

ZONING BOARD OF ADJUSTMENT
MARCH 10, 2016

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

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

Matthew Bouley: Mr. Bouley and Mr. Kirk Stenersen from Higher Design, PLLC, submitted a variance application to Article XII.A. of the Zoning ordinance. Mr. Bouley lives at 8 Upper School Street, lot 11/154, one third of an acre in size, and his septic system is in borderline failing and in need of replacement. The lot is bounded by Upper School Street, Lower School Street, and Turnpike Road and in all cases the new septic will not meet the setback requirements.

David made a motion to accept the application. Marianne seconded the motion and it passed unanimously. The public hearing was scheduled for April 7, 2016 at 7:00 p.m.

Genesis VII, LLC: Mr. Nels Traffic and his sister Mrs. Marla Somero were present to discuss a proposal to purchase Ken's TV and Appliance, lot 7/37A, 5 Dark Lane, and move Be Fit, a fitness center, from the Newest mall to the existing building. Mr. Traffic referred to Article XIII. 3. which states "any existing non-conforming use may be changed to another non-conforming use provided the Board of Adjustment shall find that the proposed use is equally or more appropriate to the zoning district than the existing non-conforming use. Mr. Traffic stated the fitness center would be on the front part of the building on the first and second floors, an existing apartment would ~~be~~ remain in the upper level back area, and the lower level back area would for now a remain a storage area for parts and the continued sales of mattresses-

Wendy stated there was a change of use and a special exception would be required, it was not an equal or less non-conforming use. By applying for a special exception, abutters are notified and can contribute to the discussion. David asked what the difference is between selling memberships to the fitness center and Ken selling mattresses and appliances. Stan stated he did not see a change of use; the use went from retail to retail. Marianne agreed and added she would be concerned if it was a different location. There is ample parking to handle customers and she did not see that the situation would really change, the only type of service would be different. Wendy inquired what facilities would be needed and Mr. Traffic responded they would like to add a shower to the bathroom.

Mr. Traffic continued. The septic system is designed for a 3 bedroom home and was replaced once in the 1980s. There are no plans to expand. The average number of customers is 2-25 a day and at the busiest time there are on average 5 people at the site. Parking is adequate with 17-18 spaces. In their current location there is a chiropractor and masseuse who comes one morning a week and sees clients. They would relocate to the new building. The new location has 3,200 square feet of space.

David made a motion that the change of the current non-conforming use to another non-conforming use is less than or equal to what it is now. Stan seconded the motion. Wendy did not see the change of use as being remotely equal. The facilities were further discussed. Currently Be Fit has a bathroom with a sink and toilet. The new building has the same and they would be adding a shower. The apartment has a shower. The vote on the motion was called and there were four in favor and one opposed.

7:35 p.m. New Ipswich DG, LLC – Public hearing for a special exception and variance application:

The hearing was continued from February 4, 2016. Mr. Austin Turner from Bohler Engineering reminded the Board they submitted an application for Dollar General for a special exception and a variance for a display sign bigger than allowed by regulation.

Mr. Turner explained the architectural changes made to the building. There is a pitched roof in the front, some vertical elements along the top, gooseneck lighting, black lettering on the building, and a porch element in the front. There are four window elements in the front. The roof will appear pitched but will be flat in between the two sections to house the mechanical equipment. Gray Hardie Plank siding will be installed on the front of the building and wrap around the east and west sides to where the gable roof ends. On the east side of the building, the siding will transition to white Hardie Plank siding and extend to the back of the building. The west side of the building, past the gable end, will transition to a white vertical metal panel siding. The back of the building will also have white vertical metal panel siding. The abutters to the building at the back will see the partial pitched roof with the flat roof where the mechanical units will be set. The roofing will be asphalt shingle with a rubber membrane on the flat portion of the roof. The building is 9,000 square feet and it is cost prohibitive to use the Hardie Plank siding on all sides.

The porch in front of the door is 8-10 feet deep. The entranceway is a pitched roof with asphalt shingles and wood columns. David asked that the columns in front of the building be wrapped with PVC trim to provide more aesthetically pleasing columns which makes it fit in better. Wendy suggested extending the siding with clapboard as opposed to the metal siding. Mr. Turner responded the metal is more durable. The Board asked that the white metal and white Hardie Plank siding match in color and Mr. Turner stated they can ask for that.

Mr. Turner distributed a picture of two options for the monument sign. The height and dimensional requirements are consistent with the regulations. It will be externally lit with goose neck style lighting. The lights will come out of the top of the sign and curve downward. The base of the sign will be brick or stone. Wendy suggested granite posts for the sign. There will be landscaping around the sign. David suggested going with a different stone that would match the building such as field stone. The presentation is on both sides of the sign. The sign is approximately a foot thick, is black in color, and will be perpendicular to the road. Marianne stated temporary signs are prohibited as well as banner signs across the building.

The landscaping plan was discussed. Plantings will be around the base of the sign and along the roadway for screening. The plantings are spreading yews, spirea and along the road and around the sign juniper and azalea. Around the sign will be 15 different plants and along the road 21 plants. All are salt

and drought tolerant. The Board asked for copies of the landscaping plan and copies of the plans for the record.

The sign on the building was discussed. Using the boxed method the sign is 28 square feet. The reason for the increase in size is the building is located back off the road, the right-of-way is wide, and the topo drives the building back from the road. The sign is perfectly scaled with the building. The letters are black, not yellow. The gray line in back of the letters is the raceway used to attach the sign to the building and the raceway is gray in color. The Board asked that they color match the raceway to the Hardie-Plank siding and Mr. Turner agreed to do so as best they can. The lettering is 1 ½ feet tall and 18 feet long.

The Board reviewed the special exception and variance criteria at the previous meeting and Wendy asked if there were any further questions the Board had before deliberations. The Board briefly discussed the criteria. It was noted the dumpster will be enclosed by a stockade fence, 6 feet high, and be located around the trash enclosure.

Abutters were invited to speak:

Diane Knisley stated the proposal was good for the Town. Walker Farrey stated it was a good thing and will provide for a better quality of life in New Ipswich.

Wendy reviewed the issues: the applicant will do as best they can to match the metal siding to the Hardie-Plank siding, some type of gray or field stone base will be used for the monument sign, no temporary signs are allowed, the color of the raceway of the sign on the building will match the color of the building and the front columns will be wrapped. Mr. Turner stated they will do their best to match the colors but could not guarantee 100%.

At 8:25 p.m. David made a motion to close the public hearing and enter into deliberations. Stan seconded the motion and it passed unanimously.

The Board reviewed the special exception criteria:

- 1) The specific site is an appropriate location for the use: David stated it is a perfect site being adjacent to other commercial uses.
- 2) The use as developed will not adversely affect the adjacent area: Wendy stated she did not think that it would. She liked the wooded buffers along the sides. The lighting ordinance is being followed. They have done a good job with landscaping. They will put in a catch basin to prevent runoff to the abutter's property.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians: There is a safe entryway into the property.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use: They have done a good job with that.
- 5) Such approval should be consistent with the intent of the Master Plan...: Wendy stated with the architectural changes to the building it fits into the rural New England setting.

David made a motion to conditionally approve the special exception application with the conditions being 1) the color of the metal siding is to match the Hardie Plank siding on the east side, use a field stone veneer for the monument sign base, match the color of the mounting support of the building sign to the building, wrap the columns in the front of the building, and no temporary signs. Stan seconded the motion and it passed unanimously.

The Board reviewed the variance criteria:

- 1) The proposed use would not be contrary to the public interest: The use is not contrary.
- 2) The use is not contrary to the spirit of the ordinance: David stated it would not be and Wendy added it looks like it fits.
- 3) Granting the variance would do substantial justice: It gives the applicant the branding they want and it is a good distance from the road.
- 4) The proposed use would not diminish property values: Marianne stated she had struggled with this criteria some in that it may diminish property values for the homes along the back of the property but it does suit the Turnpike. David added the distance is so great to the homes. Marianne stated it might discourage someone from subdividing for a residential lot but it is a good location for this type of facility.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner...: Wendy stated with the actual dimensions of the ordinance the sign would not be seen.
- 6) 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: Good there as well.

Edwin made a motion to approve the variance application. David seconded the motion and it passed unanimously.

8:30 p.m.

David introduced Walker Farrey, 166 Temple Road. Mr. Farrey is interested in being on the Board. Wendy asked him to become familiar with the ordinances and come to another meeting. If he is still interested, the Board will recommend him to the Selectmen for membership.

David made a motion to approve the minutes of the January 21, 2016 and February 4, 2016 meetings. Edwin seconded the motion and it passed unanimously. David made a motion to approve the minutes of the January 7, 2016 meeting. Stan seconded the motion and it passed unanimously.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joanne Meshna
Town Administrator