

SOMERSWORTH ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING
December 7, 2022

MEMBERS PRESENT: Richard Brooks, and Brad Fredette, Anthony Jones-Alternate, Ken Hilton – Alternate

EXCUSED MEMBERS: Kenneth Vincent and Keith Perkins, Matt Keiser Chair

STAFF PRESENT: Michelle Mears, Director of Planning and Community Development, Dana Crossley Planning Secretary

The meeting was called to order at 7:00PM.

Acting Chair Brooks appointed Jones and Hilton as full voting members.

Brooks stated there are only 4 members present tonight. Explained that a 3 vote is required for a motion to carry, applicants can choose to wait for a full 5-member board.

1) Approval of the minutes:

Fredette **MOVED** to approve the November 2, 2022 minutes.

Jones seconded the motion. The **MOTION CARRIED** 4-0.

2) OLD BUSINESS

A) Any old business that may come before the Board. - No other old business.

3) NEW BUSINESS

A) William Slater on behalf of Target Corp. is seeking a variance from Section 19.20.D.4.a to allow a total of 471.4 SF of free-standing and wall signs on a property located at 11 Andrews Road, in the Residential/Commercial, Commercial/Industrial & Residential Single Family (R/C, CI & R1) Districts, Assessor's Map 42 Lot 35, ZBA#13-2022 PUBLIC HEARING

Public hearing was opened.

Mears stated the applicant is seeking a variance to allow for an additional 211 SF of signage. Existing site has 260.4 SF of signage and there would be a total of 471.4 SF of signage.

Xavier Ritter of Kimley-Horne and Associates was in attendance to represent the application.

Ritter stated they are seeking a variance for the total allowed signage. Under Section 19.20.D.4.a, the total allowed signage is 300 SF. Onsite they have 260.4 SF of signage existing on site, reviewed the existing signage. The proposed new signage would be to add a drive-up arrow sign, a Target logo and text sign that exists but would be increasing in size, an order pick up sign and a new drive-up sign. The addition of the drive-up sign and order pick up sign are in tandem with the approval for the drive-up program which was made popular during COVID. The drive-up program was approved to be relocated to the South side of the building, moving it from the front of the store.

Brooks clarified the applicant wanted to move forward with a 4-member Board.
Ritter stated yes.

Brooks stated there was no one in attendance to speak during the public comment session.

Fredette asked the applicant to address the 5 criteria.

Ritter stated the proposal will not diminish surrounding property values because the proposed signage is in character with the existing signage on site and new signage serves primarily as directional and wayfinding. Granting the variance will not be contrary to public interest because the proposed signage provides wayfinding means to promote safety of customers and there is no confusion in the main drive aisle and to navigate the site for the drive-up program.

Fredette asked the applicant to address the 5 criteria.

Xavier stated the proposed signage is in character with the existing signage on site and would be for wayfinding. Signage provides for wayfinding for customers and navigation of the site. The existing provisions do not support additional wall signs that can be viewed by the public entering from the right of way. Supports and improves the façade and in line with nationwide updates. The proposed wall signs would allow target to safely and easily direct customers and not interrupt traffic flow in the front area of the building. The proposal is for additional wayfinding signage for an existing program on site. There is a hardship nor a fair and substantial relationship that exists between the general public purposes of the ordinance and specific application of the provision to the property because the existing provisions do not support additional wall signs that are meant to be viewed for the public entering the store from the right-of-way and the proposal for way finding signage supports and improves not only the façade improvements but also aids the drive-up program. Substantial justice is done because the proposed wall signs would allow Target to safely and easily direct customers to the drive-up designated section of the parking lot and enhances traffic flow. The proposal is not contrary to the spirit of the ordinance because the proposal is for additional way finding signage for an on-site program that will promote the existing character and positively impact the level of guidance for the public.

Brooks asked if some of the existing Target signs are being replaced with smaller.

Ritter stated the Target logo on the north elevation will stay the same, two existing signs on the west elevation CVS Pharmacy will remain the same, the Target logo and text is proposed to increase by about 40 SF and noted the additional signs being added to the west elevation. The rest of the existing signs will remain the same there is just the additional signs being proposed for the drive-up program. The freestanding Target sign will remain the same size.

Brooks asked if there is directional signs in the parking lot to assist customers.

Ritter stated Target can add directional signage as requested, but the drive-up sign on the front of the building points to the south façade. Currently does not have directional signage at the entrance but could be added if the Board felt it should be.

Brooks stated it would make sense there was directional signage in addition to the larger sign pointing to the area. Inquired if the CVS sign counts into Target's sign area since it would be multi businesses.

Mears stated historically she believes it was considered in the calculations for their signage.

Hilton asked which side the drive up is on when approaching the store.
Ritter reviewed the site.

Jones asked if this requires site plan.

Mears stated it was minor exterior improvements that was reviewed and approved at a staff level.

Ritter provided a copy of the drive-up layout.

Jones stated if traffic requirements have already been addressed feels it is out of their scope. Noted the signs are illuminated and asked if there is a lighting plan.

Ritter stated the lights for the signs are on a timer and not bright enough to have light trespass onto neighbors. Any signage being added in this scope will be in character with existing signage.

Jones noted there is a provision regarding additional signage when a property is setback a certain amount inquired how that impacted this site. Feels this structure is much further back than what one would get for 300 SF.

There was a brief discussion regarding the total allowed signage of the site.

Brooks stated since CVS Pharmacy is a separate business would expect that signage would not be considered in the total calculations for signage allowed for Target.

Hilton inquired about what time the lights are turned off.

Xavier stated they turn off when the business is closed, did not have hours of operation with him. But Target is conscious of not disturbing the abutters with the business lighting.

Regional Impact MOTION: Jones stated I move that the variance request of William Slater on behalf of Target Corp. **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

The motion is SECONDED by Hilton. **The MOTION CARRIES 4-0.**

Fredette stated due to the size of the building and lot, the location on the lot, does not think this is an unreasonable request. The only question he has is if there was anything about the original approval for the front bullseye sign that by allowing it to be increased would be contrary.

Mears stated there is a change in the sign and they are increasing the signage size.

MOTION: Hilton stated After review of the application, the file and all the information presented to the Board, I feel that all five criteria have been satisfied because of reasons discussed and I move that the request of William Slater on behalf of Target Corp. for a variance from Section 19.20.D.4.a to allow a total of 471.4 SF of free-standing and wall signs **be GRANTED.**

The MOTION is SECONDED by Fredette. **The MOTION CARRIES 4-0.**

B) MOTION for PARTIAL REHEARING: Valerie Miller & Andrew Marks are seeking a partial rehearing of the application denied on November 2, 2022, for a variance from Table 5.A.1 to permit the conversion of the single family dwelling to a duplex without the required lot size, frontage or setbacks property located at 54 Franklin Street, in the Residential Multifamily (R3) District, Assessor's Map 09 Lot 88, ZBA#11-2022

Mears stated the applicant is requesting a partial rehearing for the application to allow the conversion of an existing single-family dwelling into a duplex without the required lot size, frontage or setbacks. Applicant has proposed to provide onsite parking as part of the revised information. Additionally, has stated there were procedural errors because there were not a specific written findings of facts included with the notice of decision. Per RSA 676:3 there is a requirement to provide specific written findings of facts and that was not done to the full extent, this is a recent RSA change. Stated staff is working with legal to ensure compliance in the future but with the current question of the procedural error would recommend granting this limited rehearing request.

Brooks clarified this was a vote to grant the rehearing or not and then a public hearing would happen at the next meeting.

Mears stated yes.

Fredette inquired if staff felt they would have legal input by the next meeting.

Mears stated yes.

Fredette stated he does not see an issue in granting the rehearing if there is question of a procedural error.

Jones inquired if for procedural process, if they denied the motion for rehearing and provided the findings of facts, would that satisfy legal counsel.

Mears stated that is not something they know yet. There needs to be specific findings of facts put together.

There was a brief discussion regarding findings of facts requirements.

Mears noted the applicant has also changed their request to where they would be providing onsite parking as well.

It was noted that there were three variance requests at the November hearing, two regarding parking and one for the duplex use.

Jones stated he agrees that they should provide a partial rehearing but does not necessarily agree that they erred in their discussion at the last meeting.

Fredette stated if there is a question on procedural errors has no issue in granting the rehearing but does not think they erred in their discussion of the application.

MOTION: Jones stated after review of the request and all the information presented to the Board, I feel that the Board did err in the decision-making process and with new substantial evidence was provided and I move that the

request of Valerie Miller & Andrew Marks for a partial rehearing, regarding the conversion of an existing single family to a duplex, ZBA#11-2022 be **GRANTED**.

The MOTION is SECONDED by Fredette. The MOTION CARRIES 4-0.

C) Any other new business that may come before the Board.

Jones **MOVED** to **ADJOURN** the meeting.

Hilton seconded the Motion.

The **MOTION CARRIED** 4-0 at 7:37 PM.

Respectfully Submitted,

Dana Crossley, Planning Secretary