

**MILFORD BOARD OF ADJUSTMENT MINUTES – MARCH 17, 2005**

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Present:        Len Harten, Chairman  
                  Kathy Maher  
                  Kathy Bauer  
                  Bob Levenson  
                  Kevin Taylor, alternate  
  
                  Shirley Carl, Recording Secretary

Case # 08-05 Milford Methodist Church, North River Road, Map 4, Lot 33, Res. “R” –  
Variance – Article V, Para. 7.064.A.1 to permit one on-premise church identification sign

Motion to approve \_\_\_\_\_  
Seconded \_\_\_\_\_  
Signed \_\_\_\_\_  
Chairman/Vice-Chairman  
Date \_\_\_\_\_

42 The hearing was brought to order by Chairman Harten at 7:45 pm. Kevin Taylor will be  
43 sitting on this case as Rick Westergren is presenting the case for the Church. The  
44 hearings are held in accordance with the Town of Milford Zoning Ordinance and the  
45 applicable State Statutes.

46  
47 K. Lynch was asked why the Para. # came under 7.064.1. His response being that was  
48 the only area he could use. This section allowed a 2 SF sign and the request is to be  
49 allowed a larger sign. Also, he was asked why it was an area variance and not a use  
50 variance; he explained the use has already been allowed by this Board.

51  
52 The notice of hearing/abutter list was read into the record. An error was found in the  
53 notice of hearing i.e. Article # should have been **VII**. This was corrected. Present for the  
54 hearing was; Rick Westergren of Poyant Signs; Pastor Tom Getchell-Lacey and Steve  
55 Rafter representing the church; and Allan Morrison.

56  
57 Rick Westergren, Regional Vice-President of Poyant Signs and a member of the Church  
58 presented the case.

59  
60 1. The request is for a free-standing church identification sign for the new location of the  
61 church on North River Rd.

62 2. The church received a special exception for the use last year.

63 3. History of sign – In 1999 we obtained a sign permit for this particular sign at the  
64 existing location of the church on Mont Vernon St. At that time, they started  
65 construction and ran into some funding problems. Then the new church proposal arose  
66 and we focused on the new site rather than completing the sign and erecting it at the  
67 existing location.

68 3. The proposed sign will be 5'x8', double-faced, internally lit sign indicating the name  
69 of the church, pastor's name, church and Sunday school hours with a three line  
70 changeable copy reader board to be used to advertise different events. The Chairman  
71 brought up the fact that the sign is internally lit so it can be read at night and asked if it  
72 would be on 24/7. The lighting will be on a timer and will probably go off around 10 pm.

73 K. Bauer asked if there wasn't anything going on in the evening, will it be off. R.  
74 Westergren responded that he would like to have it on to advertise that the church is there  
75 especially in the winter when it gets dark at 4 pm and to identify the driveway. He  
76 continued that the church is accessible 24 hrs. per day. K. Bauer was in disagreement  
77 and said it was a very rural area and doesn't even have street lights, very dark and people  
78 appreciate not having light up there. B. Levenson asked if there is a sign in Town that is  
79 comparable to the proposed sign. R. Westergren responded the Light of the World  
80 Christian Church is the same size. The height of the proposed sign is 7' including the  
81 base. The proper way to light a sign is internal; there are no ghosts or shadows.

82  
83 B. Levenson stated that he lives in a rural area and he wouldn't like to see an internally lit  
84 sign of this size. K. Bauer then spoke to the fact that this is a real residential area and a  
85 lot of traffic uses North River Rd. We then get into the sign ordinance a home  
86 occupation sign is allowed but not to exceed two square feet, but the other two types of  
87 allowed signs prohibit internally lit signs. R. Westergren then states that church use has

88 been allowed, this is an institutional use. B. Levenson interjected that the use was  
89 granted but not the sign. He doesn't think that the use has to be identified by a 40' sign;  
90 R. Westergren is in disagreement. Talking about the lighting, it can be subdued. The  
91 approximate size of the sign was estimated to equal the area of the double doors leading  
92 into the BOS room. K. Bauer feels it is very obtrusive and doesn't have to be that large  
93 to serve the needs of the church. As a result of some discussion, the timer could be  
94 turned off at 9 or 9:30 pm. with K. Bauer objecting to the fact that it would be on every  
95 night. B. Levenson doesn't feel an internally lit sign is appropriate in Res. R... R.  
96 Westergren stated that he could present many studies disagreeing with the above  
97 statement. He doesn't think that illumination is a factor in the size of the sign. We are  
98 here for the height and square footage. K. Bauer felt that lighting is a factor of the sign.  
99 Pastor Tom concurred with R. Westergren and it was their hope and expectation that  
100 when the special exception for the use was granted that we wouldn't be hindered in terms  
101 of the needed visibility in that location. We are moving from a heavily traveled area to a  
102 not so heavily traveled area and it wouldn't be advantageous for us to have a sign that  
103 wouldn't be visible and not just in the daytime hours. B. Levenson brought up the fact  
104 that at the time of the grant of the special exception, it was noted that they could only  
105 have a two square foot sign and now you are back here to ask for a larger sign. He reads  
106 the ordinance as to this size sign shouldn't happen at this location especially where you  
107 are taking a sign that was prepared for a commercial location. K. Bauer stated that the  
108 issue is, is a 40 SF internally lit sign necessary for their needs. B. Levenson doesn't think  
109 that a 40 SF sign is appropriate; it is just too much sign for the standards of this zone. R.  
110 Westergren stated this size sign would eliminate us having to use trailer reader board type  
111 temporary sign to advertise activities. B. Levenson felt that this sign in this zone is just  
112 too much. S. Rafter asked if the problem is the square footage of the sign or the lighting  
113 with a response from B. Levenson and K. Bauer that it is both and in this location would  
114 not be appropriate.

115

116 Allan Morrison, abutter and former 25-year owner of the property in question. He  
117 informed the Board that he had two signs there at all times (he provided photos). He  
118 questioned if his signs would be grandfathered. He was informed that grandfathering  
119 ceases after one year of non-use.

120

121 S. Rafter felt that a source of light on that road would make for less dangerous traveling  
122 as it is very dark. There is one house at either end of our property and there is a light on  
123 the Morrison side, but there is a dip in the road, and corners on both ends. There will be  
124 lights in the parking area. K. Bauer feels that something in terms of a compromise can be  
125 reached. She felt that the proposed sign is almost like a billboard in rural area and is way  
126 too large and too bright. .

127

128 L. Harten asked if this sign is primarily for the use of the parishioners. Pastor Tom  
129 responded that we want to make sure that people in their congregation are aware of the  
130 location but we do have several community groups that use the facility and expect that  
131 will continue. There will be people coming that don't use the facility on a regular basis  
132 so there could be many people who aren't familiar with the area on a sustained basis.

133 Also, it would provide people driving by, who might want to join our congregation, to  
134 know where we are located.

135 B. Levenson stated that by having lights in the parking lot would help. He doesn't know  
136 if this sign is a necessary entity. K. Taylor asked if the sign could be downsized. R.  
137 Westergren responded that the sign could be built any size but it is the best size for what  
138 the sign is attempting to accomplish. He could reduce the size to something that the  
139 Board would approve. K. Maher felt that the Board could put a restriction, if granted, on  
140 the size of the sign. R. Westergren stated that he could bring it down to 4x7' and go with  
141 4" letters on the reader board instead of 6". This would not be acceptable to either B.  
142 Levenson or K. Bauer. Ms. Bauer felt that with the lights on in the parking lot, and with  
143 a building that isn't a house, it won't be hard to find the church. She feels that a sign one-  
144 half the size of the proposed one would be perfectly fine for finding the church. L.  
145 Harten then felt that the reader board would be difficult to read and asked if rather than  
146 have internal lighting could downcast lighting be used. B. Levenson then reverted back  
147 to 7.064.1 where the type of signs are allowed and proceeded to discuss it again. K.  
148 Taylor then stated that when a church is built, the neighborhood has to know that a sign is  
149 part of it and was coming and if they really had problems they would be attending this  
150 hearing. He thinks it should be downsized. B. Levenson stated that the ordinance says  
151 they can have a church by special exception but there are no provisions for a sign or its  
152 size.

153  
154 K. Taylor said that when the ZBA granted the special exception to allow the church in  
155 rural district but you had to know that a sign would be coming and a two square foot sign  
156 isn't big enough for anyone. K. Bauer rebutted that no one said that is all they were  
157 going to get, the ordinance said that. No one said they couldn't come in for relief but  
158 what B. Levenson and I are saying is that this is overkill for the area. There is an  
159 implication against internally lit signs in residential zones and there is a lot of feeling that  
160 an internally lit sign is like a flying saucer from out of space in terms of glowing. She  
161 feels that downcast lighting is preferred because if you have a large sign with downcast  
162 lighting it doesn't loom out at you from two miles down the road, yet it is there and  
163 legible and tells the parishioners where they are and what is going on. B. Levenson rode  
164 around during the day looking at church signs; they have a different look to them. They  
165 are much less institutionally oriented than this sign. The First Congregational Church on  
166 Union St. has a "v" shaped sign with very soft lighting. Rick is willing to amend the size  
167 down to 4' high x 7' wide with the base remaining at 1½' and a 6" reveal and an overall  
168 height of 6' with downcast lighting. K. Maher was sitting on the fence regarding this  
169 matter. R. Westergren stated that if it comes down to lighting, he will light it from the  
170 top with fluorescent tubes the width of the sign hidden with a shield. K. Maher has no  
171 problem with that. R. Westergren stated that it will be a double-faced sign with a  
172 fluorescent tube on each side. The church will be a vinyl sided colonial type building.

173  
174 Hours of sign lighting - Pastor Tom stated that, typically, there is something going on  
175 every night starting at 7 or 7:30 pm to 9 or 9:30 pm. The building, even at our current  
176 location, is used by community folks. His preference is to have it lit just for people  
177 driving by. K. Bauer stated that maybe the people who live out there don't want lights; it

178 is a very rural, woodsy, scenic road. It was stated that the lights would be on a timer and  
179 go on at 7pm and off at 9 pm.

180  
181 R. Westergren was asked to address the criteria. This was read from the application.

182  
183 The hearing was closed at 8:35 pm

184  
185 The board voted on a use or area variance. It was moved by B. Levenson, seconded by  
186 K. Maher and unanimously voted that this is an area variance.

187  
188 Discussion was held on the criteria –

189 **1. Could the variance be granted without diminishing the value of abutting**  
190 **property?**

191 K. Maher didn't have a problem. K. Bauer wasn't sure because there are lots that exist  
192 across the street that have the potential of being residences. B. Levenson felt that the  
193 existence of the church could be a challenge but a big lighted sign could be an even larger  
194 challenge. K. Taylor didn't have a problem. L. Harten doesn't believe it would diminish  
195 the value of abutting property taking into consideration the proposed amended sign size.

196  
197 **2. Would granting the variance be of benefit to the public interest?**

198 B. Levenson felt that a sign would be a benefit but not a sign of this scope would be  
199 necessary so he would have to say no even as amended.

200  
201 **At this point, K. Maher suggested that conditions, if granted, be determined at this**  
202 **time, due to the fact that a proposed amended sign size has been discussed and the**  
203 **fact that it would very confusing discussing the criteria if we don't know which size,**  
204 **etc. is being discussed etc., it would be better to establish conditions for the proposed**  
205 **sign.**

206  
207 Conditions to be as follows:

- 208 1. The copy area of the size shall be 4' high and 7' wide and the overall size of the  
209 proposed sign shall not exceed 6' in height; and will be double-sided.  
210 2. Lighting shall be downcast warm white provided by fluorescent lights; and  
211 3. Sign lighting shall be turned off at 9 pm daily.

212  
213 Motion made by K. Maher, seconded by K. Taylor, to approve the condition, voted by  
214 majority with B. Levenson voting in the negative.

215  
216 Continuing with the discussion on criteria #2.

217 K. Bauer stated that the sign would serve public interest for the public that is concerned  
218 with the church, but it is overrun for the entire rural/residential area – No. K. Maher –  
219 Yes; K. Taylor –Yes. L. Harten felt it would be of benefit to the public interest.

220  
221 **3. Hardship**

222 **a. The area variance is needed to enable the applicant's proposed use of the**  
223 **property given the special conditions of the property. K. Taylor – yes – churches**

224 have more than Sunday services, it is more like a community house for Boy and Girl  
225 Scouts, etc. making the sign proper. K. Maher - yes the variance is needed in order for  
226 them to utilize the property as a church. A church has to have a sign that has more  
227 information on it than just the name and this sign would be proper. K. Bauer is in  
228 agreement that the church will be there and be used probably every night and would serve  
229 the community well, but she doesn't think that it needs a sign this big - No. B. Levenson  
230 is in agreement with K. Bauer and also it doesn't need to be lit since the parking lot will  
231 be lit and it would be an inappropriate sign for this location. L. Harten doesn't feel that a  
232 4' x 7' sign is outrageously large and it is necessary to meet the needs of the church.

233

234 **b. Could the benefit sought by the applicant be achieved by some other method**  
235 **reasonably feasible for the applicant to pursue, other than the area variance?**

236 B. Levenson felt that in this case because of the specifics of the sign he would vote in the  
237 negative. It could be achieved by some other method. K. Bauer felt that the other  
238 method would be for the applicant to pursue a smaller sign so there wouldn't be a  
239 hardship. - No. K. Taylor felt there was a hardship; people need to find the church. K.  
240 Maher felt that the applicant has been very responsible and agreed to modify the sign and  
241 feels the church has a problem and needs the sign as amended. L. Harten felt that the  
242 sign is necessary. He isn't sure there is another way to achieve what they are attempting  
243 to do and he isn't sure how much the sign could be shrunk and have a viable sign. With  
244 the proposed conditions that will be attached, if granted, it would be reasonable and  
245 viable.

246

247 **4. Would granting the variance do substantial justice?**

248 K. Bauer stated absolutely not. B. Levenson stated that by basic principle, granting a  
249 variance for a larger sign than is allowed, yes it would do substantial justice, but in this  
250 case because of the size his vote would be no. In this discussion B. Levenson was taking  
251 the sign ordinance into consideration and based his opinion on this. L. Harten asked him  
252 what he thought would be work. B. Levenson felt that the argument going on is what  
253 would work and what is appropriate for the area. He doesn't feel it is appropriate for the  
254 area. They knew they were going into a rural area. He feels this is still too big and too  
255 invasive for the area and the needs of the church. Reducing it from 8x5' to 7x4' isn't a  
256 solution. K. Bauer felt that the point of the matter is that some of us looked at this and it  
257 looked like a very commercial type sign and it had been planned for a commercial area.  
258 When you take that sign and put it into a residential area, for her it doesn't work. Rick  
259 was very forthcoming in modifying it but she still doesn't think it is appropriate for the  
260 area. The church knew they were going into a different area with a different set of rules.  
261 As far as what she would find an acceptable sign size, she would have to see plans, etc.  
262 and determine whether they would work or not. She is in agreement with Bob in that it is  
263 too big and too invasive for the area and the needs of the church could be served by a  
264 smaller sign. K. Taylor feels it would do substantial justice. L. Harten felt it would do  
265 substantial justice based on the conditions that have been voted. K. Maher differs with  
266 Kathy and Bob because it does substantial justice; they need a sign; it is of a reasonable  
267 size; the compromise is appropriate and doesn't agree that the sign drawn up in 1999 was  
268 drawn up to be on the Oval because it was going to be in front of a traditional church.  
269 She doesn't think it is a commercial sign.

270 **5. Could the variance be granted without violating the spirit of the ordinance?**  
 271 K. Taylor – yes; B. Levenson – no; K. Bauer – no; K. Maher – yes; L. Harten – yes.  
 272 Vote as follows:  
 273 **1. Could the variance be granted without diminishing the value of abutting**  
 274 **property?**  
 275 K. Maher – Yes            K. Taylor – Yes            B. Levenson – No  
 276 K. Bauer – No            L. Harten – Yes  
 277  
 278 **2. Would granting of the variance be of benefit to the public interest?**  
 279 K. Maher – Yes            K. Taylor – Yes            B. Levenson – No  
 280 K. Bauer – No            L. Harten – Yes  
 281  
 282 **3. Would denial of the variance result in an unnecessary hardship?**  
 283 K. Maher – Yes            K. Taylor – Yes            B. Levenson – No  
 284 K. Bauer – No            L. Harten – Yes  
 285  
 286 **4. Would granting the variance do substantial justice?**  
 287 K. Maher – Yes            K. Taylor – Yes            B. Levenson – No  
 288 K. Bauer – No            L. Harten – Yes  
 289  
 290 **5. Could the variance be granted without violating the spirit of the ordinance?**  
 291 K. Maher – Yes            K. Taylor – Yes            B. Levenson – No  
 292 K. Bauer – No            L. Harten – Yes  
 293  
 294 **A motion was made by K. Taylor, seconded by K. Maher to approve the request**  
 295 **with the aforementioned conditions; voted by majority with K. Bauer and B.**  
 296 **Levenson casting votes in opposition.**  
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 298 **30- Day appeal period – April 18, 2005**  
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 307 **Meeting adjourned at 9:30 PM**