



**ZONING BOARD OF ADJUSTMENT**  
**CITY HALL, 45 BEACON ST E**  
**ROOM 200A, 7 PM**  
**MINUTES OF MAY 18, 2015**  
**APPROVED MEETING OF JUNE 15, 2015**

**Call To Order:** Steve Bogert called the meeting to order at 7:05 PM.

**Roll Call By Clerk, Kristine Snow:** Steve Bogert, **Chair – Present;** Suzanne Perley, **Vice-Chair – Present;** Orry Gibbs – **No Response;** Dave Greski – **Present;** Michael Foote – **Present;** Kate Geraci, **Alternate – Present;** Robert Smith, **Alternate – No Response;** Gail Ober, **Alternate - Present**

**Members Present:** Steve Bogert, **Chair;** Suzanne Perley, **Vice-Chair;** **Full Board Members:** Michael Foote;  
**Alternate Members:** Kate Geraci; Gail Ober

**Members Excused:** Orry Gibbs, **Full Board Member;** Robert Smith, **Alternate**

**Steve Bogert seated Kate Geraci as a full board member in place of Orry Gibbs.**

**Staff:** Shanna Saunders, **Planning Director**

**Recording This Meeting:** Kristine Snow, **Zoning Technician**

**I) PUBLIC HEARING: Pam Clark reviewed the proposed demo ordinance changes.**

**Public:** No one spoke for or against the proposal.

**Board:** Steve Bogert asked Pam Clark how a person selling their property will know if it is considered to be historical; how will the real estate agent be made aware the property could be of historical value; and how will the proposed buyer know the property is potentially historical.

Pam Clark said they have hired an intern, from the University of Vermont, who will be doing an inventory. He should be done by the end of the summer. The document can be reviewed by Planning, Zoning, and real estate agents. S. Bogert asked where the document would it be kept and P. Clark said she assumes the Planning office.

Mike Foote asked if this will be a document of currently qualifying buildings and was told yes. P. Clark said this will be given to the State Department of Historic Resources and must be accepted by them as well.

S. Bogert asked what if a current owner doesn't want to be on the list. What rights does he have if he doesn't want to be part of the historic buildings inventory? P. Clark said if it meets the criteria, then it should be. S. Bogert said if this is their home, do they have the right to say they don't want to be part of the historic structures? Shanna Saunders said we don't know, we will have to check and get back to the board.

S. Bogert said Gilanton has an actual historic district and P. Clark said we are not looking to do that. S. Bogert said he feels that is a different situation as people are knowingly buying into the historical district.



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P. Clark said she would think people would be happy to be on the list. S. Perley said she doesn't feel this is binding in any way. S. Bogert said the owner has to have the ability to object to being on the list. He said if this gets held up for half a year, that is hindering the sales contract and putting the owner's rights outside of the governments rights.

S. Bogert asked if this ordinance re-write is a model seen in other towns and P. Clark said yes, and they worked together with Saunders on this. S. Saunders said can find out what those towns were and bring to the next meeting. S. Saunders said this is a good thing but wants the property owners to have rights.

G. Ober asked if we can use the information they will be gathering and restrict this to new sales. That way you could notify the potential owner ahead of time. She thinks Commercial zones should be exempt, as well as Industrial. She thinks those zones need to look at making taxes and producing revenue for the City.

P. Clark said a property just needs to be of significant value. The age alone doesn't matter. S. Saunders said this identification can greatly increase OR decreases the value of a property. If it is in the proper zone it could increase value. In a Commercial zone it probably won't help the value.

P. Clark said a lot of this stemmed from lessons learned from the Hathaway House. This was not in place then. She feels if it were, we would have had additional time to have found a potential buyer. We are trying to learn from those mistakes.

S. Bogert said he agrees with that but feels the property owners need to know ahead of time. It was asked if this is something that could be added to the tax card? That way everyone who deals with the transfer of property can see it. P. Clark said sounds like an excellent idea. She said she is unsure of how many private residences this might apply to. The intern will be starting with the downtown area and there are already structures there that are on the state register.

S. Bogert said he is not as concerned with private homes. M. Foote asked about the Lady of the Lakes Church as he thinks it meets the criteria. He said that he feels that it is of historic value.

S. Saunders said she feels that the commission should meet again, make some changes and bring it back to Zoning.

S. Bogert said that is an excellent idea, and that he feels we are taking a great approach as there are a lot of beautiful homes in Laconia. P. Clark said she wants people to feel it is an honor to be on the list. S. Bogert said he agrees but feels that people need to know ahead of time. By the time it gets to the permit process, a lot of money has been spent, and things have been done, so he feels they need to know ahead of time.

P. Clark said we want to be pro-active and that we want this to be a good thing.

D. Greski asked if there is an existing list today and was told that the state has a few structures, maybe 15 total, on the list.

**Reuben Bassett, local business owner**, asked if they are looking to add these structures to the state register or if this just a city registry and P. Clark said she thinks just a city list but it has to be accepted by the state. S.



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Saunders said that the state is going to ok the process, and make sure each home is documented, but that the list will be a city exclusive list. There could be an effort, moving forward, to get some listed on the national register.

P. Clark said being on the state or national register doesn't necessarily save a structure from being demolished either. S. Saunders said the delay allows time so someone could potentially buy it, keep it in place, and re-hab it, or move it.

Reuben Bassett said the process gives a buffer and allows time and S. Saunders said yes; this allows publicity, time to get articles into the paper, allowing the Heritage Commission time to reach out and find a potential buyer. This adds time, local publicity, and local out-reach.

S. Bogert asked if this is stronger than the state ordinance or equal to. He wondered if they have something that says you have to wait a certain time. S. Saunders said that they do not and P. Clark said this doesn't protect a structure from being torn down and that the ordinances vary from town to town.

S. Bogert asked if, when the intern starts, a letter be sent to the property owners? P. Clark said it could be done but we have a time line going. By the July meeting we are hoping to have the downtown area done enough to go to the state. August will be the Weirs, and September will be Lakeport. She doesn't know how long it takes the state to review.

G. Ober said she feels that people should be notified that the property is being considered for this; the ones that are considered of historical significance. She said that business owners as well as private homes should be notified.

She feels they should know before they get on this registry. D. Greski said take this one step further; if doing one section, then the people should be reviewed ahead of time. P. Clark said they will be taking pictures, and won't go onto the property. P. Clark said she doesn't think that is possible, but maybe we could put this on the web site and put in the paper so people know.

S. Bogert said he feels that is fine and S. Saunders said she will check with legal counsel. D. Greski said the earlier the owner is part of the equation the better. P. Clark said she can sit down with the reporters and talk to them but they cannot send letters to everyone in the downtown area alerting them.

S. Saunders said she will look into this.

P. Clark clarified that they have to come back in another month and was told yes.

**Motion:** S. Bogert moved to continue this hearing until the June 15<sup>th</sup> meeting, with the second by D. Greski. All voted in favor, 5-0, and the hearing adjourned at 7:59 pm.

**II) MINUTES:** The minutes from the ZBA meeting of April 20 2015 were discussed. S. Perley said there is one change. The heading said March 20 and should say April 20.

**Motion:** M. Foote moved to accept the minutes with the change to the date. K. Geraci seconded and all voted in favor, 5-0.



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III) **EXTENTIONS:** None

IV) **NEW HEARINGS:**

<b>Application # 2015-0004</b>	<b>MSL 29-155-1</b>	<b>RRII ZONE</b>
<b>Good Shepherd/Saint James Episcopal</b>	<b>2238 Parade Road</b>	<b>Variance</b>

The two churches, which now share space, are requesting a variance from Table IV, Table of Sign Regulations, in order to have a freestanding sign, which is not a permitted use in the RR zones. There is currently a freestanding sign in place; this variance would make the sign legal and place it in a new location.

**Applicant:** Jeff Pearson appeared for St James Church and Greta Olmstead for Good Shepherd. He said that what S. Bogert read when announcing the hearing pretty much summed this request up. J. Pearson said that St James has been there 18 months now and they have a new identity and a new home, and need a sign so they can be found. He said there is a freestanding sign now. If you are heading south into Laconia you can see it, but heading north you cannot. No permit was found for that sign. They want to install a new sign, with the worship times, and give St James an identity. They will remain within the sf allowed for signage in this zone. The building sits back about 100' and is on a hill so it is not easily seen.

They are asking for a freestanding sign which will not exceed the 42 SF permitted in the zone.

S. Perley asked if they plan to remove the existing sign. G. Olmstead said yes, but plan to keep the stone pillars, which were paid for with memorial money, and install a prayer garden in that area. The current sign will be removed and moved to the other side of the driveway.

D. Greski asked if the new sign will advertise both churches and was told yes. S. Perley asked about the sign and was told it will be wood and unlit.

D. Greski asked what a portable sign is and S. Saunders read the definition. He said he was hoping that depending on that definition that variance could go away but S. Perley said that doesn't work for this. She said she feels the new location is fine but did want an idea of what is going to be erected. She was told again that the original sign will be going away and the new one will not be illuminated.

Mike Foote clarified that the new position will be on the other side of the drive and was told yes, on the right side of the driveway.

Gail Ober said churches are allowed in the zone and she has never seen a church without a freestanding sign, so maybe in the future this should be changed to a Special Exception, not a Variance. If the use of a church is permitted, they should be allowed a sign without going through a Variance process.

D. Greski said he feels putting up the sign could reduce safety issues. You do not see the current sign now until you have passed it. The new one will be perpendicular so it can be seen either way. He asked if there will be a changeable copy portion of the overall sign and was told yes; it will be changed manually.

S. Saunders said that the use of changeable copy is not permitted, so they need to change that, too. S. Perley asked if can do this tonight and add that to the variance. S. Saunders said she felt they could. J. Pearson said



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they are still unsure if the sign will be side by side or half and half. G. Ober said changeable copy gives them flexibility.

S. Bogert asked if the church on Meredith Center Road did changeable copy as he thinks this is in the same zone. S. Saunders said we could supply that information for the next meeting if needed. D. Greski asked about the use of changeable copy and S. Saunders said feels it is fine as it was noticed that they were asking for a variance from the Table of Sign Regulations.

**Public:** No one spoke for or against the application.

**Board:** M. Foote asked about the total permitted and wondered where the 42 SF came from. S. Saunders showed on the chart, and said that the total SF is similar to what is permitted in the BC and Industrial Zones.

S. Bogert clarified that they are only asking for the one sign said 42 SF and was told yes.

There were no further questions and no closing comments. S. Bogert closed the hearing to the public at 7:57 pm.

**Board discussion:** None.

**Motion:** D. Greski moved to approve Application # 2015-0005 in order for the churches to erect one freestanding sign which will not exceed the 42 SF of signage permitted in the RRII zone.

This will not be contrary to public interest as it won't alter the essential character of the locality and pose no threat to health, safety or welfare of the public. This could significantly reduce the safety issue that exists today by people looking for the sign. They do not have enough time to find the sign and then make the turn. This gives them the ability to make the proper turn. Now they pass the building and make a u-turn so this should improve that safety issue.

The spirit of the ordinance will be observed; although a freestanding sign is not allowed, this gives people notification of the building and the sign will not be visible to the abutting homes.

Substantial justice is done as there is no impact to the surrounding properties and the sign gives appropriate visibility and awareness.

The values of the surrounding properties should not be diminished.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship as not allowing the variance makes it hard to find the structure and makes it dangerous.

The use is reasonable as a church needs a sign.

S. Perley seconded the motion.

The board further added two conditions of approval.



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The sign will not be illuminated and the design will be approved by the City. They can install up to the maximum of 42 SF and are permitted only one sign.

D. Greski moved to approve, adding the two conditions of approval and S. Perley seconded with the amended motion. All voted in favor, 5-0 and the hearing adjourned at 8:05 pm.

**Application # 2015-0006**  
**Fat Boy Kole, LLC**

**MSL 407-227-50**  
**11 Walker St**

**C ZONE**  
**Variance**

The applicant is requesting a variance from 235-49 (B) in order to use an area of their property for a loading zone. The area in question is located along the Butler Street frontage.

**Applicant:** Steve Olson, owner of Laconia Refrigeration, along with Kara Olson, owner of Fat Boy Kole and 11 Walker Street appeared for the application. They applied for a variance for an unloading zone on Butler Street. They want to get the trucks onto Butler Street in an area that is dirt. There have been complaints because Walker Street is busy, so they came up with this solution. S. Olsen said he feels this is the safest place to unload for both pedestrians and his employees. When they unload, there is a small strip of land that the fork lift can use and not even go close to the street.

S. Perley asked who owns the land and was told they think it is the city. S. Perley said we cannot give them a variance on property they don't own. Steve Olsen showed the area on the map. S. Saunders asked if he knows where the pins are as the area highlighted is his property. M. Foote asked about the dotted line showing on their plan and Kristine Snow said that is paved area. M. Foote asked if trees are being removed and S. Olsen said no. M. Foote asked about sidewalk in this area.

D. Greski asked what brought this to light as he read the letter from Planning. He asked how long they have been loading/unloading and was told 8 years. D. Greski said he is assuming this is causing traffic problems, and S. Olsen said the large trucks block the street. D. Greski asked about deliveries, times, and how many, and S. Olsen said it is random; it varies.

S. Saunders said this was reviewed when the use went in and it is not unusual for a business to block the street if a loading space doesn't exist. This happens a lot on Union Avenue but the intensity here has increased as the business has grown.

D. Greski asked what the hardship is and S. Olsen said the safety of his employees, and the safety of the public. People can drive vehicles through, but they can't see around the trucks. K. Geraci asked what is going on now for a delivery area, and S. Olsen said they are using this area now.

S. Bogert asked S. Olsen to show on pictures and S. Olsen showed a picture and said the white truck shown was sitting on the dirt area. S. Bogert asked where it exits, and was told they go around and out through Lyman Street.

D. Greski asked if they are using the area now and is that working for them. S. Olsen said yes they are and it is working fine for them. D. Greski asked if the issue is the property line and S. Saunders said this abuts a residential zone. It was asked if instead of 50 feet they are 30 feet away and S. Saunders said yes. They had two options: move the loading zone or ask for the variance.



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S. Olsen said he has the options of using either Walker Street or Butler Street. D. Greski said if this is now working, the issue we need to address is the amount of feet from the residential area being the 30 feet instead of 50 feet. He wondered what the impact would be here.

G. Ober asked if they get deliveries in the day and was told yes, from 8 – 4. S. Olsen said that no one else uses that area to load. It was asked if they have deliveries on Saturday or Sunday and S. Olsen said only if it is an emergency, but there are normally no deliveries then. S. Olsen passed out other pictures that shows the residential portion.

S. Saunders passed out letters that the Planning and Zoning Department had received in opposition to this.

**Public: Matt Leahy**, Cottonwood Ave, said he has lived here for 56 years. His is a dead end street so he has to travel this area daily. He said that S. Perley hit the nail on the head as this is part of the city's 50 foot ROW. He looked at the plans for the Taylor Home and others. They have to be 25 ft from the centerline; there is 12 ft of asphalt, and the balance of the dirt area belongs to the city. If it belonged to the property owner, they would be using this area. He said he feels this should not proceed any further because they are asking for the right to use property which is owned by someone else.

He said they have not been in this location for 8 years; the business has been here for 1.5 years. This was always a one business property, and the lot is only 1/3 acre. There are 2 vehicle intense businesses here. Marcoux Plumbing used to be there and he was a one man shop. Taylor Home had a shed for storage. The auto body moved in, and they still did ok but the use has grown.

They did not get approval when they moved in. M. Leahy said he thought the loading zone had to be in the middle of the property. Doors and offices had to be cut out. They did their site planning on the run, and there are usually 40-50 cars there, especially for the restaurant. The auto body shop is doing repairs on the edge of the road. The entire lot is extremely tight now.

M. Leahy said they don't own the property they are asking to use and the ordinance clearly states a loading area cannot be located next to a residential area. Screening is required. We are talking about the most obnoxious use being on the wrong side of the screening; it should be on the other side. He said they can't do this as they don't own the property.

Someone will get hurt or killed if this continues. The trucks block traffic. The fork lift crosses the road; it is not registered, and is used for ferrying things back and forth. M. Leahy said he likes them. This is a good business, and they are growing, and have 25 employees. That is great but not in this location. He asked the ZBA members not to make matters worse by allowing an idling tractor trailer in front of someone's house. He said they are asking for 14 ft over their property line, and are using city property. He asked the ZBA to please deny the variance.

G. Ober asked what he would recommend for them to do and M. Leahy said they park, then take the material into the main building. Why can't they pull it into their lot, and unload there. Or pull into the other lot where the metal storage building is. Keeps it away from the residences.

In the winter, snow was so pushed up into this area, no one with a fork lift could navigate the area.



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**Jennifer Tinker Andrus**, 15 Butler, said there are lots of families with small kids here. She is concerned about safety, along with the value of her property and the noise. She is opposed to this variance. It seems to her every time you give a little, they ask for more. She said they have been accommodating to her. They had trash issues, so they enclosed their trash area. Again, she said they are very accommodating but this is a residential area; she doesn't feel a business should move here. She showed her house on the map.

**Cheryl Baer**, said she is here supporting the neighborhood. Her grandchildren ride their bikes here. She feels this is the worst place to unload, and does feel someone is going to get hurt. You cannot see if the truck is there if you are going around the corner.

They stated this is in the best interest of residents and neighbors but she asked how this is better for the kids, with the smells, and the traffic, and the fork lifts in the road. The kids are outside during the day, not at night, so that is the same hours they are open. She showed some pictures to show the board members the danger. She asked if there is a way for them to restructure somehow so there is not as much traffic going in and out.

**Etta Weeler**, of 4 Butler Street, said she is directly across from this. She said she has several concerns. She worries about the devaluation of her property and others on the street. No matter what you do with landscaping or windows, or making your home look good, there is no way a person is going to buy if there is a loading zone with 18 wheelers right by their front door or going up and down the street. There are issues with kids outside playing while the trucks are there. The buffer zone was installed initially to reduce the dust and debris and as a screen so you would not have to look at all of the commercial activity.

She said they have been violating the current zoning ordinance for about 1 1/2 years. Last year they had to have a permanent trailer removed. She is concerned about the children and elderly in the area. Taylor Home residents use this street to walk.

The environmental impact of loading zone in front of her house is a bad idea. You have the smell, the noise with the honking of horns, and traffic. There are other issues. This is a hardship for people who live in this area, on this street. She said it is quite clear that if they removed the 2 trailers at the end of their building, there would be ample space for trucks to pull up Walker Street and back into their lot, and unload at their door they had put in for this purpose and then pull back out onto Walker Street. That would eliminate any need to use Butler St.

M. Leahy handed S. Bogert a picture of the two trailers Ms. Wheeler mentioned. He passed them around to board members to see.

Mrs. Wheeler said she has a tenant upstairs and due to the smell she has to close the windows. She can't hear her TV due to the noise. If anyone is going to rent, she doesn't think anyone would want to be here if there are 18 wheelers on the street. She feels that this would be detrimental to people in this neighborhood. She wants to keep the area at the highest quality, and this would not help. She asked how you would like to see a loading zone, with 18 wheelers in front of your house.

**Roy Wheeler**, 4 Butler. He said he has pictures to pass out showing the truck in the city owned area. He explained the pictures. He showed a picture of their parking lot, and said there is no need for the loading zone on Butler Street. They could go up Walker, back in, unload and go back out Walker.



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**No one else from the public spoke for or against the application so S. Bogert closed the hearing to the public at 8: 40 pm.**

**Board:** S. Bogert asked S. Olsen, in looking at the area, it appears that the parking lot has more area for backing the trailer in then putting it on Butler and S. Olsen said there are times where box trucks come in, which are shorter and he can access but the standard tractor doesn't fit.

S. Olsen said he does hear all of their concerns. K. Olsen said she feels worried as well when cars come down the hill from the residences, speeding, and people are trying to get into the restaurant.

S. Olsen said he can unload the smaller trucks on his lot. The other parking lot is for the 405 Restaurant. S. Bogert said he doesn't think a tractor could back into the 405 lot because of the curb there. He asked what type of material is being unloaded and was told it could be freezers, ice machines, refrigerators, ice panels, ovens, pizza ovens – a vast variety of items.

S. Bogert said he is wondering if an off-site warehouse would be better. S. Olsen said they just built the warehouse, and it won't work for this. D. Greski asked how wide the building is - about 30 feet? He said it looks like about 100 ft going back, and S. Olsen said that is about right. D. Greski said it is hard to believe that they couldn't back in if they have 100 ft. S. Olsen said it will fit but the driver has to turn up the drive to the Taylor Home, and then try to back up. The driver spends more time angling and backing up then it does unloading.

D. Greski said he understands it won't be the easier thing to do. S. Olsen said doing that will block Walker Street. K. Olsen said there are cars parking in the street as well which would make that difficult.

G. Ober asked if there is there a nearby area for their employees to park so they don't have to park here and K. Olsen said the only employees they have are 4 people on site; the rest are out working.

S. Perley asked about S. Saunder's letter mentioning the other lot and S. Olsen said they feel that is not a viable option. D. Greski said they cannot use city property, so that is off the table. The drivers have to manipulate longer. K. Geraci asked if we are certain that this is City property and S. Sanders said we have to know who owns the property. S. Perley said she doesn't feel they can meet any of the requirements. They are located in the wrong spot as they grow. If they continue to grow, what happens?

S. Bogert asked about cutting another exit onto Butler Street so a truck can pull in and then right out. S. Olsen said they would lose parking spaces and the ratio to turn could be an issue. S. Bogert asked him to take a look at that option but said he does understand that the turning radius could hinder that. S. Olsen said he would probably lose 4 parking spaces. S. Saunders said they came for a variance for reduced parking. D. Greski said that stops him from growing, as there would be nowhere to put cars. It fixes one issue and causes others.

S. Bogert said there will come a point that their growth would have to be considered. He said we are trying to find a solution that helps everyone.

S. Olsen said he wants to make the neighbors happy, as they are not planning to go anywhere soon. They must find a way to figure things out.



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S. Bogert recommend to the board members that we table this application in order for the applicant to find out who owns the strip of property. S. Saunders said they need to work with DPW to find the pins and get a letter stating who owns the property. S. Bogert said the other thing is that they take a look at other alternative to see if something else works.

It was decided to table this until the June meeting. S. Bogert said if this is city property, they have to have an alternative way to handle this. D. Greski said if they find any other options they should probably discuss them with S. Saunders before the meeting to save time. Don't wait until you get to the June meeting to discuss them.

**Motion:** S. Bogert moved to table the application until the meeting of June 15 to allow the applicant time to determine who actually owns the property in question, and to look at other options. D. Greski seconded, and all voted in favor, 5-0.

R. Wheeler asked if the board gave permission to continue using this area and S. Bogert said they have no permission now. S. Saunders said typically if they are working towards a solution, they can continue.

**The hearing closed at 8:58 pm and S. Bogert called a short recess. He called the meeting back to order at 9:02 pm.**

**Application # 2015-0007**  
**Wayfarer Coffee Roasters**

**MSL 432-142-12**  
**624-626 Main St**

**BC Zone**  
**Variance**

The applicant is requesting a variance from 235-58, Table of Sign Regulations, in order to install 32 SF of signage where only 29 SF of signage is permitted.

**Application:** Reuben Bassett said they are looking to do 2 signs, one in the front and one in the back. They want to place the larger one in the rear so it is seen from the street and parking lot. S. Perley asked where this is and was told that their space goes all the way through the building, and they will have two points of egress. Having access to this other lot is a big asset to the business. There are picnic tables out there now.

D. Greski asked how big the signage on Main Street is and was told 12 SF but in the in rear the want a 4 x 5 sign for visibility. That would be 20 SF, giving them a total of 32. They are permitted to have 29 SF and are asking for 32 SF total so just an additional 3 SF overall.

S. Bogert asked about signage on the corner building where the Sun Dial Shop used to be. They got a variance for that. She asked if this is similar to that and S. Saunders said not really as this is only one business. R. Bassett said the jewelry store is gone and that Maharajas is the only one left there.

S. Bogert said he makes it a point to get downtown once a week and just sit and observe. This will have a good impact on the area.

D. Greski asked if this will be illuminated and was told they will have lights shining down. They want to take advantage of both access points. It is actually easier to park in the back.

G. Ober mentioned that Goodwill is going to be moving to Belmont, across from Shaw's, so that building will be empty soon and at some point that entire corner could change.



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**APPROVED MEETING OF JUNE 15, 2015**

**Public:** No one from the public spoke for or against the proposal.

**Board:** There were no final questions from the board so S. Bogert closed the hearing to the public at 9:10 pm.

**Motion:** S. Perley moved to approve Application # 2015-0007 to allow the applicant to have 32 SF of signage where 29 SF is permitted.

The variance won't be contrary to public interest as the additional signage doesn't violate basic zoning objectives.

The spirit of the ordinance is observed as there is no substantial change in use. This was a Commercial unit and remains that. There is no threat to public health, safety, or welfare.

Sub justice is done as the use is consistent with the neighborhood and the character of the neighborhood. There is no harm done to the general public.

The signage won't alter neighborhood or affect the property values.

The use is a reasonable use.

M. Foote seconded and all voted in favor, 5-0.

**Application # 2015-0008**  
**Ruth Cormier**

**MSL 18-155-8**  
**2699 Parade Road**

**RRII ZONE**  
**Variance**

The applicant is requesting a variance from 235-35 (A), front setbacks, in order to install a handicapped ramp. It would be added onto the existing front deck. The front setback in this zone is 75 ft; this would leave a setback of approximately 38'.

**Applicant:** Julie Plante appeared for the application for her mother, Ruth Cormier.

S. Bogert asked if this is for wheelchair requirement and asked S. Saunders if the federal government requirements oversteps us. S. Saunders said there are no exemptions. S. Saunders said we can put a time limit on this one. D. Greski said if a decision is made to sell, would the next owner have to return if they need the ramp too, and S. Saunders said no; it can say as long as the ramp is needed so it can remain.

S. Bogert said that if a new owner doesn't need a ramp like this that is usually something that goes.

Julie Plante said this is a cape and she feels if someone did buy it they would want to take it off. There is a small porch.

This is a 6 ft ramp, with a turnaround. Her mother is 87 and now in a wheelchair. Right now she has to hang onto the railings, and do one step at a time. They need the ramp, and found out it juts into the setback. The property is on Parade Road and has a circular drive with a stone wall. There is still 58 ft from the end of the



**ZONING BOARD OF ADJUSTMENT**  
**CITY HALL, 45 BEACON ST E**  
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ramp to Parade Road. The stone wall is also serving as a buffer so there is no safety issue. When the time comes, they could remove it. D. Greski asked about hardship and was told the hardship is the person.

S. Bogert said he feels they put a lot of thought into the design; it runs with the drive way, and doesn't protrude. D. Greski said this meets the slope of the land, and the other side is a garage. There is no other place to put this.

**Public:** No one from the public spoke for or against the proposal so S. Bogert closed the hearing to the public.

**Motion:** M. Foote moved to approve application # 2015-0008. The proposed variance does not conflict with the purpose of the ordinance and will not be contrary to public interest.

The spirit of the ordinance is observed as there will still be a sizeable front setback and so won't alter the neighborhood.

Substantial justice is done in granting the variance as there will still be a front setback of 58' as well as a stone wall which is currently in place. There is no impact on public safety as this will be set back from the road.

Values of the surrounding properties should not be diminished as this still permits a 58' setback.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to the residents as the owner does not have a safe ingress or egress from her residence at this time.

The use is a reasonable one. Due to property constraints this is the best and most reasonable location to place this ramp. It is needed for the safety of the resident.

S. Perley seconded and all voted in favor, 5-0.

**V) NEW BUSINESS:** None

**VI) OLD BUSINESS:** G. Ober went to the recent land use conference. She brought back handouts involving some interesting decisions. She gave them to K. Snow to copy and have for next meeting. K. Snow let the board know that the re-hearing request for the rooster did come in and will be on the June agenda.

**VII) OTHER BUSINESS:** None

**VIII) ADJOURNMENT:** The motion to adjourn the ZBA meeting was made by M. Foote and seconded by D. Greski, with all voting in favor, 5-0. The meeting adjourned at 9:25 pm.