



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE  
BOARD OF ADJUSTMENT**

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**BOARD OF ADJUSTMENT  
MINUTES**

**Wednesday February 09, 2011**

**Present:**

**Peter Cook**, Chair  
**George Foley**, Vice-Chair  
**Marcia Farwell**, Clerk  
**Webb Scales**, Member  
**Kim Bent**, Member

**Absent:** **Joyce O'Connor**, Alternate and **Charlotte Pogue**, Alternate.

**Minutes**

**Marcia moved to approve the Zoning Board minutes from December 22, 2010 as written. George Seconded. Vote yes 5-0.**

**Expiring ZBA Terms**

**Peter** said there are three terms expiring this year. Gorge Foley, Member, Kim Bent, Member and Charlotte Pogue, Alternate. We will need to make recommendations to the Board of Selectmen. We do not have a meeting scheduled for March yet.

**Marcia made a motion to recommend to the Board of Selectmen that they reappoint George Foley as a member, Kim Bent as a member, and Charlotte Pogue as an alternate, all for three year terms expiring in March 2014. Webb Seconded. Vote yes 5-0.**

**Case 360:**

In attendance for this case: Ron and Kathy Pelletier (applicants), Daryl Pelletier and Tyler Pelletier (Sons of Ron and Kathy). George Fiore and Judy Hussy (abutters at 27 Proctor Hill Road), Christopher Marget, (abutters at 25A Proctor Hill Road lot H-16-2), Armando Pires (abutter at 25 Proctor Hill Road Lot H-16) Danny Bent arrived at 8:35pm (25 South Main Street).

**Peter** opened the meeting and read the hearing notice. Case 360 is concerning a request for a Variance. Applicant Ron Pelletier, Brookline Auction Gallery LLC, is requesting to be allowed to replace the existing sign with a new sign 3 feet taller and internally lit. This concerns Section 1604 of the Brookline Zoning Ordinance. Lot H-73 is located at 32 Proctor Hill Road in the Residential Agricultural district.

**Peter** asked if fees have been paid and abutter's notified. **Kristen** said yes. **Peter** asked Ron to explain why he is here tonight.

**Ron** read his opening statement.

"Just under 3 years ago Kathy & I came to this board to request a special exception to demo our existing building and rebuild a much larger one. This exception was granted by a 4-0 vote of this board. We went from a

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45' x 90' rusted steel building surrounded by 40' storage containers to a 60' x 120' modern facility. Almost double the size of the original. This new facility has not only helped us to continue our Auction business it has helped us to resume the things we used to do in the old building. Such as weddings, parties, banquets, shows, bands, dancing etc. And instead of the BYOB's we used to have we now have a licensed professional bartender when alcohol is present.

Another thing we were able to resume is hosting charitable events. Some examples would be The Catholic church Penny sale, The Brookline cub scouts Pinewood Derby, LLPS fund raising dances etc. We had to end all of these events due to lack of space. Since we have opened our new facility some of the charitable events we have hosted are: The hugely successful Neighbors helping Neighbors fund raiser for people in town who needed financial assistance, The Tyler ride fundraiser for Tyler Ricard who has Ducharmes Muscular Dystrophy, LLPS graduation, (previously held in the upper town hall), Brookline Steering Com. Meetings for the Master plan, (The alternative was the upper town hall in July & August), The Brookline/Mason Republican comm. area meeting and also we are thrilled to say for the first time since it started that The Hollis Brookline Rotary club meets here in Brookline.

This brings me to the reason we are here tonight.

We are asking for a special exception to replace our existing lighted sign. We would like to put up a new sign which is 3' higher than the existing one and is lighted from the inside instead of the outside.

Our sign like our other building is old, tired & obsolete. The sign is over 25 years old & ineffective. People driving by are not able to read the sign. We have had many complaints over the years because people drive right by. Even though we have been here for over 30 years there are still people in town that don't know where Brookline Auction Gallery is.

We attract a lot of out of State people to our Auctions and some travel long distances. We recently finished selling a Railroadiana collection (Which is real RR artifacts) that was so big it took us over 3 years to sell it. Even with selling 600 lots over two days, twice a year. We attracted people from all over the Country including: CA. Michigan, Illinois, Ohio, Virginia, N. Carolina, & all the N.E. States. Many of these people went right by our sign and had to ask directions in the center of town. A new sign that people can read is going to be an asset for us as well as other people in town. The Brookline Village store, among others. This is one of the reasons we asking for three feet higher than the existing sign.

To make it more visible from a distance. We are also changing the color of the lettering for the same reason. We are on a busy State route # which in 2006 had a 5500 car per day traffic count. We have a large piece of property, and our building sets way back from the road. Our sign needs to let people know what we do and where we are. It is also a safety issue. With the increased traffic that has become the norm on Rt. 130 we need to give people ample time to pull in safely. When we had the Neighbors Helping Neighbors event we attracted over 250 people, many from out of town. When we hosted the Tyler ride for the first time we had in excess of 600 motorcycles entering our property. Many for the first time. Thankfully The Brookline Police Dept. helps with this event. Another large event we hosted was a funeral for a fallen Brookline soldier. Since he had grown up here in town and served in two branches of the military He knew a lot of people. There were aprox. 200 people many from out of town including Honor guards from two diff. branches of the military. These people need a sign that is visible & easy to read.

As far as the lighting is concerned: Our sign has had lighting on it since it was installed over 25 years ago. We would like to change the way it is lit. Lighting for us is very important. Many of our Auctions & other events occur after dark. Especially this time of the year it gets dark very early. The Hollis Brookline Rotary meetings begin very early in the morning. We have to put on our outside building lights as well as the sign since it is dark when they arrive. We feel the interior lighting we are proposing will be beneficial to all. The way these signs are constructed, the light is very mellow, does not distract in any way and will not cause light pollution. An example is Absolute's heating across from the Post office. This type of lighting conforms to Brookline's lighting ordinance. We are a commercial enterprise operating in a residential zone. We do not fit inside the box. When my Father bought the property in 1966 it was to fulfill his dream of operating his own business. He bought the old chicken farm for its land & buildings. Plenty of room for expansion. In 1966 he bought the 26

acres of land & the buildings for \$11,000.00. No one else wanted it at the time. I now pay more than that in yearly taxes. When he bought the property the only houses next to us was Old man Knudsen's house, (The original owner of the farm) & The Wallece's who lived across the street in a tar paper shack that was located where the big blue house is near the brook. Now we have houses across the street and we abut an Industrial zone that used to be all woods. Things change. And we need to change with it. In the 44 years that we have been doing business here we have never had one complaint from a neighbor or anyone else about anything we have done. I think that is a pretty good track record. We respectfully ask that you grant this special exception."

**Peter** asked if the Board had any questions. **Marcia** said the sign will only be 3 feet higher. **Ron** said yes. **Peter** said the sign reads Brookline Event Center is that a new name. **Ron** said we are working under Brookline Auction Gallery, LLC but the sign will be Brookline Event Center. **Marcia** asked what the total square footage for the sign is. **Ron** said he didn't measure the total square footage. **George Fiore** said it will be 50 square feet total. **Ron** said that sounds right.

Is the sign lit now. **Daryl** said it is lit from the top down. **Peter** asked if any abutters had any comments. **Chris Marget** said he was not in favor of a fifty square foot internally lit sign. He said he moved next to an auction hall but it feels like he moved next to a concert hall. His biggest issue would be the internally lit sign 15 feet in tall. We don't have anything else like this anywhere in Brookline. **Marcia** said On Route 13 heading toward Milford. What used to be Ladd's Store on Route 13 by the Milford line, that sign was internally lit when the store was open and it's a residential lot. **Chris** also said he was unaware liquor was being served there and that is a concern as well. **Chris** said it feels like it is turning into an industrial zone. **Peter** said they are here tonight to discuss the sign only, not the building or the venue. The activities held at the Gallery have been approved. This building is grandfathered. It was there before zoning, the venue is the same it just may be more frequent. What goes on there today is legitimate. The Pelletier's did come to the Zoning Board in 2008 before they built the new building to ask permission to expand the foot print of the building. That variance was granted. Tonight's hearing is about replacing the sign with a slightly larger and they would like it to be internally lit. Let's keep the comments limited to this application. **George Fiore** (abutter at 27 Proctor Hill Road) said he is here tonight because he received a letter as an abutter that states the Pelletier's would like to put up a sign that is bigger with interior lighting. He states he is only asking for 3 feet higher but in fact is asking for 4.7 ft higher than the sign that is there now. **George Foley** asked if that is to the decorative peak of the new sign. **George Fiore** said yes. **George Fiore** read through Section 1600 of the Zoning Ordinance.

**George Fiore** read Section 1604.02 "

*1604.02 Size.* Total square footage of signs shall be 25 square feet or less, with individual signs not exceeding 16 square feet. On two-sided signs, only one side is used to compute the sign's area."

**George Fiore** said the new sign will be 50 square feet total and the ordinance only allows 16 square feet in the residential district. He thinks the ZBA should have asked for a certified plan of new sign. **Webb** said the existing sign is grandfathered. **Marcia** said if the new sign was the same size as the existing size and lit the same way he would not have to come to the Board.

**George Fiore** read section

*1604.04 Lighting.*

- a. Internally lit signs are not allowed.
- b. Bottom mounted sign lighting shall not be used.
- c. Hours of sign lighting must not exceed the hours of operation.

**George Fiore** said this is why he is really here. He does not want a 15 foot internally lit sign across the street from his home. He handed out photos of other signs in Brookline that are in like zones and do not have interior lighting. He said he does not want a lit up blinking sign that reads cold beer across the bottom across the street from his home. When he and Ron discussed the new building they did not discuss liquor being served. He also doesn't think it's grandfathered. **George Foley** asked Ron where the new sign will go. **Ron** said the same spot as the existing sign. **Armando Pires** (abutter 25 Proctor Hill Road) said he thinks the sign will be too tall at fifteen feet and is not in favor of it being an internally lit sign.

**Jack Flanagan** (4 Sawtelle Road) said he is not here as a Town Selectman or a State Representative but as a neighbor only. Ron and Kathy are great Neighbors and he has no complaints but he feels that fifteen feet is too high and would rather not see it internally lit. He had taken a ride from exit 6 in Nashua to Brookline and only saw one internally lit sign which was the Sunoco Station in Hollis. He realizes that sign has been there for a long time but the point is he only saw one internally lit sign. **Peter** said this lot is in the residential zone but has had a commercial use since before zoning. **Ron** said yes. **Peter** said your proposal is well within what is allowed in the commercial zone. **Ron** said we understand where we live and in a residential zone and we respect our neighbors. The sign that is there currently has been there since before zoning. They are not a new business and they are not doing anything different. **Marcia** said she feels he would qualify as commercial use and he should be allowed to put this sign up. **Peter** said this is a permitted non-conforming use it is grandfathered. The Board reviewed the application (see below).

**Peter** asked at what times this sign would be illuminated. **Ron** said only during events. **Kathy** said as soon as everyone has left we turn the sign off. **Ron** said an internally lit sign will meet the sign ordinance it will not glare and there will be no blinking, flashing, or streaming lights on this sign. **Webb** said there are some unhappy abutters here that are concerned with the internal lighting of the new sign. He said he is sympathetic to needing more height but doesn't think it needs to be internally lit. He feels if the sign is internally lit it will drop the surrounding property values. **Marcia** said she feels an internally lit and higher sign will be a nice addition to the new building. **George Foley** said he thinks it may be too high for that area.

**Ron** asked if he could have a discussion with his family. After a brief discussion Ron and his family returned and said they decided to change the lighting from internally lit to externally lit. The Board reviewed the application and reviewed the questions. (See application below).

**Webb** said they have to keep the esthetic look of the town. Signs coming from Hollis are all commercial this property abuts an industrial zone in Hollis. **Kathy** said the Kirk Motion Products sign is internally lit and the sign by the baseball field is about 20 feet tall. **George Fiore** asked the Board if it would be beneficial to continue the case to drive around and review some signs in the area then coming back another night to make a decision. **Marcia** said she was not in favor of continuing the case they are here tonight to preside over this case. **Marcia** asked if the sign will be lit if there is not event at night. **Ron** said no they will only light the sign when there is an event occurring.

**Ron** said in 1966 there was a lot more rural character and every time a house is built you break that rural character little by little. We have done a lot to that property to improve the appearance, things change, and we are evolving. It took us three years to come up with a new sign. We are not asking for anything that will be offensive. **George Fiore** said we have tried to sell our home three times and if you put that sign there it will decrease the odds of selling. **Marcia** said I would rather have a new sign there if I was trying to sell my house. We should be trying to support businesses in this Town. **Danny** said this will be an improvement to this business and Brookline needs all the businesses it can get. **Peter** said she is concerned with the height of the sign. **Ron** said when you are coming from Hollis it is hard to see the existing sign due to the embankment and the state setback won't allow the removal of the embankment. If the sign is a little higher it will be seen from that direction. **Peter** said he also will need to be convinced it will not diminish the surrounding property values and will be in the public interest. He believes the special condition of the property is it is an established long term commercial use. The Board agreed. **Webb** said he has issues with Question 5. The sign ordinance is in place to protect the surrounding properties. If you light it externally that would be better.

**Marcia made a motion to replace the existing sign with a new sign. The new sign will be 3 feet + or – taller than the existing sign as per the plan submitted, minus the internal lighting. The new sign will comply with the Brookline Lighting Ordinance. George seconded. Vote yes 5-0.**

## APPLICATION FOR A VARIANCE

Do not write in this space.

Case No. 360Date Filed 11/13/2011

(signed - ZBA)

To: Board of Adjustment,

Town of Brookline, N.H.Name of Applicant Brookline Auction Gallery Inc. Ron Pelletier managerAddress 32 Proctor Hill Rd. Brookline, N.H. 03033Owner SAME

(if same as applicant, write "same")

Location of Property 32 Proctor Hill Rd. Brookline, N.H.

(street, number, sub-division and lot number)

NOTE: This application is not acceptable unless all required statements have been made.

Additional information may be supplied on a separate pages if the space provided is inadequate.

## APPLICATION FOR A VARIANCE

A variance is requested from article 16:04 section Residential of the zoning ordinance to permit A New Larger Sign

Facts in support of granting the variance:

1. Granting the variance would not be contrary to the public interest because:

THE EXISTING SIGN IS OVER 25 YEARS OLD. NEW SIGN WILL GO IN EXACT LOCATION. NEW SIGN IS ONLY APPROX 3' HIGHER. OLD SIGN IS WELL WORN & NEEDS REPLACEMENT. ALSO WILL COMPLEMENT NEW BUILDING

2. If the variance were granted, the spirit of the ordinance would be observed because:

THAT WE ARE AN EXISTING COMMERCIAL USE THAT PREDATES ALL LOCAL ZONING INCLUDING THE SIGN ORDINANCE. WE RECENTLY CONSTRUCTED A NEW BUILDING DOUBLING THE ORIGINAL SIZE.

THIS SIGN WILL ONLY ENHANCE THE VIEW & COMPLEMENT THE NEW BUILDING

THE SIGN IS REPLACING AN EXISTING 25 YEAR OLD SIGN.

3. Granting the variance would do substantial justice because:

The old sign is old + obsolete.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

An updated new sign will be an enhancement.

5. Unnecessary Hardship

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The property pre-dates all existing zoning. It has always been a commercial property. Since 1990 it was a chicken business. Bought in 1966 for a continuous retail operation

and:


- ii. The proposed use is a reasonable one because:

We are updating an existing use that will coexist with the new building.

- B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

This property is a commercial use and we are asking for a difference of 3' height to an interior lighted sign instead of exterior. ~~There is~~

Applicant

 MANAGER

Date

1-13-10

Brookline Auction Gallery, Inc.

**Marcia moved to adjourn at 9:45 pm. Kim Seconded. Vote yes 5-0.**

**Minutes submitted by Kristen Austin.**

**Peter Cook, Chairman** \_\_\_\_\_

**George Foley, Vice Chair** \_\_\_\_\_

**Marcia Farwell, Clerk** \_\_\_\_\_

**Kim Bent, Member** \_\_\_\_\_

**Webb Scales, Member** \_\_\_\_\_