

47 from 15' to 20' at the Dollar General on 128 Main Street (Tax Map 109, Lot 074). This is due to
48 the number of box trucks (both Dollar General trucks and rental trucks) hitting the sign in the
49 current location, mainly when backing up. They are looking to extend the pole up a bit so when
50 trucks back up, it won't damage the sign or the box truck.

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52 Charles Bozzello asked if there had been any injuries related to these accidents.

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54 McIntyre stated that they are more concerned about hit and runs. His company who installs signs
55 had to come and remove the sign because if the face of the sign comes off, or if the wind gets it,
56 they could cut through or indent doors because the sign itself doesn't shatter. Signs like these are
57 usually at the 20' height for the reason of box trucks, usually due to snow removal as well so
58 there is buffer. There is also the concern about the line of site.

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60 Samantha Leahy asked what will stop someone from backing into the sign and it falling?

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62 McIntyre stated that there are boulders surrounding the pole. Drivers see the pole but not the
63 sign. He noted that the sign is mechanically fastened and welded. The pole is electrically
64 grounded and hard grounded.

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66 Mardean Badger asked about considerations of having the sign in a different location.

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68 McIntyre stated yes, but it would be expensive and there is no great place to move it. Moving it
69 would also pull it from the entrance which acts as an indicator for the business.

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71 Bozzello asked the attendees of the public hearing if there are any questions or further
72 discussion.

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74 Valerie Morrell, who is speaking on behalf of her mother Patricia Morrell, the homeowner of
75 124 Main Street, stated that when they built the Dollar General, they removed pine trees due to
76 the root system concerns. They said they would install fencing and fast growing evergreens, but
77 they stopped around 13-14', worried that it would block their sign. She installed a fence so
78 people wouldn't take a short cut over their yard. Her concern is liability issues on her property if
79 someone were to get injured taking that short cut. She wants Dollar General to follow through
80 with the original agreement (they did on the other side of the property). She wants the barrier to
81 be completed and has tried to contact them.

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83 Badger thinks the zoning board can communicate this concern to the planning board and building
84 inspector. It will depend on how much detail was in the original files and meeting minutes.

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86 McIntyre stated there would be no changes to the sign, just changes to the height.

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88 **MOTION:** Mardean Badger

89 *To close public hearing.*

90 **SECOND:** Michael Myshrall

91 **VOTE:** 5-0

92 **MOTION PASSED**

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 94 Public hearing closed at 7:11 PM.
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 96 Bozzello commented that this is something we are dealing with beyond the original request.
 97 There is a potential site plan defect and he sees this as a problem.
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 99 Badger mentioned that the permitted sign height in that zone is in the zoning ordinance, so when
 100 people come to us, they need to come with an exception. They could've come in at that time to
 101 have the sign higher, but they didn't, They would have had the opportunity.

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 103 McIntyre mentioned that they didn't know this would be an issue at that time.

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 105 Bozzello discussed that we are dealing with something more than giving a variance, and
 106 discussed the fence issue. He thinks this is legitimate since a store operating shouldn't cause
 107 liability for another property owner and thinks that something should be done.

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 109 Leahy said the first step would be to look up the meeting minutes.

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 111 Tim Peters added that pulling plans would also be needed.

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 113 Bozzello stated that the building inspector checks to see if the original plan was followed. If
 114 nothing indicates there was anything incorrect, then it can go to the planning board (if nothing is
 115 on the plans).

116
 117 Peters suggested putting a timeline on it.

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 119 Bozzello stated that the forwarding needs to happen and we facilitate the process. The
 120 recommendation is that the planning board and building inspector research the original plan of
 121 what was supposed to be done with the fencing between the two properties.

122 123 **CRITERIA**

124 125 **Criteria 1: The variance will not be contrary to the public interest.**

126 *Bozzello: Yes Peters: Yes Leahy: Yes Badger: Yes Myshrall: Yes*

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 128 **Peters:** Yes. It will not be contract to public interest.

129 **Myshrall:** Yes. It doesn't conflict with public interest.

130 **Leahy:** Yes. Agree because it is a life safety issue.

131 **Badger:** Yes. Agree because of a safety issue.

132 **Bozzello:** Yes.

133 134 135 **Criteria 2: The spirit of the ordinance is observed.**

136 *Bozzello: Yes Peters: Yes Leahy: Yes Badger: Yes Myshrall: Yes*

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 138 **Peters:** Yes. The spirit of ordinance is observed, and it has to be varied for safety issues.

139 **Myshrall:** Yes. Agree that spirit of ordinance is observed, minimal height difference, and since
140 safety is involved.

141 **Leahy:** Yes. Agree, and they tried the shorter height and it didn't work out.

142 **Badger:** Yes. The ordinance referred to that is in this part of the ordinance zone, the 15' height
143 max. There is a reason for it as you come further into town. This is ok. By putting it 5' higher, it
144 won't obstruct anything as you continue downtown and is the best way to go.

145 **Bozzello:** Yes. Spirit of ordinance is observed and can't have trucks hitting signs.

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148 **Criteria 3: Substantial justice is done.**

149 *Bozzello: Yes Peters: Yes Leahy: Yes Badger: Yes Myshrall: Yes*

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151 **Peters:** Yes. Believes justice is done.

152 **Myshrall:** Yes. Agree.

153 **Leahy:** Yes. Agree.

154 **Badger:** Yes. Agree

155 **Bozzello:** Yes. Agree.

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158 **Criteria 4: The values of the surrounding properties are not diminished.**

159 *Bozzello: Yes Peters: Yes Leahy: Yes Badger: Yes Myshrall: Yes*

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161 **Peters:** Yes. Sees no reason for diminished.

162 **Myshrall:** Yes. Doesn't see any difference and doesn't see any decrease in property value.

163 **Leahy:** Yes. Agrees that it makes things safer.

164 **Badger:** Yes. Agree, but still is concerned about another 5' in that zone due to the residential
165 properties also in that zone. Isn't sure she could put a value to it.

166 **Bozzello:** Yes. Doesn't diminish value. Anytime you correct a safety issue, the whole area
167 benefits.

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170 **Criteria 5: Literal enforcement of the provisions of the ordinance would result in an
171 unnecessary hardship.**

172 *Bozzello: Yes Peters: Yes Leahy: Yes Badger: Yes Myshrall: Yes*

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174 **Peters:** Yes. If the sign doesn't get raised it is a safety issue. Not moving it would create a
175 hardship.

176 **Myshrall:** Yes. Agree that it would make a hardship and danger if not done so it should be
177 raised.

178 **Leahy:** Yes. Agree that it would be a hardship if not raised. If hit, there would be a financial
179 hardship.

180 **Badger:** Yes. Agree, the hardship for her is the safety issue, the expense isn't as big of one, but
181 the safety is.

182 **Bozzello:** Yes. Since it is a commercial property and there is a need for the sign. There isn't
183 suitable alternative, and the economic cost would be a burden and the business needs a sign.

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MOTION: Samantha Leahy

Overall vote after completing deliberation through rules of state of New Hampshire to approve application.

SECOND: Tim Peters

VOTE: 5-0

MOTION PASSED, VARIANCE IS GRANTED

It has been recommended that the building inspector and planning board research the original Dollar General application. The plans and meeting minutes relative to how far the fence was to come up to the street needs to be reviewed. If the plans show that the fence should have come further than it did, that needs to be corrected.

The board is allowing the variance to go forward, but recommends the submission for compliance for the original fencing be sent to the building inspector. If they find it needs further review, it will be sent to the planning board. If the plans, etc. were found to be true, then there is a right for a complaint.

Appeal Procedure

The Notice of Decision will be sent to the applicant. The applicant can request a rehearing within 30 days of the meeting. The ZBA will decide whether to rehear the appeal and if there are new grounds for a rehearing.

ADJOURNMENT

Charlie Bozzello made a motion to adjourn. The motion was seconded. The motion passed on a 5-0 roll call vote. The meeting adjourned at 8:00 PM. The next meeting of the Ashland Zoning Board of Adjustment will be Thursday, February 13, 2025 at 6:30 PM at 6 Collins Street.

Minutes submitted by Eliza Styczynski