

THESE MINUTES ARE NOT OFFICIAL AS THEY HAVE NOT BEEN ACCEPTED  
OR CORRECTED BY THE DUMMERSTON DEVELOPMENT REVIEW BOARD

Dummerston Development Review Board (DRB)  
Minutes of the Meeting of Nov. 18, 2008

Application #3171, by Edward and Jane Sbardella, 159 Beaver Pond Road, Dummerston, to build an addition onto their house, which addition would be less than 40 feet from the side boundary of the property. Members of the DRB visited the site prior to the meeting.

Members present: Lew Sorenson (chair), Cindy Wilcox, Pat Jaquith, alternates John Warren and Rick Sullivan, both voting.

Applicant and others present: Edward Sbardella, Nathan Olmstead, Herb Rest (recused DRB member), Paul Normandeau.

The meeting was called to order at 7:00PM in the meeting room of the Dummerston Town Office, by Lew Sorenson. Lew described the procedures of the meeting and administered the oath to the applicant and others wishing to speak.

The applicant described his plan to construct an addition on the back of his existing house to accommodate what amounts to a small apartment, with bedroom, bath, and cooking facilities. The planned construction impinges on the 40-foot setback requirement from the side boundary at one corner of the addition, by a distance of one to three feet, depending on the exact location of the property line.

The discussion centered on possible alternatives to obtaining a variance, and to the applicant's responses. The applicant addressed the criteria in section 728 of the Zoning Bylaw.

The one abutter present, Herb Rest, toward whose property this proposed extension would extend, stated that he has no objection to the project.

The members of the DRB stated that they have sufficient information on the matter and the hearing was closed.

The DRB then went into the public hearing for the second request, as follows.

Application #3172 by Irving Oil Corporation, Portsmouth, NH, Michael Malynoski acting as authorized agent, to install new signs at their gas station/convenience store at 2557 West River Road (Route 30). One sign is to be

a new one, on the building; the other is to replace the existing free-standing sign, on the existing base. Members of the DRB visited the site prior to the meeting.

Members present: Lew Sorenson (chair), Cindy Wilcox, Pat Jaquith, Herb Rest, alternate John Warren voting, alternate Rick Sullivan not voting.

Others present: Michael Malynoski for the applicant, Paul Normandeau as acting Zoning Administrator.

The oath was administered to the applicant and others present.

Mr. Malynoski introduced a letter from Irving Oil, authorizing him to act as their agent, and stated the proposal for new signs at the gas station, consisting of three parts.

- a. There would be a new, internally lighted, sign on the building, identifying the convenience store portion of the business as part of the Circle-K chain. It would be placed near the location of the present bulletin board. The bulletin board would be moved to a new location on the same wall.
- b. The canopy over the gas pumps would be painted; the lighted signs on the canopy will remain in their present condition.
- c. The free-standing pylon sign would be replaced, on the same base, with a smaller sign with two internally-illuminated panels, and a panel below these for pricing, illuminated by LED.

Mr. Malynoski pointed out that there is currently no sign identifying the convenience store as part of the Circle-K chain.

In the ensuing discussion, two legal questions arose. First, though the Zoning Administrator stated on the application that the replacement of an existing sign with a smaller one requires no permit, it was determined by the DRB that it does, pursuant to Section 665, Outdoor Advertising Signs, of the Dummerston Zoning Bylaw of 2007, which states that a permit is required before a sign is “erected, constructed or replaced...” (underlining added). Second, there was a question of whether the conditional use permit for the business is still current; this could not be resolved at this meeting and will require further investigation.

The discussion of the substance of the application centered on matters of the amount of light produced by the proposed signs, the size and height of the signs, and the overall appearance of the signs. There was considerable concern about internal illumination, which is prohibited by the Zoning Bylaw, and which produces a lot of stray light, and it was suggested that the signs be illuminated in some other way. It was strongly suggested that the signs be redesigned to reflect the location in a rural area and the lack of any nearby competition, which should reduce the impetus for bold signage. Any signs can thus be smaller as well. In this discussion, it was noted that the size of the proposed signs is far larger than that allowed in the Bylaw; the Bylaw allows 20 square feet in the village district, counting both sides. The property is in the village district; the proposed pylon sign alone would be 122 square feet.

The hearing was recessed and following a brief deliberative session by the Board was resumed. The DRB proposed that Irving Oil make a new proposal for the pylon sign, incorporating the concerns about light level, height, and appearance; that there be no new sign on the building; and that the signs on the canopy not be illuminated. If such a new proposal were submitted and the design of the pylon found acceptable by the DRB, a variance its size could be viewed more favorably.

Mr. Malynoski agreed to pursue this compromise. Accordingly, it was moved, seconded, and passed that the hearing be recessed to December 16, to receive an amended application.

Other business:

The minutes of the meeting of Sept. 16 were approved.

The next meeting was set for Dec. 16 to hear the revised application from Irving Oil Corp. No new applications are pending at this time.

The public meeting was adjourned and the DRB went into deliberative session on the Sbardella application.

The written decision will issue and control.

Respectfully submitted,  
John Warren  
Acting clerk