

**APPROVED**  
**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF May 24, 2011**

Present: Boyd Chivers, Chairman; Frank Albert, Ron Howe; Ingrid Byrd; Amanda Soares, Alt & Board of Selectmen; John Easter, Alt

Chairman Chivers called the public meeting to order at 7:00 p.m. immediately followed by the Pledge of Allegiance. John Easter sat for Judith Szot.

Approval of March 26, 2011 Minutes

Ingrid Byrd **motioned** to accept the minutes of April 26, 2011 as corrected. R. Howe **seconded**. **All were in favor**. J. Szot abstained. Remove everyone under present who is not a ZBA member. Page 1, last paragraph, 2<sup>nd</sup> line change “he” to “T. Spooner”; Page 2, 4<sup>th</sup> paragraph change “asked” to “, asking”; Page 3, 2<sup>nd</sup> paragraph change “tanks” to “cans”, 3<sup>rd</sup> paragraph changed “DES” to “DOT”; Page 4, 3<sup>rd</sup> paragraph from the bottom change “100 & 10” to “101 & 101”; Page 5, 5<sup>th</sup> paragraph add “may” before “require” Add “Applicant stated no other business will be advertised on the sign in the future.”

Case 11-587 Applicant: Kevin Dumont, Liquid Planet LLC, 446 Raymond Road, Candia NH 03034; Owner: Same; Map 408 Lot 031; For a Variance & Special Exception under Section 8.06 Size Restrictions – Commercial, Light Industrial: to permit construction of a 10’ x 8’ (80sq ft) sign where bottom of sign will begin 5’ off the grade. Increasing size of sign to address safety concerns from customers who can’t see writing on existing sign. Sign will have name of park in larger letters and will highlight the new zip line attraction, in the Light Industrial 1 Zone.

Kevin Dumont, applicant was present. Abutters were notified and none were present. Chair Chivers said the case is straight forward. The ordinances limit an onsite commercial sign to 40 sq ft. The applicant is currently in compliance. Chair Chivers said they are asking for a variance to replace the current sign with a larger sign with larger letters, higher off the ground.

K. Dumont passed out pictures of the current sign showing how hard it is to see. He said it is the #1 complaint from area businesses and residences that customers miss the entrance. Customers turn around at the transfer station, veterinary office, dental office and private driveways. K. Dumont said they were hoping the current sign would be sufficient but it is not. It is very hard to read going 50 mph because of the setbacks, sloped ground and a 2 1/2’ guardrail. He said they do want to add the new zip line attraction but their first priority is safety. He said with 3 years practical experience, he can say without hesitation the sign is not doing what it needs to do and is a safety issue not just for guests but other people turning in the other direction etc

K. Dumont passed out a sheet with idea of what the proposed sign would look like in dimensions. He said the DOT standard is 6” letters at 50 mph but with the slope, guardrail and setback he would like to double the size to 12” with “Enter Here” in 18” letters and remove the logo which is distracting. I. Byrd asked what he would do with the current sign and he answered it would come down and unfortunately he cannot reuse the sign.

R. Howe asked if the sign could go across the road. K. Dumont said they looked into that idea a few years ago but placing the sign there would require purchasing the strip of land and removing most of the trees to have the sign meet the setbacks which he felt would not be in the best interests of the neighbors. He said it was a great idea but just won’t work.

F. Albert asked by changing the size and height would that hinder people’s vision for exiting the park and K. Dumont said it wouldn’t. He showed where the stop sign is on the photo and said there is full vision where you can see all the way past the curve in the road.

R. Howe asked about the sign on the rock, if it was going to stay and K. Dumont said yes and is more decorative than an actual sign and sets back 100’. I. Byrd asked about banners. He said they were stringing a banner across tree to tree but have not been able to find a way to make it work because there is too much wind. They even tried punching holes in the banner. He said they will not be using the banners until they find a solution. R. Howe suggested material they use on tennis courts with half moon slits cut into it. K. Dumont said they even tried mesh. Chair Chivers said that he is happy to see he is complying

with taking down the temporary signs. Seeing the Board had no more questions, Chair Chivers closed the public hearing to deliberate the case.

I. Byrd read the Variance criteria:

- “1. *The variance will not be contrary to the public interest;*” The Board was in agreement the variance would not be contrary to the public interest.
- “2. *The spirit of the ordinance is observed;*” The Board was in agreement the spirit of the ordinance would be observed.
- “3. *Substantial justice is done;*” The Board was in agreement substantial justice would be done.
- “4. *The values of surrounding properties are not diminished; and*” The Board was in agreement the values of surrounding properties would not be diminished.
- “5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*” The Board was in agreement literal enforcement of the provisions would result in unnecessary hardship.

I. Byrd **motioned** to grant the variance under Section 8.06 to allow a 10’ x 8’ (80sqft) sign, no higher than 5’ off grade in the Light Commercial 1 District. R. Howe **seconded. All were in favor.**

I. Byrd read the following Special Exception standards,

- “1. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*” The Board was in agreement there is no hazard.
- “2. *No detriment to property value in the vicinity or change in the neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*” The Board was in agreement there is no detriment.
- “3. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*” The Board was in agreement there was no creation of a traffic safety hazard.
- “4. *No excessive demand on municipal services, including, but not limited to water, sewer, waste disposal, police and fire protection, and schools;*” The Board was in agreement there was no excessive demand on municipal services.
- “5. *No significant increase of storm water runoff onto adjacent property or streets.*” The Board was in agreement there was no significant increase of storm water runoff.

I. Byrd **motioned** to grant the Special Exception under Section 8.06 to allow a 10’ x 8’ (80sqft) sign, no higher than 5’ off grade in the Light Commercial 1 District. R. Howe **seconded. All were in favor.**

#### Other Business

R. Howe said this is the second issue lately involving signs. He feels the ordinances are old. J. Szot said she has looked for the Liquid Planet sign and drove right by. She said as much as she does not want to see signs everywhere, in this case you want people to see the sign to be able to turn into the water park. R. Howe mentioned, Car Quest, Stubby signs on state land near exit 3. A. Soares said she is working on the signs with the Building Inspector. She said there are more and more temporary signs. She said John Ciardi is going to figure out what signs have permits and which don’t and which are grandfathered and which ones are not. A. Soares said per the ordinances all signs require permits including temporary signs.

The next scheduled Zoning Board of Adjustment meeting is June 28, 2011.

J. Szot **motioned** to adjourn at 7:35 pm. I. Byrd **seconded. All were in favor.**

Respectfully submitted,  
Sharon Robichaud  
Recording Secretary