

MILFORD BOARD OF ADJUSTMENT MINUTES – JUNE 2, 2005

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Present: Len Harten, Chairman
 K. Maher, Vice Chairman
 K. Bauer
 B. Levenson
 K. Taylor

 Shirley Carl, Recording Secretary

Prospective alternates – Fletcher Seagroves, Ron Peiper, Jr. and David Michels

Case # 12-05 Judy Cole Bower/Mayo Six, LLC – 389 Nashua St. – Map 31, Lot 11 -
Limited -Commercial District - Special Exception – Article VII – Sign Ordinance – Para.
7.066.A to permit an off-premise sign for Woodland Heights Apartments.

Motion to approve _____
Seconded by _____
Signed _____
Date _____

47 Chairman Harten opened the meeting at 7:30 PM by stating that the hearings are held in
48 accordance with the Town of Milford Zoning Ordinance and the applicable NH State
49 Statutes.

50 The Notice of Hearing and abutter notification was read into the record.

51 Present: Judy Cole Bower, owner and Jesus Guzman, applicant of Mayo Six, LLC. No
52 abutters in attendance.

53

54 J. Guzman made the presentation as follows:

55 1. A drawing of the existing sign was submitted which is presently located on
56 Map 30, Lot 40 at 384 Nashua St.

57 2. We would like to relocate that sign to Mrs. Bower's property, Map 31, Lot 11
58 at 389 Nashua St. In discussion with Mrs. Bower she wanted certain stipulations
59 if this were to be approved. (not mentioned) L. Harten asked about the ground
60 lighting and asked if it would remain the same; with a response being in the
61 affirmative.

62 B. Levenson brought up an issue regarding lighting that had been attached to a previous
63 sign permit requested by P. Parkkaew and approved by W. McKenney assistant building
64 inspector on 10/9/03 stating the following - "no lighting. lighting in future to be approved
65 by this office". This sign permit was for the existing sign.

66

67 3. J. Guzman stated that they wanted to add a directional size of 12x18" (just an
68 arrow) to the existing sign

69

70 J. Guzman then spoke to the criteria for a special exception (see application)

71 L. Harten stated that he had spoken to K. Lynch today regarding the setback of the sign
72 and he will be there to oversee this as the zoning ordinance states it should be set back
73 12'. B. Levenson stated that we are not allowing an off-premise sign but rather THIS
74 existing sign. K. Bauer clarified that if the special exception were granted and the
75 variance was not, they would still have permission for an off-premise sign. She is in
76 agreement with B. Levenson we are talking about a special exception for an off-premise
77 sign which probably will be this existing sign, but not necessarily. J. Guzman stated that
78 the lighting will remain the same i.e. ground lighting.

79

80 At this time, J. Guzman was given the opportunity to read Section 7.066 regarding off-
81 premise signs.

82

83 The issue of the large pine tree located on the Bower property was brought up and Ms.
84 Bower stated that it will be removed.

85

86 Chairman Harten declared the open portion of the meeting closed at 7:48 pm.

87

88 B. Levenson asked if there was any significance that with the application we received a
89 drawing showing a 20 SF sign. We are starting with the premise that they could have a 12
90 SF off-premise sign then he comes before us to see if he could move that sign or actually
91 have a 21.75 SF sign. K. Bauer addressed B. Levenson's comments. We do have a
92 picture of the sign and the special exception application but our discussion has made it

93 clear what the special exception is for and what the variance is for. The fact that we have
94 a picture and a special exception is a moot point. There was much discussion at this time,
95 whether we are deciding whether or not to allow an off-premise sign on the Bower
96 property or are we relocating the existing sign from the Parkkeaw property to the Bower
97 property? It was determined that we are deciding whether or not to allow an off-premise
98 sign for Woodland Heights to be located on the Bower property.

99

100 The Board then discussed the criteria for a special exception –

101

102 A. The proposed use shall be similar to those permitted in the district? No problem.

103

104 B. The specific site if an appropriate location for the proposed use? The only question
105 that arose was from B. Levenson as to the siting and location of the sign. L. Harten
106 mentioned that K. Lynch will go out and locate the sign before the hole is dug.

107

108 C. The use as developed will not adversely affect the adjacent location. No problem

109

110 D. There will be no nuisance or serious hazard to vehicles or pedestrians. B. Levenson
111 had a concern with the line of site going down Nashua St., stop sign, etc. K. Taylor
112 brought up the issue of the sign being back 12'. L. Harten felt it might end up being
113 further back than that. K. Taylor would like to see a condition placed on the approval, if
114 approved, that it be 12' back. He feels we should go by the ordinance which says 12'
115 back from the street.

116

117 E. Adequate appropriate facilities will be provided for the proper operation of the
118 proposed use. No problems

119

120 The Board then voted on the requested special exception --

121

122 **1. Is the exception allowed by the ordinance?**

123 **K. Maher – Yes**

K. Bauer – Yes

B. Levenson – Yes

124 **K. Taylor – Yes**

L. Harten – Yes

125

126 **2. Are the specified conditions present under which the exception may be granted?**

127 **K. Maher – Yes**

K. Bauer – Yes

B. Levenson – Yes

128 **K. Taylor – Yes**

L. Harten – Yes

129

130 **Final vote –**

131 **Motion by B. Levenson, seconded by; seconded by K. Bauer, to approve the**
132 **placement of an off-premise sign on Lot 31-11, all in favor.**

133

134 **30-day Appeal period - July 1, 2005**

135

136 The hearing was adjourned at 7:55 pm.