

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**MAY 20, 2008**

**MEMBERS PRESENT:** Chairman Charles LeBlanc, Vice Chairman David Witham, Carol Eaton, Thomas Grasso, Alain Jousse, Charles LeMay, Arthur Parrott, Alternates: Derek Durbin

**EXCUSED:** Robin Rousseau

**ALSO PRESENT:** Lucy Tillman, Chief Planner

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**I. OLD BUSINESS**

A) Approval of Minutes – April 15, 2008

A motion was made, seconded and passed to accept the Minutes as presented.

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**II. PUBLIC HEARINGS**

1) Petition of **Susan E. Ronchi, owner**, for property located at **307 Ocean Road** wherein a Variance from Article III, Section 10-302(A) was requested to allow a 22' x 28' one story garage with: a) a 9'± left side setback where 10' is the minimum required, and b) 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 292 as Lot 117 and lies within the Single Residence B district.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Michael Ronchi stated that they were seeking a variance to build a two-car garage, which would encroach 1' into the 10' setback. They chose a size which would allow two cars garaged in the wintertime and easier access as they get older. There would be a single car wide garage door in the rear of the garage and a side door for additional access. There will be no additional encroachment into the setback, which will be landscaped. He noted that neighbors have either a privacy fence or landscaping which would obscure their view of the proposed addition. He has spoken to them and all have given their verbal approval. He stated that the present shed would be removed entirely and they will be removing some existing paved surface. There will be no change

to driveway access, which will allow for turning around in the driveway instead of on Ocean Road.

Mr. Ronchi stated that the character and dignity of the neighborhood will be maintained. Because of sewer and other utility lines, this was the best placement. He felt that the improvements, similar to surrounding homes, would reflect positively on the neighborhood. Available on-street parking would be increased. He outlined various alternatives they had considered and the negatives attached to them. Any other alternative would be cost prohibitive. He noted they will be replacing existing fence with new fencing materials.

Mr. Grasso asked if the single garage door in the back would be used for power equipment or would they be paving the back. Mr. Ronchi stated there was currently an above-ground pool which would be removed. He would be bringing mulch into the back yard and would have access through that door.

When Ms. Eaton asked why they had not designed the garage so that a variance would not be needed, Mr. Ronchi replied they had gone back and forth, but the 1' did make a difference as far as the new farmers porch entry into the house. He replied, "yes" when she asked if this was due to the inside configuration.

Chairman LeBlanc asked if the utilities entered the house from the right-hand side as you faced it and Mr. Ronchi confirmed they did.

**SPEAKING IN OPPOSITION TO THE PETITION, OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

With no one rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Grasso made a motion to grant the petition as presented and advertised, which was seconded by Mr. Parrott.

Mr. Grasso stated that good reasons had been presented for the location of the garage and its size. This was a nice addition which would not be contrary to the public interest. The special condition creating a hardship was the placement of the utilities on the right side of the house so that it would not be feasible to add onto that side, nor relocate the utilities. The given proposal for a farmers porch and garage on the left side would be the best location. The spirit of the ordinance would be served as this minimal request would still allow for light and air. Justice would be done and he didn't see any diminution in property values.

Mr. Parrott concurred, stating that this was a small variance request, based on sound reasons. He noted that the adjacent house was far enough away to minimize impact.

Mr. Jousse stated he would not support the motion as wanting a garage was not a hardship. He felt it could be made smaller and still accommodate two cars without requiring a variance.

The motion was passed by a vote of 5 to 2, with Messrs. Jousse and LeMay voting against the motion.

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2) Petition of **Heritage Storage Center, Inc., owner**, for property located at **70 Heritage Avenue** wherein a Variance from Article II, Section 10-209 was requested to allow the sale of sporting goods (primarily lacrosse equipment) and lacrosse and circuit training in a district where such uses are not allowed. Said property is shown on Assessor Plan 285 as Lot 11B and lies within the Industrial district.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Gerald Giles stated that a sporting goods retail and lacrosse facility would be a reasonable use of the property. The lot has a 24,000 s.f. strip mall building, three one-story buildings and two industrial buildings converted to storage. He outlined the current retail uses on this and surrounding lots, stating that they were surrounded by retail uses although they were in an industrial zone. He felt to deny the only 800 s.f. of retail space they were requesting was denying a reasonable use of the property. He further listed present and past sports facilities that were, or had been, in the area.

In response to questions from Mr. Parrott and Ms. Eaton, Mr. Giles stated that all the activity would be conducted indoors and no preparation was needed to the building as it had been a gymnastics facility in the past and a subsequent user had divided a small area at the front, which is what they would use as retail.

Mr. Grasso asked why the uses allowed in the industrial district could not be placed in this space.

Mr. Giles replied they could be used and had been used, but it was surrounded by retail.

**SPEAKING IN OPPOSITION TO THE PETITION, OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

With no one rising, the public hearing was closed.

**DECISION OF THE BOARD**

Ms. Eaton made a motion to grant the petition as presented and advertised, which was seconded by Mr. Witham.

Ms. Eaton stated that the proposed use would be very compatible in an area which is a mix of retail, commercial and some industrial. She didn't feel there would be any issues with this particular combination of commercial and retail in a district where it was not actually allowed. She noted that it would be in a large open building, surrounded by retail, which had been used previously for a sport facility. For these reasons, granting a variance would not be contrary to the public interest. Considering the surrounding buildings, holding the owners strictly to the commercial/industrial would not a reasonable use of the property.

Ms. Eaton stated that there was no fair and substantial relationship that exists between the general purposes of the zoning ordinance and the specific restriction on the property for the reasons discussed earlier. The variance would not injure the public or private rights of others and there was no conflict of interest she could see between the different uses in the area. She felt this setting, where there are all kinds of mixed uses around each other, but separated enough to not cause problems, was a good place to bend the ordinance. She stated that substantial justice would be done and the value of surrounding properties would, if anything, be improved with a better use for a building that might otherwise be empty.

Mr. Witham stated that the property was unique in not only being surrounded by commercial uses, but that the building itself contained commercial uses. He didn't see any uses in the building that would qualify as industrial use. He noted that a company generating loud production noises would be more disruptive to the area. While he hated to start chipping away at a district, it was reasonable considering the occupancy in the building and the way it was designed.

The motion to grant the petition as presented and advertised was passed by a unanimous vote of 7 to 0.

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3) Petition of **Philip R. Whisler and Karen Degroat, owners**, for property located at **395 Sherburne Road** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 552 sf addition on the existing garage and proposed breezeway with an 8'± right side setback where 10' is the minimum required. Said property is shown on Assessor Plan 261 as Lot 74 and lies within the Single Residence B district.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Philip Whisler stated that they had given this addition careful thought and this was the only feasible location. Anywhere else would be cost prohibitive. The original footprint already had an 8' setback and they don't want to encroach any further. They simply want to go up. The overall appearance would be consistent with the neighborhood and add to property values. They had talked with the neighbors to the side and back, who had put on a similar additions in recent years. This would not offend in any way and the neighbors had no objection to their proposal.

In response to a question from Chairman LeBlanc, Mr. Whisler confirmed they were not changing the footprint of the current garage.

**SPEAKING IN OPPOSITION TO THE PETITION, OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

With no one rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Witham made a motion to grant the petition as presented and advertised, which was seconded by Mr. LeMay.

Mr. Witham stated that he had looked at this one cautiously because garage vertical expansions were definitely on his radar screen for the impact on the neighbors. He had, however, noted on the site plan that the lot line to the left of the property where the relief is being sought is at an angle. It looks as if, once you move toward the street from that back corner 5' or 6', it probably would be in the 10' compliance, so what they were really talking about was just clipping the corner of the building. It was only, maybe, 2' at the back and 5' or 6' along the side for which they were seeking relief from the variance. For them to put on a second floor and somehow leave out that triangle that needs the relief creates all kinds of structural headaches and excessive costs. In this case, he felt that the approach they had taken was reasonable given the existing condition of the foundation that they want to use.

Addressing the criteria, Mr. Witham stated that the variance would not be in any way contrary to the public interest. He had spoken to their neighbors who seemed to be on board. He felt the special condition was the location of the existing building and the fact that the property line was at such an angle that when it gets toward the rear of the garage, the 10' setback just clips that corner. The benefit sought could not be achieved by some other method reasonably feasible. There was a way to do it by not having a second floor over that small corner, but that would not be reasonably feasible and would be excessive in cost. He stated that it would be in the spirit of the ordinance to allow the property owners to expand and enjoy their home without in any way changing the character of the neighborhood. Substantial justice was done by granting this variance and he didn't see that property values would be diminished.

Mr. LeMay stated that this was a minor variance request and the balance of the public interest vs. the hardship to the property owner was one sided on the side of the owner.

The motion to grant the petition as presented and advertised was passed by a unanimous vote of 7 to 0.

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4) Petition of **Dean A. and Jessi Leah Outhouse, owners**, for property located at **133 Orchard Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 7'8" x 9'8" front porch expansion connecting to a 7'8" x 13'7" mudroom on the left side (existing deck area) with: a) a 4'± front setback for the porch, and b) a 12'4"± front setback for the mudroom where 15' is the minimum required in each instance. Said property is shown on Assessor Plan 149 as Lot 44 and lies within the General Residence A district.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Dean Outhouse distributed some additional materials to the Board members. He stated that the property has an existing porch and a 12' x 28' one-story garage 0' from the right setback. As could be seen on Exhibit A, there was a substantial ledge outcropping to the left and rear of the dwelling. He read excerpts from a letter submitted by Attorney Jay Nadeau to the Board which detailed how the existing structure would be squared off by an expansion of the existing non-conforming front porch to the left and connected to the deck by a 13'7" x 7'8" mudroom addition.

Continuing to read from Attorney Nadeau's letter, Mr. Outhouse stated that it would be in the public interest to allow the property owner a reasonable use of the property while increasing the values and the tax rolls. The special conditions of the property creating a hardship were the significant ledge outcroppings to the left and rear. There was no other method which would be reasonably feasible and this location was the least invasive to the surrounding properties. He stated that the spirit of the ordinance includes the general welfare, best use of land and quality of life and this proposal would be in keeping with the most appropriate use of the land. Denial of the variance(s) would be an injustice as it would require contemplation of blasting of the ledge, which would not favor anyone. Allowing them to square off the existing porch and build the connecting addition would make the structure more aesthetically pleasing and would not affect other property values except to enhance them.

Mr. Witham stated that, in looking at the aerial photograph and those Mr. Outhouse had provided, it appeared that the porch was currently 4' from the property line.

Mr. Outhouse stated that there was a large portion of city property in front.

### **SPEAKING IN OPPOSITION TO THE PETITION, OR SPEAKING TO, FOR OR AGAINST THE PETITION**

Chairman Leblanc noted that there were two letters of support that had been received from neighbors.

### **DECISION OF THE BOARD**

Mr. LeMay made a motion to grant the petition as presented and advertised, which was seconded by Mr. Jousse.

Mr. LeMay stated that this was obviously a unique property in terms of hardship. The current porch was in line with other houses on the street and, as an important detail, there was a large amount of land in the front. He stated that no public interest would be served by denial of an addition to a small corner of the house, which would not be visible to abutters, nor increase the front setback infringement. The hardship was obvious, with the ledge dictating where structures could be placed. A small improvement which would allow continued use and enjoyment of the property would be in the spirit of the ordinance. Justice would be served for the same reasons. With a very small impact on the neighborhood, the value of surrounding properties would not be diminished and the abutters were in favor.

Mr. Jousse stated that a property with large ledge outcroppings on two sides of the house makes it very difficult to do anything. This was a very small addition to the house which would not encroach any further to the front than the existing porch.

Mr. Witham stated that front setbacks are to allow light and air. This was a 5' setback, but in reality, it was closer to 30' so there would be no impact to the public whatsoever.

The motion to grant the petition as presented and advertised was passed by a unanimous vote of 7 to 0.

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5) Petition of **Ronald N. Anania, owner**, for property located at **290 Bartlett Street** wherein Variances from Article III, Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) were requested to allow a 10' x 29' open deck with a 7'+ left side setback where 10' is the minimum required. Said property is shown on Assessor Plan 162 as Lot 51 and lies within the General Residence A district.

### **SPEAKING IN FAVOR OF THE PETITION**

Mr. Zach Pomeroy stated he was the contractor for the project. They have a 28' wide house which is out of proportion on the lot and which sits 7.6' away from the property line. They were looking to go back 10'. If the stairs would work better with the setback, they would move them to the other side. He stated that the homeowners had talked to the neighbors and there was no opposition. The homeowners had received a building permit in 2005, which was approved, but they had the wrong setbacks. When he had recently applied, he found the setbacks were not correct. He noted that the submitted sheet shows the correct existing measurements.

In response to a question from Chairman LeBlanc, Mr. Pomeroy stated that they thought in moving the stairs, they would pick up a few more inches. Chairman LeBlanc stated that they were then going to square that end of the deck, losing about 3' or so extending beyond the deck, which Mr. Pomeroy stated was correct. Chairman LeBlanc asked if they would be a little more than 7' at that point and Mr. Pomeroy stated it would be about 7'2" or 3."

Mr. Witham stated that, if they removed the stairs and then took the little square area at the top of the stairs and put those to the other side, and if they didn't square off the deck, they would end up with the same size deck as proposed, but with the stairs on the other end, and they would not need a variance.

There was a brief discussion among Mr. Witham, Ms. Tillman and Mr. Pomeroy, with Mr. Witham restating his suggestion and emphasizing that, with the deck not squared off, they would not need a variance.

Mr. Pomeroy stated that they homeowner wanted to still retain the 10' out, off the corner, and all that would happen is that about 3' coming off the footprint of the deck would be saved.

Mr. Witham commented that it seemed a very easy road to not need a variance.

Mr. Pomeroy stated that the problem was that, no matter what, say if they moved the deck in 3' off the corner of the house, it would kind of look a little bumpy. Unfortunately, the homeowner already installed the ledger because he had a building permit and wanted to get going, so he would still like to have the same design.

Mr. Witham stated that changing it was not that hard, but it was their decision and the Board would proceed on that basis.

Mr. Parrott noted that the legal description and memorandum listed the deck as 10' x 29' and the plan lists 10' x 28' and asked which was correct and Mr. Pomeroy stated it was 28'.

**SPEAKING IN OPPOSITION TO THE PETITION, OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

With no one rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Witham made a motion to deny the petition, which was seconded by Mr. Parrott.

Mr. Witham stated that 3 of the previous 4 petitions had requested setback relief and been granted, but they had strong arguments for granting. This one had an easy fix to meet the requirements and he hadn't heard any good argument why the deck could not be constructed as he suggested. He realized that the ledger was already put up, but it could be cut off and put on the other side. He stated that, while the petition might meet some criteria, such as property values, it did not meet others, specifically that there was no other reasonably feasible method to pursue. If the applicant wanted a certain size deck, they could have it by flipping the stairs. He didn't see any special conditions creating a hardship in the property. He realized that the house encroaches, but did not see need for the deck encroach as well.

Mr. Parrott stated that he was trying to find a hardship in this case. None was claimed, nor did he see any. They could easily fix it at trivial expense and have the same amount of deck space while being in compliance.

Chairman LeBlanc stated that the house was skewed on a fairly short lot, which was similar to others in the area. The house was not square to the front, which created a narrowing effect on the side. Moving the proposed 3' to the right side of the house would encroach on access to the back yard. He would not support the motion.

The motion to deny the petition was passed by a vote of 6 to 1, with Chairman LeBlanc voting against the motion.

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6) **Petition of Melvin R. and Nancy H. Alexander, owners**, for property located at **620 Peverly Hill Road** wherein a Variance from Article II, Section 10-209 was requested to allow a private school for grades 6 through 12 in a district where such use is not allowed. Said property is shown on Assessor Plan 254 as Lot 6 and lies within the Industrial district.

The applicant asked if she could appear after the next petition. With no objection from the Board or the next applicant, this petition was moved to the end of the meeting.

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7) **Petition of Mark Wentworth Home for the Chronic Invalid, owner**, for property located at **346 Pleasant Street** wherein a Variance from Article IX, Section 10-901(A)(4) was requested to allow a 3.34 sf free-standing sign directing visitor parking in a district where such signs are not allowed. Said property is shown on Assessor Plan 109 as Lot 16 and lies within the General Residence B and Historic A districts.

Chairman LeBlanc asked if there was any objection to his reading petition 7) and petition 8) at the same time, and they could then be voted on separately. No objections were raised.

8) Petition of **Mark Wentworth Home for the Chronic Invalid, owner**, for property located at **346 Pleasant Street** wherein Variances from Article IX, Sections 10-908 and 10-901(A)(4) were requested to allow: a) a 3.34 sf free-standing sign directing drop off / entrance, and b) a 6.26 sf free-standing sign for the use in a district where such signs are not allowed. Said property is shown on Assessor Plan 109 as Lot 10 and lies within the General Residence B and Historic A districts.

### **SPEAKING IN FAVOR OF THE PETITIONS**

Attorney Phoenix stated that he was there with Mr. Bob Iofolla and Ms. Mary Ellen Dunham. He would like to address both petitions and he referred the Board to the submitted documents. The reason the applications had to be separated was that two of the signs were on one lot and one is on another lot, but the application remains the same. In the packet was a rendering of an over 6 s.f. sign. Two smaller signs were identified as 3.34 s.f., but that dimension was actually for the two signs together and each sign was 1.67 s.f. where 1.5 s.f. was allowed. They like to have the logo on the sign, which made up the difference from 1.5 s.f. and 1.67 s.f. He stated that the larger sign was 2' from the lot line. The building is large and, if the sign were further back, it would be blocked by mature trees. The main sign needs to be large enough to hold the whole name and will be externally illuminated but will not emanate onto other properties. He distributed several photographs of signs by the same company so that the Board could get an idea of the quality of the work and see that the design will be in keeping with the neighborhood. They will also need the approval of the Historic District Commission.

Addressing the requirements for both petitions, Attorney Phoenix stated that the signs will not adversely affect other properties. A number of other properties have signs and these were tasteful. Noting their proposed location on a photograph, he stated the signs are the needed size in the needed location in order to be seen. It was in the public interest to allow drivers to find the property entrance and not have to turn around down the street. The special conditions creating a hardship were that this was a large building with separate entrances that people need to find. Because of the location and trees, a sign off the front of the building would not fulfill its function.

Attorney Phoenix stated that the benefit sought could not be achieved by some other reasonably feasible method. They could have no signs, or have signs 4 s.f. or less or 1.5 s.f. or less, but that would not be in keeping with the neighborhood or enable them to be seen by the public. The larger sign had to be a reasonable size to accommodate the entire name. The intent of the ordinance was to allow directional signs so that people can find where they are going and the size guidelines are to keep signs from looking like billboards and creating a visual nuisance. The nature, size and location of these signs will be in keeping with the ordinance and not be a nuisance. It would be an injustice to deny the variances as the requested relief was minor.

Mr. Grasso asked if the two signs at 1.67 s.f. were one for each application.

Mr. Phoenix stated that one application has the large sign in the front of the building and one of the smaller signs, on one lot. The other application was for a sign for the drop-off entrance, which was technically on a separate lot. They submitted one summary for the two applications.

Mr. Grasso asked if the sign in petition #7 should be reduced to 1.67 s.f. and Attorney Phoenix replied that was correct and that petition #8(a) should also be 1.67 s.f.

In response to questions from Mr. Jousse, Attorney Phoenix stated that only the main sign would be illuminated, with ground lighting so that the sign could be read.

When Chairman LeBlanc asked if the lights would be on all night and, if not, when they would be shut off, Ms. Mary Ellen Dunham replied they would be off at a reasonable hour, approximately 10:00 p.m. or 9:00 p.m.

Mr. Parrott asked if it was important to light one sign, why it was o.k. to leave the other two dark.

Mr. Bob Iofolla, representing the owners, stated that both of the other signs were located in areas where they would be lit by street lights.

Mr. Parrott stated that one location on the plan seems to have been x-ed out and Mr. Iofolla stated there were originally three small signs rather than two. The correct location is on the little plan marked as “d.” Mr. Parrott stated that “d” on the plan was also further down from Melcher Street and his point was that sign “d” was shown in two places on the plan submitted to them. He declined to let Mr. Iofolla approach to show him on the plan. There was further brief discussion about the plans and locations, concluding with Mr. Parrott asking if they wanted the one that was closest to Pleasant Street. Mr. Iofolla stated, “yes.”

Mr. Parrott questioned the statement in the memorandum submitted by Attorney Phoenix that a number of other non-residential properties have similar signs and asked where they were and what they said. He hadn’t been able to find them.

Attorney Phoenix stated he had gone up and down the streets to the end of Court Street and the Strawberry Banke area and saw a number of signs. When Mr. Parrott maintained this was not really that close to Strawberry Banke, Attorney Phoenix apologized if he had misstated.

Chairman LeBlanc asked for confirmation that the map in the file for petition #7, that has JSA on the side, shows the location of the three signs they were requesting: a), b), and d). Attorney Phoenix stated that was correct.

**SPEAKING IN OPPOSITION TO THE PETITION, OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

With no one rising, the public hearing was closed.

**DECISION OF THE BOARD**

Chairman LeBlanc stated that the first motion would be on Petition #7, the 1.67 s.f. free-standing sign directing visitors to visitor parking.

Mr. Witham made a motion to grant the petition as advertised and presented, which was seconded by Mr. Grasso.

Mr. Witham stated that, if this kind of use was going to be granted in this General Residence B District, they need to have some kind of identification for public safety in general and to identify the building. The purpose of the zoning was well meant, but this was a well established business and signs were needed to help people find and move around the property. The difference between 1.67 s.f. and the allowed 1.5 s.f. was a matter of square inches.

He stated that it would be in the public interest to have adequate identification markers on the property. The zoning restriction interferes with reasonable use as the area was residential, but it was reasonable to have the property identify itself and to direct traffic. There was no fair and substantial relationship between the zoning ordinance and the restriction on the property as had already been discussed. Mr. Witham stated that he didn't feel that any rights of others would be injured by appropriate signage and it was in the spirit of the ordinance to keep things working in a peaceful and harmonious way in the neighborhood. Any injustice would be to the property owner in not allowing the necessary signage and, with the size appropriate to the scale of the property, there would be no diminution in the value of surrounding properties.

Mr. Grasso added that the Mark Wentworth Home use had been allowed although in a residential district and that allowing the sign(s) will allow better traffic flow and parking.

Mr. Parrott stated that they needed to recognize that this was a residential and low speed district. There was no need to exceed what the ordinance allows. With signs not even allowed in the district, they could at least comply with the size requirements. There were no other similar signs on Pleasant Street and it would be appropriate to maintain the 4 s.f. and 1.5 s.f. sizes. He also felt that this was a destination location and it was not necessary to catch somebody's eye.

Ms. Eaton stated that it was not only a destination. If someone was called in the middle of the night, it was important to find the place in an emergency.

Chairman LeBlanc stated he agreed with the maker of the motion that the signs were necessary. For clarification, he indicated that the sign referenced in petition #7 shows on the map in their packet as sign "b."

The motion to grant the petition as advertised and presented was passed by a vote of 6 to 1, with Mr. Parrott voting against the motion.

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Chairman LeBlanc stated that petition #8 covered the two signs on the map with "JSA" on the side, marked "a" and "d."

Mr. Witham made a motion to grant the petition as presented and advertised, which was seconded by Mr. Grasso.

Mr. Jousse noted that the small sign on the petition was also 1.67 s.f., so the motion should be as presented.

Chairman LeBlanc agreed.

Mr. Witham stated that he would like to carry over his comments on petition #7 and add that a free-standing sign would be much more effective than one up against the building, which would be difficult to see with the vegetation. To add to Ms. Eaton’s comments, facilities do get visitors from out of town who might not have been down the street before and this would help people get to the facility.

Mr. Grasso stated he would like to carry over his previous comments and had nothing further to add.

Mr. Parrott also asked that his previous comments be carried over to this petition.

The motion to grant petition #8 as advertised and presented was passed by a vote of 6 to 1, with Mr. Parrott voting against the motion.

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6) **620 Peverly Hill Road.** (postponed from earlier in the hearing)

Ms. Barbara Peterson requested that the petition be postponed to the reconvened meeting on May 27, 2008.

Ms. Tillman stated that they would need the request to be confirmed in writing and that, if postponed, would be heard at the end of the next meeting.

Mr. Witham made a motion to postpone the petition to the next meeting, as the final item, which was seconded by Mr. Parrott and passed by unanimous voice vote.

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**III. ADJOURNMENT**

It was moved, seconded and passed to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Mary E. Koepenick, Secretary