if there was a rendering of what the building will look like and how it will mesh into the rural character of the Town. An elevation drawing of the building was presented. The building has textured block along the front and the side is sheet metal. Mr. John Scribner from Lisciotti Development explained their intent was to address the architectural improvements with the Planning Board. Wendy stated from a special exception perspective the Board needs to look at how the building fits with the

Master Plan and the rural character. Further, she stated the building does not fit within the rural character and the subject needs to be addressed with the Zoning Board. She asked for a more New England like building with clapboard. She added there have been some Dollar General buildings built in Vermont that she has seen on line that fit more in line with the character of the Town. David added the Master Plan refers to maintaining the rural character of the Town and a block building will not meet that requirement. Wendy asked how the building could be more suitable to New Ipswich and if they would consider that, or did they want to proceed with the design being presented. Mr. Scribner responded they were open to making architectural upgrades but had understood they would have that dialog with the Planning Board. Wendy stated what she liked about the Vermont store was there was an entrance on the side with a dormer roof and protected cover, clapboard like siding, and architectural windows. Also, she suggested trees and shorter shrubs be placed along the front of the property by Turnpike road. Mr. Bombaci responded some shorter shrubs could be placed along the paved area. Landscaping would be done around the sign.

David asked if it would be possible to put the entrance on the side of the building. Mr. Bombaci stated they like their entrance to be on the front. Wendy noted that was because they like to put things outside and she did not like that. If the entrance was on the side it would not look as cluttered. Marianne noted other Dollar Generals have huge 40 foot plastic banners strung across the front and she did not want to see that. Edwin asked if the entrance was put on the side how many parking spots would be lost and Mr. Bombaci responded it was not so much the parking spots but how the business is presented to the road. Also, he noted it would be difficult for delivery trucks to maneuver and handicapped parking spots would be encumbered. Also, the truck would be parked for an amount of time which would impede entry if it was on the side. The loading dock is located at the back of the building and includes an area for a screened dumpster. Marianne asked if the loading dock could be put behind the building and the response was that would involve more impervious area and would not work architecturally.

Mr. Bombaci stated they are asking for a special exception for a commercial use in the rural area. They have designed the project with landscaping buffers, lighting with shields, and a stormwater system, and from an engineering standpoint the project is a good design. Wendy stated she would like consideration given to putting the entrance on the side with a covered entrance and changing the exterior of the building. There are no windows along the side, only in the door. Wendy added if the entrance is moved to the side, windows could be put in the front.

Wendy referred to the sign being proposed and questioned its rural character. She suggested granite posts. Mr. Bombaci responded they plan to landscape around the monument sign and the posts would not show. Wendy suggested the applicant could do better with the sign as it does not look right in New Ipswich. David questioned if there was another sign package they could use. Mr. Bombaci stated they would have to go to Dollar General and request an alternative and see if they would approve it. David referred to www.arksigns.com showing other sign possibilities. Mr. Bombaci added it is hard to meet every criteria but they would be willing to make some upgrades.

Mr. Bombaci stated the sign on the building would have raceway letters and no background on it. The variance is for the building sign size. Twelve square feet is very small. Dollar General needs to be able

to advertise their business. The sign they are requesting is 49.8 square feet and sits over the door. The entrance is 20-22 feet. David agreed they want the sign to be seen but not jump out. Mr. Bombaci noted the building is 150 feet off the road and needs a bigger sign. He added they feel it is scaled perfectly with the building and not detrimental to the neighbors. It would be visible when approaching the building. Wendy added the road sign is going to be very visible and she could not see what the sign on the building gains. The color and the size does not fit well. Marianne noted the building is not hidden, is not in a congested area or strip mall, but stands alone and is easy to see.

Mr. Bombaci stated his understanding was color is the big issue and then scaling the sign down a little, and the Board would be flexible on the 12 square feet. The Board agreed.

Mr. Bombaci reviewed the criteria for granting a special excepton:

- 1) The specific site is an appropriate location for such use – Turnpike Road is the main corridor through New Ipswich. There is an auto repair shop and mall nearby. For New Ipswich this is an ideal location.
- 2) The use as developed will not adversely affect the adjacent area – There are wooded buffers on either side. The project has been designed to reduce potential impacts to the surrounding area through the use of dark sky compliant lighting with shields. The lights are on the property line and shielded. Lights will be on while the store is open from 8:00 a.m. to 10:00 p.m. and a half hour before and a half hour after. The septic system will be permitted through DES. The detention basin has a gravel lined bottom with grass. Soil testing has been done. Wendy asked what could be done in the rear of the property to minimize the view of the back of the store. Mr. Bonanci responded some landscaping could be provided. The houses are approximately 300 feet back and there is no plan for that part of the lot. It will not be mowed.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians – The project has been designed with a driveway with adequate width and they will apply to DOT for a driveway permit. ADA spaces have been provided as well as a sidewalk along the building. Regular driveway spaces are 9x20. Wendy noted coming east on Turnpike Road there is a flashing light in front of the mall and then a decline and questioned if a traffic study is needed. Mr. Bonanci responded NH DOT requires 400 feet of site distance and there is 400-425 feet. Wendy also questioned the impact to traffic going in and out of Gibbs Avenue and Mr. Bonanci stated there should no impact. They anticipate 10 vehicles per hour.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use – The dumpster will have a stockade fence around it. Delivery trucks will be driving onto the site and not backing up off the highway. The stormwater management system has been designed in accordance with NHDES and municipal standards. The dumpster will have a stockade fence around it.
- 5) Such approval should be consistent with the Master Plan...-The Master Plan encourages commercial development along existing roads. The plan uses an existing parcel located on Turnpike Road and meets the general criteria. Wendy stated the Master Plan's main goal is to retain the rural character of the Town and guard against unsightly strip development.

Mr. Bombaci reviewed the criteria for granting a variance:

- 1) The proposed use would not be contrary to the public interest – The variance is for the sign on the building. The free-standing sign will conform to regulations. The use of the commercial sign would not be a detriment to anyone. He added there are other commercial signs in the general area. David noted the sign ordinance is only a few years old. The signs in the area are before the ordinance was passed.
- 2) The use is not contrary to the spirit of the ordinance – The variance would allow the applicant to provide a sign that is readable. It meets the spirit and intent of the ordinance by being reasonably scaled to allow for proper identification of the tenant to passing motorists and potential customers.
- 3) Granting the variance would do substantial justice – The requirement of 12 square feet is very small for this type of use on Turnpike road, and speed and distance from the road. Providing something that will be appropriate and fit the building would do substantial justice. Wendy noted the sign in the front of the building is for attracting business. It is not the intent of the sign ordinance to have the sign above the road visible from the road. Mr. Bombaci responded that is Dollar General's intent for branding and they want to show off their brand to passerbys. They want their brand visible on the building. Mr. Bombaci added it might be aesthetically better if done properly and proportionately. David added the destination of the store will be done by the sign in the front of the lot; once you turn into the driveway there is only one destination or store. Wendy added it was not necessary to have a large sign above the door.
- 4) The proposed use would not diminish property values – The lighting, landscaping, wooded buffers and the design itself will make the sign not visible to the abutters and will not diminish property values. Mr. Bombaci stated he had not spoken to a real estate agent and Wendy asked how he knew the project would not diminish property values. Mr. Bombaci noted this is looking at the impact of the sign only and this would not be a detriment to abutting properties and not diminish the values.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner...- The building signage has been scaled in order to provide reasonable identification of the tenant to motorists and potential customers. It was noted the speed limit at the location is 45 miles per hour. Wendy asked what the hardship was if there is a sign that fits within the dimensions of the ordinance and Mr. Bombaci responded it is not serving the purpose that they want and is not desirable for a use that is allowed. The hardship would be not allowing them to build the project as they desire. They want a building that says what it is and the allowed size is too small.
 - a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property – It is in a location with a speed limit of 45. The building is located off the road. It is an appropriate location for the use and they would like to be able to provide branding. Wendy noted not fitting well into the rural character is where property value would be impacted and she asked Mr. Bombaci to give that more thought.

Mr. Bombaci outlined the issues: the size of the sign, landscaping along the road, entrance on the side and architecture. Mr. Scribner asked for specifics on architecture and David responded pitched roof and clapboard siding and he referred Mr. Scribner to 829 Turnpike Road as a nice fit in New Ipswich.

Abutters were invited to speak:

Tim Jones representing the Planning Board stated he supported the Zoning Board's position as it appears tonight in the sense when the applicant gets to the Planning Board they will find even stiffer resistance to anything that is not in the rural character.

Gisele Hakala owns 13 acres abutting the proposed development. She stated she was concerned her property value will go down. She had been approached at one time to sell her field abutting Turnpike Road for commercial use and turned it down because she did not feel a commercial use fit in New Ipswich. She considered building a smaller house in the field but would not consider that now, and she would be forced to sell the property.

Jenny Hakala lives on Ashby Road and is married to Gisele Hakala's son. She loves New Ipswich because it is rural. Dollar General can be seen from her mother-in-law's home and her property cannot be sold commercially being so close to Dollar General, and would not be able to sell it a residential. It is concerning and offensive.

Diane Slyman stated she liked the small town charm. She would like to see all signs changed along Turnpike Road. She stated the Town is either rural or commercial; they do not go together. Further she stated New Ipswich is a small town and the sign on the building is not needed. She asked if this does go through, can the use for the land behind the building be stipulated. Wendy asked where the snow will go and Mr. Bombaci responded it will go on either side of the front of the lot or be stored off site.

Mark Hutchins stated he was concerned about the rural character of the Town. He appreciates the Town because it does not have big box stores, Dunkin Donuts, etc. Once the building goes in and if they go out of business, the Town is stuck with the building.

Chris Long suggested the Board ask for a computerized rendered drawing of the sign so they know exactly what will be seen on the side of the building. A black and yellow sign does not belong in New Ipswich. The commercial building will help offset taxes.

Diane Slyman asked if the sign has to be lighted. David stated the ordinance states signs cannot be internally lit.

Bruce Ruotsala stated this is a Dollar Store, not a prison or toxic waste site. Further, he noted people are going to be able to get necessities and not have to drive out of town. Most of the people in town want a store and there are commercial buildings in town. He was not sure what the concern was for the sign on the building.

Stan made a motion to continue the hearing to March 3, 2016 at 7:00 p.m. David seconded the motion and it passed unanimously.

Marianne and Wendy determined after everyone had left that they would not be in Town on March 3. The hearing was continued to March 10, 2016 at 7:00 p.m. Joanne will send certified return receipt

letters to the abutters with the information, post a notice here and at the post office and on the website.

David explained to the Board that Be Fit is buying Ken Desrosiers' building and setting up the fitness center there. He referred to Article XIII. A. on non-conforming pre-existing uses and questioned if they would need to apply to the Board or would they fall under Article XIII. A.3. David will ask the owners to attend the next meeting and present their plan in order for the Board to determine if they need to file an application.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Joanne Meshna
Town Administrator