

Members Present: Matthew Morton (Chair), Russell Cooke (Vice Chair), Edna Mosher, and Jill Newick

Also Present: Robert Allard, Champ Allard, Chris Cross, Ralph Estes, and Tom Morgan

Commencement: The meeting was convened by Chairman Morton at 7:00 PM.

Minutes of April 7, 2003: Cooke moved to adopt the minutes. Newick seconded. All in favor.

Allard Sign: Robert Allard presented his request for an Equitable Waiver of Dimensional Requirements. Mr. Allard asserted that the request met all the applicable requirements: A) the sign's wrong location was discovered after it was erected; B) The electrician put the conduit 20' from the pavement, then Quick Sign erected the sign on the roadway side of the electrical box; the Allards believe that it was an "honest mistake"; C) The sign is not a public or private nuisance; and D) The \$1,500 cost of moving the sign outweighs any benefit to the public.

Chris Cross stated that if a variance is granted, the BOA would be remiss because setbacks are supposed to be from property lines, not pavement. The 20' variance was supposed to be from the property line. This sign is one to two feet from the line. The BOA risks compounding the error. If a variance is to be granted, it should be from the property line. Granting a variance would set a bad precedent for Shattuck Way. One variance leads to another.

Edna Mosher asked Mr. Cross if he knows where the property line is. Not exactly.

Ralph Estes asked if Allard would go after his sign contractor for damages. Allard replied that he believed that it was an honest mistake.

Cooke saw no need for a professional survey.

Chairman Morton closed the public hearing at 7:30.

Cooke concluded that an honest mistake was made. However, the sign constitutes a public safety hazard. The cost of moving the sign is outweighed by the public benefit.

Mosher does not agree that the sign is unsafe. She drove down there. In her opinion, all four conditions for an Equitable Waiver have been met.

Jill Newick stated that she appreciates Cooke's concerns, but that she agrees with Mosher that sight visibility is not a problem here. We don't need to worry about setting a precedent for variances because the applicant is not requesting a variance.

Morton stated that the applicant meets the four criteria for a waiver.

Cooke moved to grant the Equitable Waiver request as advertised. Mosher seconded. Three voted in favor; Cooke voted no.

Cross asked the Allards if they would consider removing the trailer. Champ Allard replied that he would consider it.

The Allards then left the building. Cross addressed the history of this property, citing a litany of non-conformities thereon.

Adjournment: Newick moved to adjourn. Mosher seconded. All in favor. The meeting adjourned at 7:50 PM.

T. Morgan
Acting Sec'y