

Meeting Minutes

Zoning Board of Adjustment December 10, 2008

Lincoln Town Hall Main Street, Lincoln, New Hampshire 5:00 PM

Present: Chairman Joe Chenard, Vice Chairman Ron Comeau, Member W.T. Bishop, Member Pat Leary and Alternate Tom Smith

Staff Present: Stacey Boyce, Zoning Administrator – Peter Joseph, Town Manager

Others Present: Michael Sabourin, Ed Brisson, Rick Kelley, Chester Kahn, Mrs. Kahn, Paul Kasianchuk and Stan Duda

5:00 PM CALL TO ORDER by the Chairman

Chairman Chenard called the meeting to order. Full quorum present. Selectmen's Representative McTeague was excused and Alternate Smith was seated.

5:01 PM CONSIDERATION of the Draft Minutes of the May 28, 2007 meeting.

Chairman Chenard made a **motion** to approve the minutes of May 28th as presented; seconded by Member Bishop: Affirmative vote.

5:03 PM Case 08-02: The Landing at Loon Mountain, Tax Map 4, Lot 006

The Applicant is seeking a Special Exception from the off-premise sign location and size requirements of the Lincoln Sign Ordinance, Article VI-B, Section B, #19, and Section D, #10. The Applicant is seeking a special exception from the Lincoln Sign Ordinance to have an over sized, off premise sign.

Mr. Sabourin expressed to the Board how he wanted to take his current sign on Main Street and move it to a different location at Pollard Brook because of the changes in which it is located are heading in a different direction as far as looks go and he would like to make sure the sign he has reflects that.

Member Bishop asked if the sign would be lit and Mr. Sabourin stated it would just as it currently is.

Alternate Smith asked what zone the sign will be located in. Mr. Sabourin answered General Use and noted that his original permit stated Rural Residential however that was an error.

Alternate Smith stated he believed the dual sided sign could be interpreted for two signs. Town Manager Joseph stated the sign permit was denied due to the location and size of the sign and any other discrepancies would be dealt with at the time a new permit was applied for.

Vice Chairman Comeau made a **motion** to open the Public Hearing; seconded by Alternate Smith: Unanimous affirmative vote.

Mr. Brisson stated he is more concerned with the new sign that will be replacing this one in the Village Center but more specifically he is concerned with all billboard type signs. He feels they are not what is best for the town and should not be allowed anywhere especially not in the Village Center zone.

Member Bishop made a **motion** to close the Public Hearing; seconded by Vice Chairman Comeau: Unanimous affirmative vote.

Mrs. Boyce noted to the Board that she spoke with Director of Public Works earlier and he wanted it known to all Board members as well as the applicants that any signs which are approved need to contact the Public Works department prior to signs being installed so he can make sure they are not going to impact the town's utilities that are underground.

Vice Chairman made a **motion** to go into voting mode; seconded by Member Bishop: Unanimous affirmative vote.

- 1. Regarding architectural compatibility:** It will meet the requirements of the General Use zone if the Special Exception is granted. 4 votes yes
- 2. Regarding traffic access:** The project will not affect traffic access. 5 votes yes
- 3. Regarding lighting and noise:** The lighting will not affect abutters nor will it produce any noise. 4 votes yes
- 4. Regarding use compatibility:** It will be compatible. 5 votes yes

Vice Chairman Comeau made a **motion** to close voting mode for the Special Exception; seconded by Member Bishop: Unanimous affirmative vote.

Chairman Chenard noted the Special Exception was granted.

5:25 PM Case 08-03: The Landing at Loon Mountain, Tax Map 16, Lot 310.0001

The Applicant is seeking a Special Exception from the off-premise sign location requirement of the Lincoln Sign Ordinance, Article VI-B, Section B, #19. The Applicant is seeking a special exception from the Lincoln Sign Ordinance to have an off premise sign.

Mr. Sabourin stated he wanted to replace an existing sign he has on Main Street with one that will conform to the current sign regulations however it will be an off-sight sign in which he needs permission from the ZBA to have the new sign.

Alternate Smith asked if there would be one or two lights on each side of the proposed sign. Mr. Sabourin stated there would be one light on each side of the sign.

There was a discussion on how the sign should be placed on the property – whether it should be made flat or left in a “V” shape as it has been proposed to avoid looking like two different signs.

Member Bishop made a **motion** to open the Public Hearing; seconded by Vice Chairman Comeau: Unanimous affirmative vote.

After reviewing the location of the proposed sign on the property, Mr. Brisson, stating he represents South Peak, but anything he says has nothing to do with competition. He feels the sign again represents a billboard which the Planning Board worked hard on trying to avoid having anywhere in town and he is concerned with setting a precedence throughout town if the sign is approved.

Mr. Kahn, representing the owner of the land Mr. Sabourin is leasing to put up the sign, stated a lease has been extended between the owner and Mr. Sabourin for another year. He noted that Mr. Sabourin could actually leave his existing sign where it sits but feels he is trying to make the site and sign more ascetically pleasing to comply with the current Sign Ordinance and what South Peak – Loon will be presenting for new signage as well. Mr. Sabourin said they currently have a billboard sign and if his offices and projects were looked at then anyone would know what he is trying to do with anything he does is to help make the town look better not worse.

Mr. Brisson stated having the sign moved is a great idea but would suggest having a clause put on any permits that a time limit is in effect as to how long the billboard could be put up.

Mr. Kahn stated the property owners have the right to place the billboard sign on their property without an expiration date as a permit is already in place.

Town Manager Joseph said any changes to a sign once it is up which are extreme need to come back to the town for approval so any issues would be addressed then with non-conformance.

Member Bishop made a **motion** to close the Public Hearing; seconded by Vice Chairman Comeau: Unanimous affirmative vote.

Member Leary made a **motion** to go into voting mode; seconded by Vice Chairman Comeau: Unanimous affirmative vote.

- 1. Regarding architectural compatibility:** It will conform to the Village Core regulations.
5 votes yes
- 2. Regarding traffic access:** It will not affect traffic in the proposed location. 5 votes yes
- 3. Regarding lighting and noise:** It will not have lighting that will disturb the district and a sign does not produce noise. 5 votes yes
- 4. Regarding use compatibility:** It does meet the requirements of the Village Core district.
5 votes yes

Vice Chairman Comeau made a **motion** to close voting mode for the Special Exception; seconded by Member Bishop: Unanimous affirmative vote.

Chairman Chenard noted the Special Exception was granted.

6:02 PM **Case 08-04: LMRC & MDR South Peak, LLC, Tax Map 16 Lot 310.0001**

The Applicant is seeking a Special Exception from the off-premise sign location and size requirements of the Lincoln Sign Ordinance, Article VI-B, Section B, #19, and Section D, #10. The Applicant is seeking a special exception from the Lincoln Sign Ordinance to have an over sized, off premise sign.

Mr. Kelley, representing Loon Mountain, stated they have an easement via the entrance on the MDR-South Peak property and would like to put a sign on the entrance of that property so it can be seen. He stated with the size of the sign to make sure it can be seen they are proposing a larger sign and it is considered technically off site both of which require a Special Exception from the Board.

Alternate Smith made a **motion** to open the Public Hearing; seconded by Member Bishop: Unanimous affirmative vote.

There were no comments.

Member Bishop made a **motion** to close the Public Hearing; seconded by Alternate Smith: Unanimous affirmative vote.

Vice Chairman Comeau made a **motion** to go into voting mode; seconded by Member Bishop: Unanimous affirmative vote.

- 1. Regarding architectural compatibility:** The size of the proposed sign matches the architecture and size of the existing entrance sign to Loon Mountain at the intersection of Route 112 and Loon Mountain Road. The sign lettering is similar to other signs located at South Peak. The sign is larger in size due to the openness of the area surrounding the sign. 5 votes yes
- 2. Regarding traffic access:** The proposed sign is located at a newly created access roadway for Cooper Memorial Drive. The positioning of the island for the proposed sign meets NHDOT setback requirements and does not obstruct vehicular traffic. 5 votes yes
- 3. Regarding lighting and noise:** Two 16" diameter self ballasted dome light reflectors (175W metal halide lamps) will be used to light the proposed sign. The lighting will be positioned in such a manner as to not endanger or obstruct vehicular or pedestrian traffic. The proposed sign will not have any moving parts and will not negatively impact the abutting properties with regard to lighting and noise levels. 5 votes yes
- 4. Regarding use compatibility:** The proposed sign is similar to existing signage in the vicinity, i.e. The Lodge at Lincoln Station and Forest Ridge. Although the parcel for the proposed sign is zoned Village Center, it is almost entirely surrounded by parcels zoned General Use, which allow larger signs. The parcel in which the proposed sign is located is a vacant lot and is adjacent to a multiple business property (Lincoln Center North). 5 votes yes

Member Leary made a **motion** to close voting mode for the variance; seconded by Member Bishop: Unanimous affirmative vote.

Chairman Chenard noted the Special Exception was granted.

6:12 PM OTHER BUSINESS

There was none.

6:12 PM ADJOURNMENT

There being no additional business, Member Leary made a **motion** to adjourn the meeting; seconded by Chairman Chenard: Unanimous affirmative vote.

DATE: _____

APPROVED: _____

Joseph Chenard
Zoning Board Chairman