



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT (ZBA)
MEETING MINUTES
Tuesday, January 5, 2021
Digital – only meeting via Zoom
6:30 PM

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the video conferencing platform Zoom.us.

MEMBERS PRESENT: Douglas Lyon (Chair, voting) Stan Bright (voting), Katharine Fischer (voting), Heidi Lauridsen (voting), Steve Root (alternate), Ann Bedard (voting), Frank Anzalone (recused), Lauren Chadwick (alternate)

MEMBERS ABSENT: Michael Todd

OTHERS PRESENT: Nicole Gage, Zoning Administrator, Attorney Philip Hastings, Jay Lord

1. **Call to Order**–Chair Lyon called the meeting to order at 6:30pm and read the zoom authorization information. Chair Lyon called the roll. Doug Lyon: here. Stan Bright: here. Frank Anzalone: here. Katharine Fischer: here, Steve Root: here, Heidi Lauridsen: here, Ann Bedard: here, Lauren Chadwick: here.
2. **PUBLIC HEARING(S)**

Case#:	#ZBA20-09
Owner:	Mountain View Shopping Center, LLC
Applicant:	Philip Hastings, Esq. For Hannaford's
New Parcel ID	059-005-0-0-0
Zone(s)	(C) Commercial

Summary of Case: Application for a variance from Article II, Section 10.g.iii of the Zoning Ordinance to permit installation of two (2) additional building mounted signs, one of which is 37.33 square-feet in size.

Philip Hastings attended the meeting and is an Attorney with Cleveland, Waters & Bass. Attorney Hastings represents Hannaford Brothers who occupies the space in the former Cricenti's plaza. Jay Lord is also in attendance and is a consultant for Hannaford's.

The application contained several plans and a narrative addressing the five variance criteria. An additional plan was submitted last week to give a little more context as to why the signs they are proposing are important. Hannaford occupies the westerly building on this site. It is a large site and there are no other properties in New London that are comparable in size and use. There is a large parking field that separates the building from the main road which requires extra signage for visibility purposes. During the pandemic, Hannaford's customers have relied on them to provide goods and services in a safe and convenient manner. To meet

these demands, Hannaford's has expanded its "to go" capabilities, allowing customers to enter orders online and then pick up at an onsite designated location. This way, they don't have to go into the store and can maintain social distancing. To minimize the interaction with other customers, Hannaford has designed the pick-up location to be on the westerly side of the building. This area is furthest from the main entrance so customers can avoid the high traffic areas. The demand for this service is not expected to decrease even after the pandemic. Signage is an important element to the overall plan. Customers should be directed safely to the 'to go' pick up location. They are proposing two wall mounted signs which require variances. One of the signs is a 37.33 square foot sign at the corner of the westerly side of the building which identifies the side of the building as being part of Hannaford. The second sign is a 10.65 square foot Hannaford "to go" sign directly above the door from which the goods are delivered to customers' vehicles. The combination of these signs will help direct 'to go' traffic to the side of the building leading to a safe flow of traffic.

Steve Root questioned the need for the corner sign and stated in the application it states there needs to be a sign that is large enough from a distance to clearly indicate that there are Hannaford services around the corner of the building. He doesn't understand how there would be any confusion as there is no other signage there suggesting there are any other businesses. Mr. Hastings stated that is correct but it is overall part of a package of directions that would enhance the ability to navigate to that side.

Mr. Hastings noted that the first three criteria all address the question as to whether the proposal is so out of line with the New London zoning ordinance that it would result in an aberration to the zoning scheme and alter the essential character of the neighborhood. This is not a fair conclusion in this case. The proposed signage facilitates safe travel flow to and from the "to go" delivery area and enhances safety which is a primary objective of the zoning ordinance. The overall signage package will enhance and renew the look of the building which is within the spirit and intent of the ordinance and it is in the public interest to have an attractive store front. Substantial justice involves balancing whether the benefit to the public in not granting the variance outweighs the harm to the applicant. There is no harm to the public if this variance is granted. Having the variance in place would be of substantial benefit to the applicant.

The values of surrounding properties are not diminished – There are no members of the public testifying tonight that the signs are not a reasonable size or that they are unattractive. The proposed signs are consistent with the existing Hannaford signage and other signage in the area.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship – The signs are appropriate in size and location. They are consistent with the character of the area, facilitate safe traffic flow, reduce confusion and serve an important function.

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific applications of that provision to the property – The property is unique due to its size and the number of signs it has on the building. The New London zoning ordinance does not take into account properties of this type and nature. Overall the proposed signs serve the purposes intended in the sign ordinance provisions.

Steve Root noted although the building we are discussing is large, there are other large buildings in town. He does not think the fact that it is a large building is a unique characteristic that justifies a variance. Mr. Hastings agrees there are other large buildings that may fall into the same categories in some ways but there are some distinguishing features of the Hannaford's building. There are multiple uses on one site and there is a need for pedestrian safety and traffic flow direction. It addresses the fair and reasonable relationship test of the hardship standard.

IT WAS MOVED (Stan Bright) AND SECONDED (Doug Lyon) to discuss. Doug Lyon: yes. Heidi Lauridsen: yes, Ann Bedard: yes, Katharine Fischer: yes, Steve Root: yes, Lauren Chadwick: yes. Stan Bright: yes. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Lyon stated he reviewed this application in great detail. The building is over 90,000 square feet and he doesn't know of any other building in town that is that large. The Hogan Center is much smaller and doesn't have signage that you can see from the street. In some ways, the Hannaford building is unique. The sign regulations talk a lot about vehicular and pedestrian traffic safety, efficient and effective communication and one that is to support economic development and community vitality by informing the community of available goods, services and activities. Chair Lyon is sensitive to having too much signage in town, He also noted that the zoning ordinance is pretty specific about the size of signs. His understanding is that the Hannaford sign there now pre-dates the zoning ordinance and the welcome sign is in that same category so the issue is the size of the logo sign and the fact that it is an additional sign. Steve Root noted he is not convinced that this is an unnecessary hardship and that the corner sign meets the standards for a variance.

Ann Bedard agrees with Mr. Root and it is their role to uphold all of the zoning ordinances that have passed in the town. They already have visible signs so there is not a hardship. Her issue is once the 'to go' sign is allowed as a permanent sign they can change it to something else if they decide not to provide that service in the future.

IT WAS MOVED (Doug Lyon) AND SECONDED (Stan Bright) to approve the 10.65 square foot "To Go" sign at the North West end of the building as described in the plan submitted to the Zoning Board of Adjustment. Doug Lyon: yes. Heidi Lauridsen: yes, Katharine Fischer: yes, Ann Bedard: no, Stan Bright: yes. THE MOTION WAS APPROVED.

IT WAS MOVED (Doug Lyon) AND SECONDED (Stan Bright) to deny the variance for the 37.33 square foot decorative sign on the end of the building facing the road. Doug Lyon: yes. Heidi Lauridsen: yes, Katharine Fischer: no, Ann Bedard: yes, Stan Bright: yes. THE MOTION WAS APPROVED.

3. Review of Minutes of December 15, 2020

IT WAS MOVED (Doug Lyon) and SECONDED (Stan Bright) to approve the minutes of the December 15, 2020 meeting with the correction of two grammatical errors. THE MINUTES WERE APPROVED UNANIMOUSLY. Doug Lyon: yes. Steve Root: yes, Frank Anzalone: yes, Katharine Fischer: yes.

4. Motion to Adjourn

IT WAS MOVED (Katharine Fischer) AND SECONDED (Ann Bedard) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY. Doug Lyon: yes. Katharine Fischer: yes, Steve Root: yes, Frank Anzalone: yes, Heidi Lauridsen: yes, Ann Bedard: yes, Stan Bright: yes, Lauren Chadwick: yes.

The meeting was adjourned at 7:51PM

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London