

LONDONDERRY ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053

MINUTES FROM 7/20/16 MEETING

Chairman Smith called the meeting to order at 7:00 p.m. Members introduced themselves. The following members were present: Jim Smith, Chairman; Jim Tirabassi, Clerk; Neil Dunn, member; Suzanne Brunelle, alternate member; Bill Berardino, alternate member; and Annette Stoller, alternate member. Also, in attendance were Richard Canuel, Senior Building Inspector and Laura Gandia, Associate Planner (TEMP). Chairman Smith appointed Suzanne Brunelle and Bill Berardino as full voting members for the meeting, and reviewed the hearing procedures.

I. APPROVAL OF MINUTES

S. Brunelle made a motion to accept the June 2016 minutes as presented.

Motion was seconded by J. Tirabassi.

Motion was granted, 5-0-0.

II. REPORT BY TOWN COUNCIL – N/A

III. PUBLIC HEARING OF CASES

- A. CASE NO. 5/18/2016-3:** REQUEST FOR A REHEARING BY LONDONDERRY ZONING BOARD OF ADJUSTMENT IN COMPLETE AUTO DRIVING/AL CARDELLO (APPLICANT), LONDONDERRY PRESBYTERIAN CHURCH (OWNER) – REQUEST FOR A VARIANCE FROM LZO 2.2.1 TO ALLOW COMPLETE AUTO DRIVING SCHOOL TO OPERATE AS AN ACCESSORY USE, 126 PILLSBURY ROAD, MAP 9, LOT 50, ZONE AR-1

J. Tirabassi read the case into the record. Chairman Smith explained that the Londonderry Zoning Board of Adjustment filed a motion for rehearing to correct a procedural error made when the vote was cast. J. Tirabassi stated that all facts and evidence from the May 18, 2016 are incorporated by reference into this hearing. No new evidence or testimony was received. S. Brunelle made a motion to deny the request for a variance. J. Tirabassi seconded the motion. The motion was granted, 5-0-0. The request for a variance was denied.

- B. CASE NO. 7/20/2016-1:** 209 NORTHEAST LLC AND DOROTHY GEORGE GST EXEMPT FAMILY TRUST (OWNER) – REQUEST FOR A VARIANCE FROM LZO 3.11.5.C.1 TO ALLOW A SIGN 16 FEET IN HEIGHT WHERE 10 FEET IS ALLOWED, 197 NASHUA ROAD, MAP 3 LOT 132B, ZONE IND-II

J. Tirabassi read the case into the record, and noted there was one previous case, 10/27/70-2. Christopher Karras, 89 Turnpike Road, Ipswich, MA 01938 and Ronald A. Lavoie, 25 Flagg Lane, Milford, NH 03055 presented for the applicant. C. Karras stated that the intent was to replace the old rusted sign with the new one which would be the same height as the old one. He provided the Board with a packet containing two pictures of the sign (existing and proposed) and a list of signs that are over 10 feet in height (Ex. 1 – three pages). He reviewed the five points of law as follows:

- (1) The variance will not be contrary to the public interest: the new sign will be the same height as the old one (16 ft.), will be more aesthetically appealing, and will contain the company name, logo and street number to help identify the business to visitors and the public.
- (2) The spirit of the ordinance is observed: the new sign will be the same height as the old one that has been in existence since 1972.
- (3) Substantial justice is done: there are numerous signs (20+ feet in height) on Route 102 that exceed the height requirement. The sign is within the current setbacks.
- (4) The values of surrounding properties are not diminished: the surrounding properties are wooded fields with no buildings. The new aesthetically pleasing sign will improve the appearance of the driveway.
- (5) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship
 - (a) For the purposes of this paragraph, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties on the area:
 - (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: just replacing something that is already there; and
 - (ii) The proposed use is a reasonable one: seeking just to replace the old sign with a new one.

Chairman Smith asked the Board if they had any questions. N. Dunn asked R. Canuel how many square feet are allowed for a sign. R. Canuel responded that 65 feet are allowed. N. Dunn asked the height of the existing sign as shown in the picture. R. Lavoie stated that the height is 16 feet to the top of the sign, not the pole. S. Brunelle asked if the sign would be lit. R. Karras stated that the top of the sign will be lit. J. Smith discussed the fact that the sign is a pre-existing nonconforming sign. B. Berardino asked about the color of the background. R. Lavoie stated it contain a blue background with red and yellow highlights, and a yellow main copy with red trim. B. Berardino asked if it will be lit at night, and was informed that it will be lit at night with a timer. N. Dunn mentioned having a time restriction. J. Smith asked about hours of operations, and was informed that trucks go in and out 24 hours a day with Sunday being the quietest. J. Smith asked about the visibility of the sign as you drive. R. Lavoie stated that the sign is set back about 40 feet from the street, and some trees were cleared to improve visibility. R. Canuel stated that the setback is 15 feet from the front property line.

Chairman Smith asked for public input, and there was none. C. Karras stated that the sign will be aesthetically appealing. N. Dunn wondered if there were any guidelines and/or guidance from the Heritage Commission or other group. J. Smith asked about the arms on the old sign, and C. Karras stated that there used to be more signs on the arms, Caterpillar and Cummings.

Chairman Smith closed public input, and the Board went into deliberations and reviewed the five criteria as follows:

- (1) The variance will not be contrary to the public interest: the new sign will be the same height as the old one (16 ft.), will be more aesthetically appealing, and will contain the company name, logo and street number to help identify the business to visitors and the public. J. Smith spoke of sign height as it relates to the speed of the road, how long and when you can see the sign, and

the height of the sign as it relates to the visibility. N. Dunn spoke of the existing sign. J. Smith stated that it is the only sign on the existing stretch of roadway.

- (2) The spirit of the ordinance is observed: the new sign will be the same height as the old one that has been in existence since 1972. S. Brunelle and N. Dunn stated that the spirit of the ordinance is to reduce clutter and promote safety. J. Tirabassi spoke of the truck/freight drivers' ability to timely see the sign and turn around if necessary. The Board concluded that the sign would reduce visual clutter due to the position of the sign (setback), and help the public locate the business.
- (3) Substantial justice is done: J. Smith stated that a lot of the signs are grandfathered. The Board concluded that allowing the sign to be seen in the least obtrusive manner increases the safety to the general public.
- (4) The values of surrounding properties are not diminished: the surrounding properties are wooded fields with no buildings. The new aesthetically pleasing sign will improve the appearance of the driveway. The sign is located in the industrial zone.
- (5) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship
 - (a) For the purposes of this paragraph, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties on the area:
 - (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: just replacing something that is already there. N. Dunn reiterated the fact that the lot is unique on that road and is wooded, and noted that the sign is setback 40 feet; and
 - (ii) The proposed use is a reasonable one: the applicant is seeking just to replace the old sign with a new one. The Board discussed the speed of the roadway.

J. Tirabassi made a motion to grant the request for a variance to allow a sign 16 feet in height as presented where 10 feet is allowed.

Bill Berardino seconded the motion.

The motion was granted, 5-0-0.

C. CASE NO. 7/20/2016-2: MOORECAR REALTY TRUST (OWNER) – REQUEST FOR A VARIANCE FROM LZO 3.11.5.C.1 TO ALLOW A SIGN 16 FEET IN HEIGHT WHERE 10 FEET IS ALLOWED, 214 ROCKINGHAM ROAD, MAP 15 LOT 21, ZONE C-II

J. Tirabassi read the case into the record. Peter March and Dan Hutchinson, New Hampshire Signs, 66 Gold Ledge Ave, Auburn, NH presented for the applicant. P. March stated that they are looking to replace an existing sign with a new sign, and explained the ordinance. He described the car operation business, the location, and characteristics of the lot. He stated that they are seeking to keep the height of the sign at 16 feet because of the limited visibility and trees on the boundary of 202 Rockingham Road, the sign is not distinct against the building, the business relies on passing traffic to be successful, and the advertisement of individual cars as well as the company's first impression is crucial.

He then reviewed the five criteria as follows:

- (1) The variance will not be contrary to the public interest: he reviewed the purpose of the sign

ordinance as laid out in LZO 3.11.1. He stated that the property is situated on a busy corner creating some issues such as sightlines and turn-in decisions. He pointed out that there are a number of other signs in excess of 16 feet in height (Subway, Shell, Mobil, etc.).

- (2) The spirit of the ordinance is observed: the spirit was reviewed. He described the setbacks, viability and success of the business as it relates to the sign, and stated that the all other requirements are met.
- (3) Substantial justice is done: the property owner would be at a disadvantage if he was limited to 10 feet in sign height due to the proximity and limited visibility/sightlines caused by the trees on the boundary of the property, and the building location.
- (4) The values of surrounding properties are not diminished: there is no change with the essential character of the neighborhood. The proposed sign is more professional and will improve traffic safety.
- (5) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship
 - (a) For the purposes of this paragraph, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties on the area:
 - (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: the ordinance makes no provision for height in relation to any surrounding obstructions. The business relies on passing traffic to be successful more than other types of businesses. The height of the sign presents an economic value to the owner; and
 - (ii) The proposed use is a reasonable one: seeking just to replace the old sign with a new one.

Chairman Smith asked the Board if they had any questions. N. Dunn asked R. Canuel if this was a brand new building would the Planning board review the sign. R. Canuel stated yes. N. Dunn had concern over the neon sign/border, and asked the applicant if they had an issue of removing the neon border. P. March stated that they would rather not, and stated that he thought the variance was for the height only. N. Dunn was concerned over a Vegas style sign. P. March stated that if they would remove the neon border if that was what needed to be done. S. Brunelle asked if the sign will be in the same location, and if it will be lit internally, and P. March responded yes to both questions. J. Tirabassi expressed concern over the position of the sign not being at eye level, and the readability of the text on the sign while driving. J. Smith asked about the time of reading of the sign. D. Hutchinson thought that it may be 10 seconds depending on how fast you are driving. J. Tirabassi stated that you are looking at a litany of inventory on the sign as proposed, and stated that the sign is more than 16 feet due to the planter. D. Hutchinson stated that the height of the sign is over the 16 feet due to the planter, and there is a grade drop with the planter 12 to 30 inches, maybe three feet. J. Tirabassi asked about the width of the lower portion of the sign containing the blue border. D. Hutchinson responded that the width was approximately four feet. J. Smith asked R. Canuel about from what point the sign height is measured. R. Canuel stated that height is measured from existing grade or the grade that exists prior to construction (it will be the grade that is at the base of that planter from the lowest grade). P. March stated that he is acceptable to measurement from the lowest grade. N. Dunn asked R. Canuel about counting the pedestal as a sign, and R. Canuel said that will not count as part of the sign. S. Brunelle asked if there were flashing lights, and was informed there were none. P. March stated the red border is not moving. J. Smith thought the sign was visually confusing. J. Tirabassi expressed concern again over the time

needed to read the text.

Chairman Smith asked for public input. Patrick Botz, 23 Colonial Drive, concurred with the Board's concern over the amount of text. D. Hutchinson stated that the code does allow does a certain percentage to be changeable copy. He pointed out that his particular type of business needs to be able to advertise on the signs as most businesses like this does. N. Dunn asked R. Canuel about the percentage of changeable copy, and R. Canuel stated that they are allowed up to 70% as changeable copy. J. Smith asked for any other input. There was none. D. Hutchinson stated that they would be agreeable to lowering the amount of text, and removal of any neon. A. Stoller spoke of how many minutes it would take to read the text of the sign.

Chairman Smith closed public input, and the Board went into deliberations and reviewed the five criteria as follows:

- (1) The variance will not be contrary to the public interest: there are visibility, curb and vegetation issues, and the sign height would address these issues while enhancing the safety of the motoring public with reasonable sight lines.
- (2) The spirit of the ordinance is observed: the sign will be the same height as the old one. The height of the sign is in line with the spirit of attracting businesses.
- (3) Substantial justice is done: a new sign would attract new business, and provide for economic growth.
- (4) The values of surrounding properties are not diminished: there are similar height signs in the area and the new sign is more aesthetically pleasing.
- (5) Literal enforcement of the provisions of the ordinance would result in unnecessary hardship
 - (a) For the purposes of this paragraph, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties on the area:
 - (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: The Board discussed the unique nature of the curved roadway with the existing tree height, vegetation and line of sight and concluded that 16 feet sign is needed for visibility; and
 - (ii) The proposed use is a reasonable one: the applicant is seeking just to replace the old sign with a new one allowing for identification of the business.

J. Tirabassi made a motion to grant the request for a variance to allow a sign 16 feet in height as presented where 10 feet is allowed with conditions: (1) the applicant will eliminate the neon border, (2) the lines of text will be reduced from 4 to 3, and (3) the height is 16 feet from low grade.

N. Dunn seconded the motion.

The motion was granted, 5-0-0.

The Board recessed for a 10 minute break.

DECISION OF THE TOWN COUNCIL'S IMPOSED CONDITIONS WHEN IT AUTHORIZED THE ISSUANCE OF A BUILDING PERMIT FOR 38 JACK'S BRIDGE ROAD, MAP 17, LOT 42A, ZONE AR-1 ON JUNE 6, 2016

J. Tirabassi read the case into the record. Steven Clark, Esq., 74 Gilcreast Road, Londonderry, NH presented for the applicant. He stated that his clients sought a building permit on a Class VI road, and under 674:41 the Town Council can issue a permit after input and comment from the Planning Board. He explained that his clients began the process sometime in May of this year - the result was that the Town Council authorized the issuance of a building permit with certain imposed conditions on June 6, 2016, and some of those conditions are the basis of this appeal. He stated that his clients are appealing some conditions such as the imposition of a sprinkler requirement and the road width which create an unnecessary hardship and/or practical difficulty. He presented the Board with a packet of documents. He stated that there are four issues: (1) requirement of widening the existing roadway to 24 feet in width, (2) installation of turnaround every 1200 feet from the intersection of Page and Lucas Road, (3) compliance with NFPA 1141, and (4) installation of a residential sprinkler system. He noted that the State fire code exempts one and two family residential homes from the installation of a sprinkler system. He sought confirmation on the record for the number of turnarounds required. After speaking with the Town, he learned that the improvements need to begin from the where the improvements end on Page Road to his clients' lot, and the calculation from this point to the lot is 828 feet according to GIS (his client calculated 899 feet). The original interpretation was over 2200 feet which would have required him to install two turnarounds requiring easements from other landowners. He wanted this clarification and confirmation on the record from the fire/building department that no turnarounds were now required. He commented that the width of the roadway of the paved area for Page Road is 18-19 feet, and the Class VI area is less. He referenced Page 11 of the packet, and a full size plan from 2015 noting the existing width of the travel portion of the road. He stated that the existing portion of Page Road is 12-15 feet, and his client will be forced to expand it to 24 feet which is not practical and causes hardship on his client requiring easements, etc. He referenced RSA 231:28 which he claimed provides that you cannot impose greater standards, and noted that other properties owners do not have the same requirements. He attributed this to possibly a different process that dealt with the Zoning Board. He stated he believed that there is no town wide policy for construction on Class VI roads, and conditions are applied ad hoc. He went through the pages of the packet which contained photographs, and e-mails between Richard Canuel and him regarding the improvements where they begin and end.

He stated that his client obtained a quote for a sprinkler system which could be as much as \$30,000. J. Smith asked R. Canuel if he had any comments, and he did not. A. Stoller asked how large the proposed structure is. P. Carl stated that he has not formalized any plans yet so he did not know. J. Smith asked R. Canuel about the procedure. R. Canuel explained the procedure to the Board, reviewed the Town's previous practice with the Board, and the present practice of the Town pursuant to statute. N. Dunn asked about the adoption of NFPA 1141 and the availability of the NFPA. Brian Johnson, Londonderry Division Chief of Fire Prevention, explained the adoption of the NFPA codes. He stated that the first pages of the NFPA provide for the adoption (NFPA 1 and NFPA 101) of other codes by reference. He stated that NFPA 1141 deals with fire department access and water supply. B. Johnson also explained that NFPA 5000 exempts the building code and the international building code is adopted. He noted that there are other alterations but not to the codes that are referenced. N. Dunn discussed the effect of the waiver. B. Johnson stated that regardless of the

existence of a waiver, if called the fire department has to respond. B. Johnson stated that the waiver comes into play if the fire truck cannot get to the residence. S. Clark stated that the waiver also has an additional condition (that is not present in other waivers) that if the equipment is damaged then the Carls are responsible for that damage.

S. Brunelle learned that if the road was improved to NFPA 1141, then the fire department would not require a sprinkler system (it is an either or situation). B. Johnson concurred with that analysis and stated that the Carls are not required to do both. S. Clark stated that if they install the sprinkler system, then they only have to go to 20 feet. He pointed out that the road giving access to their property is only 15 feet which results in significant costs. B. Johnson stated that only the state fire marshal can make an exception to the code and this exception is made provided there is the same level of life safety. B. Johnson explained that NFPA concluded in a study that for the New England area, the average cost for a residential sprinkler 13D system is \$1.61 per foot. A \$30,000 system would be for a huge home. S. Clark stated that there is a range, and his client received a verbal quote from a contractor. S. Clark stated that there are certain requirements that some Towns have so you have to build it better than the minimum standards and to certain protocols, and concluded that it would be at \$10,000 or more. He pointed out that the legislature said no to the installation of sprinkler systems to homes. He expressed frustration over not having access to the codes and spending additional sums of money for access resulting in lack of due process. B. Johnson stated that there were two options (1) 20 feet road with sprinklers or (2) 24 feet road with no sprinklers. B. Johnson informed the Board that Londonderry has an online subscription to NFPA and it is available to the public with an appointment. He stated that Mr. Clark came in today at 12:30 pm to view them.

N. Dunn asked if Page Road was approved, and R. Canuel stated that it is a Class VI road. R. Canuel stated that all of Page Road from Rockingham Road to Lucas Road is a Class V road, and from the intersection of Page and Lucas Road to the Carl's property, it is a Class VI road. R. Canuel stated that a portion of Jack's Bridge Road was discontinued by the Town, and the property is on part of the road that is an extension of Page Road which will result eventually in an address change.

S. Clark stated that he is not appealing the survey requirement and verification of the wetlands, and stated that if you widen the road to 20 or 24 feet, wetlands and stonewalls may be impacted; however, this may not be the case, if the road is constructed to the standards already in place.

S. Brunelle summarized the issues being appealed as: (1) width of the road, and (2) the installation of residential sprinkler system. S. Clark stated he is not appealing the flagging of the right-of-way. B. Johnson stated that if the length is 899 feet, the applicant would not need any turn arounds. A. Stoller asked whether or not the Board should be making these decisions. J. Smith stated that the Board's job is to decide whether or not these conditions should remain. N. Dunn asked if they could modify state law at the Zoning Board level. J. Smith reviewed RSA 674:41, and expressed concern over whether or not the Town Council can impose conditions. J. Smith learned that the Town's attorney provided an opinion that the Town Council can impose conditions. R. Canuel stated that RSA 674:33 provides the Board with authority to hear the appeal. N. Dunn discussed the flagging of the wetlands, and the ability to build on a Class VI road. J. Smith asked B. Johnson if the Board was to grant the appeal and remove the conditions they are asking to be removed, how would that affect his authority to impose the requirements in question. B. Johnson responded that at that

point, the right-of-way would not meet state fire code, and he would not be able to sign off on the certificate of occupancy until they successfully appealed the issue to the State Fire Marshall. B. Johnson stated that fire trucks are bigger making it difficult to get down these types of roads, and he needs to set requirements that will allow this. He stated he cannot alter what happened in the past but needs to impose standards that are proper today. S. Clark stated that he is seeking relief from the Board and would counsel his clients on the next step. He explained that if relief is not granted, then he would be forced to appeal to the next level. He stated he is only asking for what has been given to applicants in the past, and the removal of imposing the construction of a 24 foot right-of-way coming off a 12 foot right-of way which is counter intuitive. S. Clark stated that the general width of the road is 15 feet. B. Johnson stated that anything that goes to the State Fire Marshall would require a degree of safety substantially equivalent to that of which is required by the code.

J. Smith asked for public input and there was none. He closed the public input, and the Board went into deliberations. J. Smith wanted to give the homeowner the ability to pursue the appeal with the State Fire Marshall, and not require him to have a road width of 20 feet which would require easements from other property owners who may not want to give the easement.

S. Brunelle made a motion to grant the applicant's appeal of administrative decision of the Town Council's imposed conditions when it authorized the issuance of a building permit for 38 Jack's Bridge Road on June 6, 2016 and to modify the imposed conditions as follows: (1) the width of the road shall be constructed at 15 feet, and (2) the condition of requiring a residential sprinkler system is removed.

J. Tirabassi seconded the motion.

The motion was granted, 5-0-0.

E. CASE NO. 6/15/2016-1: REQUEST FOR A REHEARING BY BOB FELDMAN, et al, IN MOREAU LIVING TRUST (OWNER) REQUESTS A VARIANCE FROM LZO 2.3.1.3.B.1 TO ALLOW A SUBDIVISION OF AN 8 ACRE LOT WITH A RIGHT-OF-WAY TO COLONIAL DRIVE INTO TWO SINGLE FAMILY LOTS EACH WITH 50 FOOT FRONTAGE, REAR COLONIAL DRIVE, MAP 5 LOT 20, ZONE AR-1

J. Tirabassi read the case into the record and stated for the record that the Board received a letter from Eric C. Mitchell. J. Smith advised the audience that the Board is not taking any public input. The Board discussed the voluminous nature of the request.

J. Tirabassi made motion pursuant to NHRSA 677:3 to suspend the order granting a variance pending further consideration by the Board.

S. Brunelle seconded the motion.

The motion was granted, 5-0-0.

IV. OTHER BUSINESS: The Board is scheduled for training for the August meeting from 6:00 p.m. to

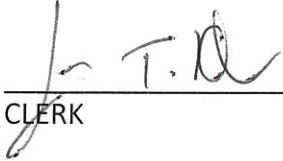
8:00 p.m. The regularly scheduled meeting will start at 8:00 p.m., and the hearing notices to the abutters will reflect the time change.

J. Tirabassi made a motion to adjourn at 9:51 p.m.

S. Brunelle seconded the motion.

The motion was granted, 5-0-0. The meeting was adjourned at 9:51 p.m.

RESPECTFULLY SUBMITTED,



A handwritten signature in black ink, appearing to read "J. Tirabassi", is written over a horizontal line.

CLERK

TYPED AND TRANSCRIBED BY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT SECRETARY.


APPROVED (X) WITH A MOTION MADE BY Jim Tirabassi, SECONDED BY N. Dunn, 5-0-0.

OLD SIGN

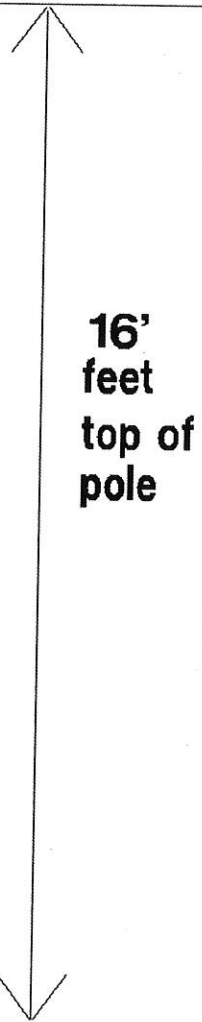
Exh 1 (3 pages)

Case No.
7/20/16-1
George Family
Trust



 Charles George
Trucking Co., Inc.

OFFICIAL
INSPECTION
STATION
501
TRAFFIC FROM N. HIGHWAY 7512
TRUCKS & 500-200 and
C.A.R.S. 523. 58 per hr.



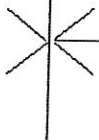
NEW SIGN ~~Ex 22~~



5' feet

12' feet

16' feet
top of
pole



Ex B

SIGNS OBSERVED OVER 10 FEET ON RT 102 – 5/27/2016

1. Speedway
2. Bank of America
3. Crossroads Mall
4. CVS
5. Training Effects
6. Toyo Tires
7. Theresa's
8. Avandi's
9. Speedway
10. Home Depot
11. McDonalds
12. The Shoppes
13. 7-Eleven
14. Londonderry Commons
15. Orchard View Plaza
16. St. Mary's Bank
17. Wendy's
18. Hannafords
19. Global
20. Landmark Common-Family Dentisty
21. Citizens Bank

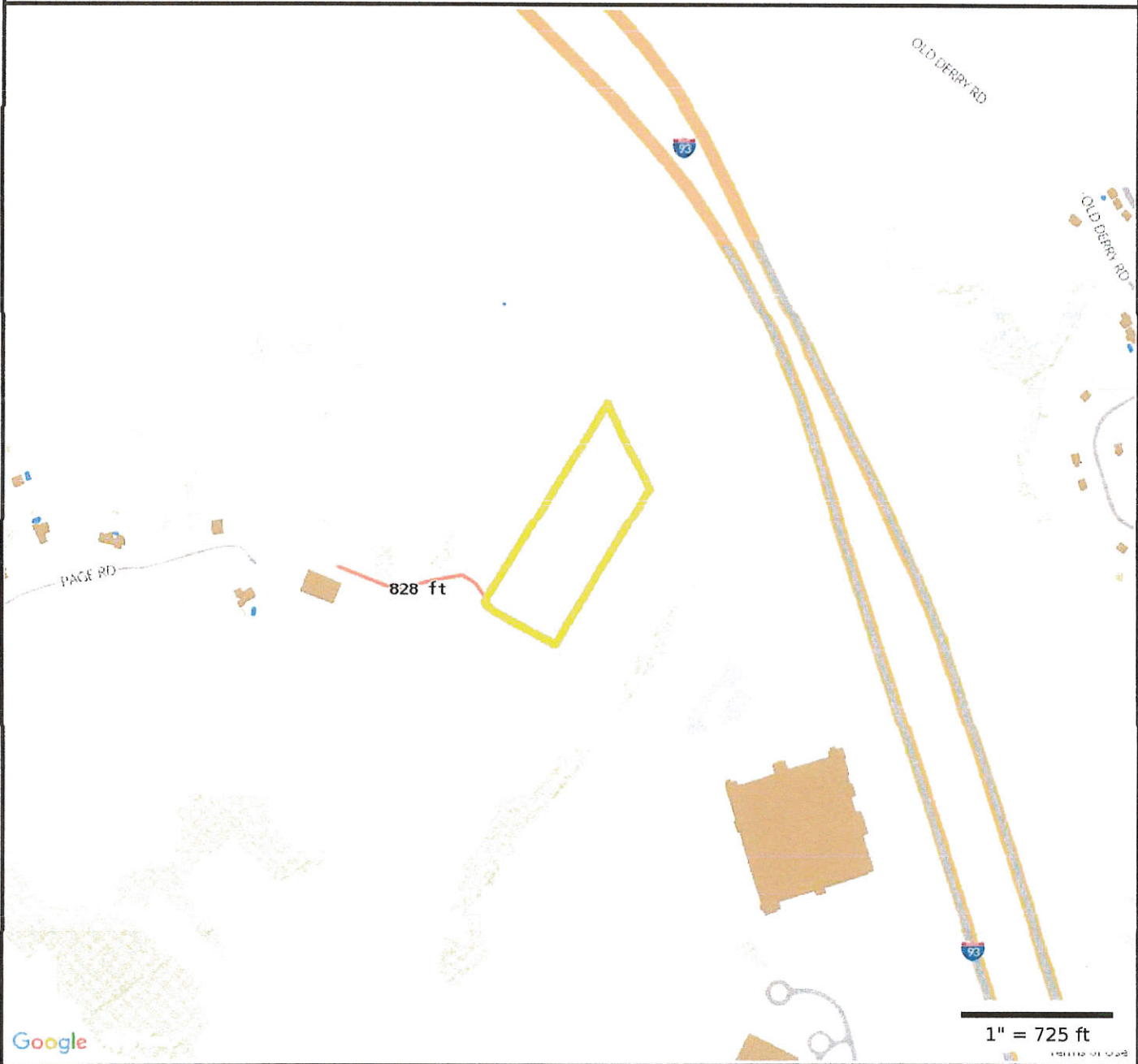
exh 1

Case No. 7/20/16-3


July 20, 2016 Carl

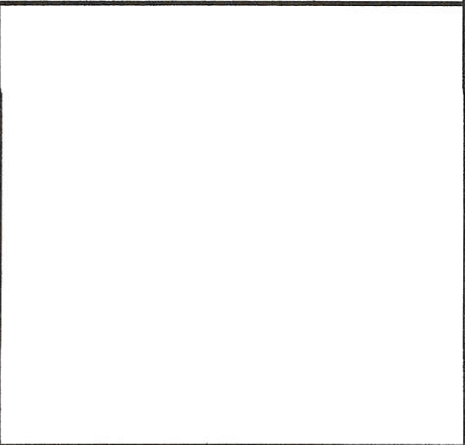
Town of Londonderry, NH

Distance of Improvements to 38 Jack's Bridge Road

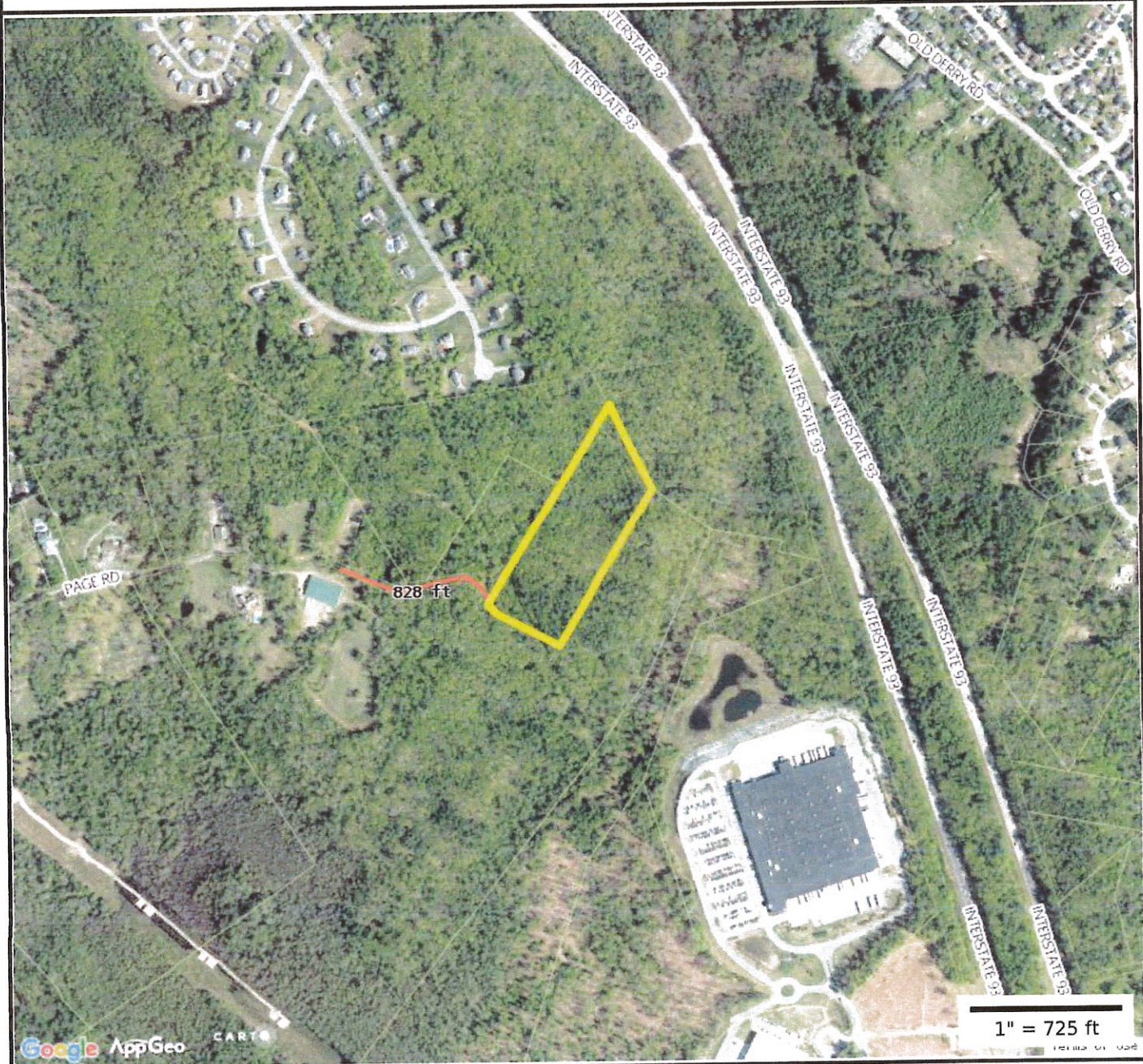


Property Information	
Property ID	017 042A 0
Location	38 JACK'S BRIDGE RD
Owner	CARL SUSAN MARIE


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**
 Town of Londonderry, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Parcels updated 4/1/2015
 Properties updated 4/1/2015



Aerial Photo - Improvements 38 Jack's Bridge Road



Property Information

Property ID 017 042A 0
Location 38 JACK'S BRIDGE RD
Owner CARL SUSAN MARIE



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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Parcels updated 4/1/2015
 Properties updated 4/1/2015

Date: 6.1.16	Susan Carl	Photo #9	38 Jack Bridge Rd
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Description: Additional homes on Page Rd which is also a class VI road.

Date: 6.1.16	Susan Carl	Photo #:10	38 Jack Bridge Road
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Description: Additional home on Page Rd which is a class VI road. The home has an art studio or photo studio sign on the road.

Date: 6.1.16	Susan Carl	Photo #11	38 Jack Bridge Rd
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Description: Side view of the barn on Page Rd which is also a class VI road.

Date: 6.1.16	Susan Carl	Photo #:16	38 Jack Bridge Road
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Description: Additional barn near the end of Page Rd which is a class VI road.

Date: 6.1.16

Susan Carl

Photo #13

38 Jack Bridge Rd



Description: Home at the end of Page Rd which is also a class VI road.

Date: 6.1.16

Susan Carl

Photo #: 14

38 Jack Bridge Road



Description: Barn at the end of Page Rd. Jack Bridge begins to the left of the barn.

Date: 6.1.16	Susan Carl	Photo #15	38 Jack Bridge Rd
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Description: Home at the end of Page Rd which is also a class VI road. Photo from Jack Bridge

Date: 6.1.16	Susan Carl	Photo #:16	38 Jack Bridge Road
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Description: Beginning of Jack Bridge Road. Lot 42A is 899 feet from the end of Page Road.

Date: 6.1.16	Susan Carl	Photo #17	38 Jack Bridge Rd
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Description: Jack Bridge Road. Lot 42 A is located 899 feet from the end of Page Road.

Date: 6.1.16	Susan Carl	Photo #:18	38 Jack Bridge Road
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Description: Jack Bridge Road. Lot 42A is at the end of this photo.

Steve Clark

From: Richard Canuel <rcanuel@londonderrynh.org>
Sent: Wednesday, July 20, 2016 5:18 PM
To: sclark
Cc: Brian G. Johnson; Colleen Mailloux
Subject: RE: Jacks Bridge Rd Administrative Appeal to ZBA

Steven,

Considering the Council's decision was based on the recommendation of the Planning Board with input from the Fire Dept., I would concur with Brian's interpretation below. A review of the Plng Brd's minutes in this case, during the Board's discussion it is stated that, "... *The board agreed that those improvements should begin at the barn at Jack's Bridge Rd portion for the new construction*". C. Mailloux stated according to the fire department's concerns that the whole road from the Lucas intersection, Class VI portion, may need to be upgraded. It was later clarified that improvements would be from the end of the existing privately maintained road-approximate location of the barn." So, I believe the intent of the approval is to require upgrading of only that portion of the unimproved road leading to the Carl's property, not the entire Page Rd.

Richard

From: Steve Clark [<mailto:sclark@ourlegalwebsite.com>]
Sent: Wednesday, July 20, 2016 3:30 PM
To: Richard Canuel
Cc: Brian G. Johnson
Subject: RE: Jacks Bridge Rd Administrative Appeal to ZBA

Richard,

I met with Brian Johnson today on the Jack's Bridge Road administrative appeal pending for this evening. Particularly, I was looking for a copy of NFPA 1141 regulations. Unfortunately, Brian was not able to give me a copy because of restrictions regarding copyright requirements. We did review portions of the code on his screen. In the course of our discussion, I inquired where the starting point for calculating the necessary turnarounds, as well as the improvements for the widening of the traveled way. From Brian's standpoint, he understood this to be from where the existing improvements\buildings are on the Verani lot on Page Road\Jack's Bridge Road are located, not from the intersection of Lucas Road and Page Road. I had stopped by your office after the meeting at around 1:00 but the office was closed until 3:00 pm.

I also spoke with Colleen Mailloux and she had the same understanding as Brian Johnson.

I was hoping to confirm this with you, since you ultimately will issue the building permit. In our meeting on June 30th you thought the turnaround might have to be calculated from the intersection of Page and Lucas Road. In light of my conversation with Brian Johnson and Colleen Mailloux, I wanted to inquire of you whether it is from the Verani lot\improvements. One of the issues on appeal is the turnaround condition because one or more would not be located on my client's property. This may not be the case if the starting point is from the Verani Barn to my client's lot at 38 Jack's Bridge Road and would obviate one of the issues in the appeal.

Your response would be appreciated. I am copying both Brian Johnson on this transmittal so each of you have the same information. I do not have Colleen Mailloux's email address, otherwise I would also include her in the transmittal.

I thank you in advance for your assistance.

Steven A. Clark, Esquire

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Thank you.

