

CITY OF CONCORD, NH
ZONING BOARD OF ADJUSTMENT
July 1, 2020 MEETING
DRAFT MINUTES

Attendees: Acting Chair Nicholas Wallner, James Monahan, Andrew Winters, Laura Scott, Laura Spector-Morgan.
Absent: Robert Harrison Jr., Christopher Carley
Staff: Craig Walker, Zoning Administrator, David Hall Code Administrator, and Robert Nadeau, Code Inspector

Meeting commenced at 7:02 pm.

Acting Chair Wallner explained that due to the Covid-19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Board was authorized to meet electronically. The City of Concord utilized the Zoom platform for this electronic meeting.

26-20 Advantage Signs for Concord Litho Group: Applicant wishes to install 5 freestanding signs and requests a Variance to Article 28-6-9(c), Permitted Freestanding Signs, to permit 5 freestanding signs to be placed on a single lot where only 1 freestanding sign is permitted per lot, for property located at 92 Old Turnpike Road and 19 – 27 Terrill Park Drive in an IN Industrial District.

Testified: Josh Messinger, Advantage Signs for benefit of Concord Litho Group. This property has undergone a recent renovation and went from a single company facility to now leasing space to multiple companies. It is a hardship for the tenants and the trucking companies to identify the proper loading dock within the site. Granting this request will improve traffic flow, reduce congestion and frustration. Improved signage is necessary to conduct business at this facility.

Spector-Morgan: Questioned if a case concerning this site has appeared before the Planning Board and Architectural Design Review in the past and if signage was addressed at that time. Walker reported that this site has appeared before the PB and ADR, but signage was not part of the preliminary review.

Winters: Questioned if the issue was the number of signs or size. He also questioned if the current sign on the site would be removed. Messinger advised that one sign was suitable when it was a single company facility. Now with multiple tenants, additional signage will improve identification within the site. Walker advised that the issue is the number of signs. He further clarified that the current sign will remain and the request is for 5 new signs. Wallner summarized that essentially one freestanding sign will identify the building and another freestanding sign will be located on each curb cut.

In favor: none.

In opposition: none.

Code: Clarified that provision allowing directional sign for campuses with multiple buildings and internal roadways doesn't apply since this site is not a campus-type setting, with multiple buildings and private access roads within.

DECISION: Wallner reviewed the testimony that was given.

Scott: Wanted to confirm that the current sign will be staying, making a total of 6 signs on the site. Walker affirmed.

Spector-Morgan: No issues.

Winters: Questioned if there would be an issue with 6 signs on the site and the notice stated 5. Walker indicated that the notice is to install 5 new signs.

Monahan: Questioned how many signs would be allowed if request was for building signs instead of freestanding. Walker reported that they would be allowed 3 building signs for each road-facing side, so total of 6, but no more than 3 on each side and would need to remain within 100' combined on each side.

ZBA DM 7.1.20

Wallner: No issues.

A **motion** to grant was made by Scott, seconded by Spector-Morgan.

A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Granted 5-0.

27-20 Chris Trider: Applicant wishes to construct a 30 foot wide by 24 foot deep garage and requests the following:

- 1) Variance to Article 28-4-1(h), The Table of Dimensional Regulations to allow a 15 foot rear setback where a 25 foot rear setback is required,
 - 2) Variance to Article 28-4-1(h), The Table of Dimensional Regulations to allow a maximum lot coverage of 45 percent where a maximum lot coverage of 40 percent is allowed,
- for property located at 34 Donovan Street in an RS Residential Single Family District.

NOTE: Prior to hearing this appeal, the Board must determine whether this request differs materially in nature or degree, or whether the circumstances affecting the property have changed significantly when compared with request and circumstances existing under the requests in cases #33-05 and #49-05.

Acting Chair Wallner opened the discussion amongst the Board members to determine if the case should be accepted.

Spector-Morgan **motion** to accept the case, as there is a material difference in the size of the proposed garage and setback impacts from previous case, seconded by Scott.

A roll call vote: AYE: Scott, Spector-Morgan, Winters, Monahan, Wallner. Granted 5-0, case will be heard.

Testified: Chris Trider. Seeking to build single-story, 2-car garage, 30'x24'; previous requests for larger garage were denied. Variance needed for lot coverage. He identified that the hardship is that his lot is small and restricting his ability to have a garage without obtaining a variance. He wants a garage to make his life easier, to clean up his lot, and for improved safety and security of his personal property. Other houses in his neighborhood have one and two car garages.

Scott: Asked for clarification of where the garage would be and how much it would encroach on setback. Monahan followed up with question if garage could be moved forward if setback was issue. Walker clarified that upon further review, setbacks were not an issue and the first variance is not needed.

Wallner confirmed that the first variance request was to be removed from consideration and only the second variance request relating to lot coverage would be decided.

Winters: Questioned since lot coverage is close, if issue could be avoided by removing current driveway and returning that space to green space. Trider reported that the plans include removal of current driveway. Walker indicated that the current lot coverage is close, but not over. The new plans would increase overall lot coverage by roughly 6%.

Monahan: Questioned why the garage is 30' wide. Trider indicated that he wants to relocate his bulkhead basement access into the garage for security purposes and the extra width is to accommodate.

In favor: none.

In opposition: none.

Code: none.

DECISION: Wallner reviewed the testimony that was given.

Winters: Looking at the GIS maps, appears Trider has among smallest sites in area. Considers request to be modest and reasonable.

Monahan: Agrees with Winters, and noted that the garage would help clean up the property.

Spector-Morgan: Agrees.

ZBA DM 7.1.20

Scott: Agrees.

Wallner: Agrees.

A **motion** to grant variance #2 was made by Spector-Morgan, seconded by Winters.
A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Granted 5-0.

28-20 Dan Arndt: Applicant wishes to convert an existing 2 bedroom apartment into 3 rooming units and combine the 3 new rooming units with an existing 20 unit rooming house (all units are within the same structure), for a total of 23 rooming units, and requests a Special Exception from Article 28-8-4(b), Change from One Non-conforming Use to Another by Special Exception, to allow the conversion and inclusion of the new rooming units for a total of 23 rooming house dwelling units and maintain existing non-conforming parking for 11 vehicles (currently 11 spaces provided where 24 required) where 25 would be required, for property located at 56 South Main Street in a CU Urban Commercial District.

If the Board does not approve the request for the granting of a Special Exception, The applicant requests the following:

Applicant wishes to expand an existing 20 unit rooming house by converting a 2 bedroom apartment, existing within the same building, to 3 additional sleeping rooms with shared bathroom and kitchen facilities, resulting in a total of 23 sleeping rooms and requests the following:

- 1) Variance to Article 28-2-4, The Table of Principal Uses, and Article 28-5-6, Rooming Houses, to allow an existing non-conforming rooming house to expand from 20 dwelling units to 23 dwelling units where the maximum number of dwelling units within a rooming house may not exceed accommodations for 10 individuals, inclusive of a resident manager or resident family,
- 2) Variance to Article 28-7, Access, Circulation, Parking and Loading, To maintain the existing non-compliant parking configuration for 11 parking spaces where 25 spaces would be required (24 spaces currently required),
for property located at 56 South Main Street in a CU Urban Commercial District.

A **motion** to recess this case to the August 5, 2020 meeting was made by Scott, seconded by Spector-Morgan
A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Recess granted 5-0.

30-20 Jay Gemmiti for Concord Hospital: Applicant wishes to install a building sign and a freestanding monument sign and request the following:

- 1) Variance to Article 28-6-9(e), Sign Illumination, Section (1), to allow an internally illuminated building sign where only external illumination is permissible,
- 2) Variance to Article 28-6-9(c), Permitted Freestanding Signs, Section (1), to allow an additional freestanding monument sign, when such sign would be the third freestanding sign when only 1 freestanding sign is permissible,
- 3) Variance to Article 28-6-9(e), Sign Illumination, Section (1), to allow an internally illuminated freestanding monument sign where only external illumination is permitted,
for property located on the Hospital Campus at 250 Pleasant Street (a.k.a. 116 Langley Parkway) in an IS Institutional District.

Testified: Jay Gemmiti for Concord Hospital. Significant projects have and are taking place on the Concord Hospital campus with multiple buildings and numerous specialized services and businesses throughout. The Concord Hospital campus is large and overwhelming to visitors already stressed upon arriving at the site, and adding to that stress with inadequate or incomplete signage is unnecessary. Additional signage will improve wayfinding throughout the campus and is essential to promote a positive experience for visitors.

The requests for internally illuminated signs will improve wayfinding when dark and will enhance the Hospital's overall brand.

Scott: Questioned if other signs on campus are internally illuminated. Gemmiti replied that the Payson Center for Cancer building and the 4-way sign on the corner of Pleasant and Langley are also internally illuminated. Wallner questioned if the emergency entrance sign is internally illuminated. Gemmiti replied that he believes that only the word "Emergency" is illuminated.

In favor:

Tim Paris, Concord Orthopedics. In favor of requests. Important for wayfinding and branding. Granting will help people to turn onto the correct drive and less into the Concord Orthopedics in error.

Alyson Brisson, on behalf of Concord Hospital. Granting variances critical to helping patients get to right location and up-lighting could potentially interfere with incoming helicopters.

In opposition: none.

Code: none.

DECISION: Wallner reviewed the testimony that was given.

Spector-Morgan: Has no real issue with the number of signs; makes sense considering the size of the campus and the number of buildings. Her issue is with the internal illumination. Doesn't see why signs have to be internally lit, where directional lighting would be sufficient to provide nighttime clarity without adding to unnecessary light pollution. She is in favor of the number of signs but improving branding is not a good enough reason to grant the request for internal illumination.

Winters: Sought clarification from Walker if the entire site was restricted to one freestanding sign. Walker confirmed the Ordinance, as written, allows for one freestanding sign per lot, but in this case, because it is a campus with buildings and connecting private streets, directional signage is allowed.

Scott: In favor of number of signs, but is concerned with internal illumination. Requested each variance request be decided individually.

Walker asked Gemmiti what type of internal illumination they were seeking. Gemmiti informed that signs were to be translucent with LED lighting.

Monahan: No questions.

Wallner: No questions.

A **motion** to grant Variance #2 was made by Spector-Morgan, seconded by Scott.

A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Granted 5-0.

Spector-Morgan: Explained that internal illumination promotes light pollution. Concern is that this request may not seem overly significant, but over time with increased expansion it could be a serious issue.

Winters: Can see how this request from Concord Hospital, taken in isolation, may not be an issue, but multiple companies looking to put illuminated signage on their buildings, it could.

A **motion** to deny Variance #1 was made by Spector-Morgan, seconded by Winters.

A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Granted 5-0.

A **motion** to deny Variance #3 was made by Spector-Morgan, seconded by Winters.

A roll call vote: AYE: Monahan, Scott, Spector-Morgan, Winters, Wallner. Granted 5-0.

29-20 Carolyn Coskren for Whittemore Holdings, LLC: Applicant wishes to open a Dance Studio (Principal use C-2, Dance or music school or studio) and requests a Variance to Article 28-2-4(j), Table of Principal Uses to permit a dance studio where such use is not otherwise allowed, for property located at 45 Chenell Drive in an IN Industrial District.

Testified: Carolyn Coskren. Previous location of dance studio was on Sheep Davis Road but needs to move. Site at 45 Chenell Drive has plenty of room in the building and is adjacent to a Karate Studio and an auto repair center. The location desired used to house a church. A dance studio isn't allowed in an Industrial Zone; it is difficult to find a site suitable for a dance studio where the music isn't an issue for the neighbors and there is enough room for the students to spread out.

Monahan: Questioned Walker what difference is between dance and karate studios. Walker replied that a decision has been made many years ago that a karate studio is classified as a health and fitness club, dance studios are specifically listed and not allowed in an IN district.

Spector-Morgan: Questioned Walker if the church had been at that location by right or by variance. Walker replied by variance.

Scott: Stated she is aware of other dance studios in Industrial Zones in other communities and it works well.

In favor: none.

In opposition: none.

Code: none.

DECISION: Wallner reviewed the testimony that was given.

Spector-Morgan: Stated she is uncertain how hardship is arrived.

Scott: Ok with request.

Monahan: Inclined to support.

Winters: Use fits in with character of building and area.

Wallner: Agrees.

A **motion** to grant was made by Scott, seconded by Winters.

A roll call vote: AYE: Winters, Scott, Monahan, Wallner. NO: Spector-Morgan. Granted 4-1.

Minutes: A motion to approve June 2020 Minutes was made by Monahan, seconded by Spector-Morgan, and passed by a unanimous vote.

Adjourn 8:15 pm.

*Respectfully submitted,
Robert Nadeau, for Rose Fife, Clerk of the Board*