

Minutes
Historic District Commission Meeting
Tuesday, August 19, 2014
Town Hall Meeting Room, Old Town Road
7:00pm

Present: Members: Chair William Penn, Vice Chair Martha Ball, Dennis Riordan, and Claire McQueeny.
Absent: Douglas Gilpin, Mark Vaillancourt, and Michael Ballard. Teresa Chmiel, Administrative Assistant was present for the recording of the minutes.

Call to Order

Chair William Penn called the meeting to order at 7:04pm.

Matters from the Public not on the Agenda

Mr. Penn asked for public comment no one offered.

Approval of Minutes of July 22, 2014

The minutes of July 22, 2014 were deferred until the next scheduled meeting.

Sign Application:

Ballards Wharf Realty LLC. Plat 6, Lot 159. Application by John Leone of Old Harbor Bike Shop for approval of existing signs.

John Leone business owner for the Old Harbor Bike Shop presented. Mr. Leone received 6 Notice of Violations for unlawful and/or unapproved signage. Mr. Leone acknowledged all of the signs have been removed except for the two signs that he wishes to receive approval. The signs are located on the front and rear of the building; Mr. Leone stated the sign on the front of the building has been there as long as he can remember; the sign on the backside he thought maybe 7 or 8 years. Mr. Penn clarified the car and moped rental signs are considered directional signs however the signs are subject to approval. At this time Mr. Leone is not asking for approval of the referenced directional signs. Mr. Penn discussed the frontage of the building and the signs exceeding the maximum allowable number of square feet permitted, as required under Section 504 (C)(2)(b) of the Town of New Shoreham Zoning Ordinance. The sign application was amended to reflect the correct frontage.

Mr. Penn made a motion, seconded by Mr. Riordan to approve the existing signs for Plat 6, Lot 159, Ballards Wharf Realty LLC based on the following findings of fact:

- The approval is for a 4'x4' wooden sign located on the front of the building as shown in the photographs; and
- The approval for a 2'x18' sign located on the backside of the building.

Ms. Ball amended the motion to allow the larger banner on the backside of the building to be used this season only; the **stipulation**: the applicant must return to the Historic District Commission before the 2015 season for approval of the type of font, height of letters, color, placement, size, and material of the new signage on the back of the building.

Mr. Riordan seconded the motion.

4 Ayes (Penn, Ball, McQueeney, and Riordan)
3 Absent (Ballard, Gilpin, and Vaillancourt)

0 Nays

Mr. Penn did not agree with the amended motion; however he voted in the affirmative.

Mr. Penn asked Terri Chmiel to contact Donald Packer, Land Use attorney for the Town for clarification on Section 504, Signs, (C)(2)(4) regarding frontage and frontage pertaining to corner sites. Due to Ms. Chmiel's workload this request will be addressed as late as October or November.

Settlers Rock Realty LLC. Plat 6, Lot 155. Application by Julian Costanzo of Inn at Old Harbor for approval of existing signs.

Conrad Costanzo's father, Julian Costanzo presented on his behalf. The building official issued 12 Notice of Violations to Settlers Rock Realty, LLC for unlawful and/or unapproved signage. Mr. Costanzo is asking approval for four (4) signs that were subject to a Notice of Violation. The four signs marked on the application and in the photographs are labeled #7 Kai-Kai Sandals... Dance to the Beach and Beyond, #8 Come Try the World's Most Comfortable Sandal, #9 Walk on Island Time, (and other wording) and #10 Swap Your Flop (along with other wording). The Commission discussed with the applicant additional unlawful and/or unapproved signage that was installed after the Notice of Violations were issued. Ms. McQueeney asked Mr. Costanzo, as a good will gesture to remove the newly installed ice cream cone and ATM signs. Mr. Costanzo stated he will remove the requested signage including the ice cream cone that was subject to one of the violations attached to railing located on the Water Street side; Mr. Costanzo stated all signage has been removed that was issued under the Notice of Violation.

Mr. Penn referenced the Town of New Shoreham Zoning Ordinance, Section 504, Signs, (C) Specific Requirements (2) Size and Number (b) Wall Signs. Mr. Penn corrected the sign application building frontage from 136' to 109'. The applicant meets the requirement of maximum allowable number of square feet permitted. Mr. Riordan asked Mr. Costanzo if Kai Kai is a trademark. Mr. Costanzo replied in the affirmative. The Commission referenced Town of New Shoreham Zoning Ordinance, Section 504, Signs (B) General (5) Trademarks which states: "The registered trademark of a specific product may occupy no more than twenty five percent (25%) of the allowable area of a sign. This shall not be construed to discourage the use of logos on signs".

Mr. Penn made a motion, seconded by Mr. Riordan, to approve the following signage for Plat 6, Lot 155, Settlers Rock Realty LLC based on the following findings of fact:

- This is a critical structure in the Historic District in which it is one of the oldest and most seen buildings;
- The building is listed in the inventory of historic properties;
- The approval is for signs marked #8, #9, and #10;

Denial of Sign #7 based on the following findings of fact:

- Sign #7 is not in compliance with Section 504, Signs (B) General (5) Trademarks; therefore sign #7 is denied and not approved under the Certificate of Appropriateness.

Stipulation:

- The removal of newly installed ice cream cone located on the porch post; and
- The removal of “ATM machine” signs.

4 Ayes (Penn, Ball, McQueeney, and Riordan)

0 Nays

3 Absent (Ballard, Gilpin, and Vaillancourt)

Ms. Ball voted in the affirmative as otherwise the motion would fail. Ms. Ball stated she did not agree with the rationale behind the denial of sign #7.

John Willis spoke from the audience on his concerns of HDC’s enforcement and the negative impact on small businesses.

Coastal Resorts Holding. Plat 6, Lot 117-02. Application by Julie Fuller of the National Hotel for new signs.

Ms. McQueeney complimented Julie on a complete application.

Julie Fuller, General Manager for the National Hotel presented. Ms. Fuller explained the area in the back of the hotel where the fire pits are located is a dog friendly area. She is asking approval for a sign as presented to the Commission.

Ms. McQueeney made a motion, seconded by Mr. Riordan, to approve a new sign for Plat 6, Lot 117-02, Coastal Resorts Holding based on the following findings of fact:

- The approval is for the sign as presented;
- The structure is in the Historic District and renovated with Historic Tax Credits;
- The frontage is 156’ long and the total signage is 114 square feet; therefore the approval is in compliance with section 504(C)(2)(b)

4 Ayes (Penn, Ball, McQueeney, and Riordan)

0 Nays

3 Absent (Ballard, Gilpin, and Vaillancourt)

Final Review:

Craig & Michele Fontaine. Plat 6, Lot 37-1. Application by W. Douglas Gilpin to install an outdoor shower and conceal a propane tank.

Mr. Penn made a motion, seconded by Ms. McQueeney to defer action until a formal application has been submitted.

4 Ayes (Penn, Ball, McQueeney, and Riordan) 0 Nays
3 Absent (Ballard, Gilpin, and Vaillancourt)

AAP on the Block LLC. Plat 6, Lot 3-2-1. Application by Ross and Brenna Audino of Poor People’s Pub to install a walk-in cooler.

Brenna Audino business owner of Poor People’s Pub presented. Ms. Audino is before the Commission after receiving a Notice of Violation from Marc Tillson, Building Official. The violation is for a cooler that has been placed on the front porch without the necessary permits and Certificate of Appropriateness. Mr. Penn referenced the Historic District Commission Procedures and Standards Guidelines, page 20, which state: “All mechanical and utility units i.e. exhaust fans, hoods, vents, transformers, electric meters, propane and oil tanks, walk-in coolers, air conditioners, and alternative energy devices, shall be screened in a manner to conform to the overall character of the building”. Ms. Audino explained the cooler is located outside the kitchen entry she stated this was the only place it would fit. The cooler measures 7’ tall x 7’ deep and 10’ wide. The open area of the porch was currently not being used, as customers did not want to sit in this area due to the noise level from the kitchen. The existing screening of hydrangeas are currently 4 ½’ to 5’ tall; thereby some screening is already in place. Ms. Audino presented a photograph, for additional lattice screening to frame in the cooler similar to the lattice on the west side of the building. Ms. Ball commented that the applicant has shown she looked at all possible places to locate the cooler.

Ms. McQueeney stated the current location of the cooler changes the balance of the building.

Ms. McQueeney made a motion, seconded by Mr. Penn, to disapprove the application of the location of the mechanicals as placed on the front porch.

3 Ayes (Penn, McQueeney, and Riordan) 1 Nays (Ball)
3 Absent (Ballard, Gilpin, and Vaillancourt)

The motion does not carry.

Mr. Penn made a motion, seconded by Mr. Riordan, to defer any action on the application until the appeal process of the Notice of Violation is adjudicated by the New Shoreham Zoning Board of Review.

4 Ayes (Penn, Ball, McQueeney, and Riordan) 0 Nays
3 Absent (Ballard, Gilpin, and Vaillancourt)

