

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

DATE: NOVEMBER 20, 2013

CASE NOS.: 11/20/2013-2 AND 11/20/2013-3

APPLICANT: HICKORY WOODS, LLC  
100 ANDOVER BYPASS SUITE 203  
NORTH ANDOVER, MA 01845

LOCATION: 304 NASHUA ROAD; 2-27-29; C-II, WITHIN THE ROUTE 102 POD

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
LARRY O’SULLIVAN, ACTING CLERK  
JAMES TOTTEN, VOTING ALTERNATE  
JACQUELINE BENARD, VOTING ALTERNATE

ALSO PRESENT: JIM BUTLER, TOWN COUNCIL LIAISON

REQUEST: **CASE NO. 11/20/2013-2:** SPECIAL EXCEPTION TO ALLOW AN OFF-  
PREMISE SIGN ON A LOT IN THE C-II/ROUTE 102 PERFORMANCE  
OVERLAY DISTRICT (POD) IN ACCORDANCE WITH SECTION 3.11.6.3.6.

**CASE NO. 11/20/2013-3:** VARIANCE TO ALLOW AN OFF-PREMISE SIGN  
OF 65 SQUARE FEET WHERE A MAXIMUM AREA OF 25 SQUARE FEET IS  
ALLOWED IN ACCORDANCE WITH SECTION 3.11.6.3.6.3.

Chairman Smith announced to the applicant that although only four of the five Board members were present to vote on their requests, a total of three votes in favor would be still required to grant those requests. The Board therefore gave the applicant the opportunity to continue their cases to the next regularly scheduled meeting when a total of five members may be present. The applicant chose to proceed.

The Chair then asked the applicant if they would like to proceed with a general presentation about both the special exception and the variance requests since they involve the same location and the same off-premise sign. Then the two requests could be heard separately and decided on individually. The applicant had no objection to the proposal. Board members had no objection either.

PRESENTATION: Case Nos. 11/20/2013-2 and 11/20/2013-3 were read into the record with one previous case listed (related to original lot 2-27).

**CASE NO. 11/20/2013-2:**

46 JIM SMITH: Who will be presenting?  
47  
48 JOHN KALANTZAKOS: How are you doing?  
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50 JIM SMITH: Of we're doing pretty well.  
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52 JOHN KALANTZAKOS: My name is John Kalantzakos, with Hickory Woods LLC.  
53  
54 RICK WELCH: Rich Welch, Hickory Woods LLC  
55  
56 JOHN KALANTZAKOS: Ok, so as you just read in we are applying for an off premise sign for Hickory Woods that  
57 was approved by the Planning Board and the site plan and subdivision plans that we did for the whole  
58 subdivision a while back, a few months ago so we are looking to get approval for that sign and I think it does  
59 meet all the criteria...that'll be there...one would be one off premise sign on the parcel where we are  
60 requesting to go on which is our, we own that lot under Hickory Enterprises LLC...It will be the only off premise  
61 sign for Hickory Woods. We are asking for the variance to have it bigger than 25 square feet for visibility. It's in  
62 the commercial zone so that was one of the criteria's. There are no directional signs we are requesting and  
63 basically we will have to apply for our building permit if this is granted. So...is there any additional information  
64 you would need on this special exception off premise sign...  
65  
66 LARRY O'SULLIVAN: This is...this is the...is this the same lot we had this, the old cell tower in? Or is this a  
67 different...  
68  
69 JOHN KALANTZAKOS: Well we subdivided off the cell tower into its own lot and we have the 55 and over on  
70 its own lot and this is a commercial lot that we retained right in the front to of the community.  
71  
72 LARRY O'SULLIVAN: So it's still the same ownership just a different lot?  
73  
74 JOHN KALANTZAKOS: Right, so if we didn't subdivide it we would...we would have been able to just put the  
75 sign, the 65 square feet in commercial on that lot. So eventually we will develop the commercial lot and this is  
76 a temporary sign and it's really just to make sure we have visibility and that the sign will be eventually reduced  
77 to the 25 square feet and then it will go away.  
78  
79 LARRY O'SULLIVAN: Ok so in a recent meeting we had...we...we approved a sign, we all may recall, for two  
80 years, that coincided with something to do with the contract. So you know that we can have a time limit on  
81 these as well, just for argument sake I guess.  
82  
83 JIM SMITH: Yeah  
84  
85 LARRY O'SULLIVAN: Alright.  
86  
87 JOHN KALANTZAKOS: I think that, at that meeting came up...like an example was the Nevins sign, so we  
88 developed the Nevins and that sign is actually coming down before the years over this year. So these things do  
89 get removed.  
90

91 LARRY O'SULLIVAN: And the need for 65 ft., was it 25?  
92  
93 JOHN KALANTZAKOS: Yeah it's just that it's a small sign, 25 square feet, so we feel like if we hadn't subdivided  
94 the two parcels and it was all one parcel we could just put a 65 square foot sign up and it's 60 acres so it's a  
95 big property so we just want to have reasonable visibility of the sign and as people are going by at least in the  
96 beginning stage.  
97  
98 LARRY O'SULLIVAN: is it reasonable for us then to insist that to be the only sign on the lot?  
99  
100 JOHN KALANTZAKOS: Yeah.  
101  
102 LARRY O'SULLIVAN: Okay.  
103  
104 JIM SMITH: I think the reason we had the time limit put on the other sign was that it was because it was  
105 related to a development and not a business which is the more the normal intent of an off premise sign which  
106 would be on its own.  
107  
108 LARRY O'SULLIVAN: This is a development, same thing  
109  
110 RICHARD CANUEL: Yeah, that particular sign you were talking about it because that sign was associated with a  
111 lease for a certain period of time so that variance coincided with that lease period, that's why there's a time  
112 frame attached to that.  
113  
114 JIM SMITH: I think what we are suggesting, we could put a time limit on it but we don't have to.  
115  
116 LARRY O'SULLIVAN: No, because they suggested in there that they have a temporary, that we make it a  
117 temporary.  
118  
119 JIM SMITH: Right, temporary. Okay any...[long pause]...ok why don't we now dwell on the special exception  
120 and go through that part of it, so I'm opening it up to the Board if they have any questions about the special  
121 exception at this point. Ok...[long pause]...approximately how long do you think that this development will  
122 take to....be complete  
123  
124 JOHN KALANTZAKOS: I would say for sure, in four years, unless there's a market down turn but the sign,  
125 because we own that commercial lot, I think we'll be less in time than the four years. I would like to get like a  
126 four year maximum if we can.  
127  
128 JIM SMITH: Okay that gives us an idea. Anyone else with questions? Jim?  
129  
130 LARRY O'SULLIVAN: I still have more questions. What's on that lot now? The commercial lot that was  
131 separated from...  
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133 JOHN KALANTZAKOS: Nothing.  
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135 LARRY O'SULLIVAN: Are there bushes? Trees?

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JOHN KALANTZAKOS: Well it's cleared now so it's just you know...

LARRY O'SULLIVAN: Bare ground...

JOHN KALANTZAKOS: Hydro seeded and stabilized area that has been recently cleared.

LARRY O'SULLIVAN: It would be in the best interests I think of the attractiveness to us, to allow this special exception if we knew that the area was going to be treated as nicely as the front of the Nevins sign for example, what was planted, that there were bushes around it, flowers sometimes during the year, not the winter time of course..

JOHN KALANTZAKOS: Are you talking about the sign on route 102?

LARRY O'SULLIVAN: Yeah.

JOHN KALANTZAKOS: Yeah, I'd want it to be attractive obviously.

RICK WELCH: Yeah, we'd want the same thing.

LARRY O'SULLIVAN: So it would we, so would other people in town. So I guess that's the reason why I'd say, that's another thing that is a reasonable accommodation to allow this special exception.

JIM SMITH: The other thing, if you sold this piece of property than this special exception would...

JOHN KALANTZAKOS: Yeah, would have to come back one we were developing that property, we would have to come back and make whatever adjustment we have to besides...

JIM SMITH: Ok, any other comments or questions? Open it up to the public, opposition, in favor, questions...?

[Laughter amongst the board]

TONY MESITI: I'm in favor.

JIM SMITH: I believe you're the owner, right?

TONY MESITI: Yes.

JAMES SMITH: Okay. Do you have his name? So at this point we will close the hearing on the special exception and take it under advisement and see where we go.

DELIBERATIONS:

179 JAMES TOTTEN: I'm having a problem finding the Ordinance as it's called down on 3.11.3...what is it .6 or is  
180 it....3.11...So on the application it's 3.11.3.6.1 on our worksheet its 3.11.3.6.6. Can we confirm which section of  
181 the Ordinance we are doing?  
182

183 RICHARD CANUEL: Should be section 3.11.6.3.6. That's the section that governs of premise signs.  
184

185 JAMES TOTTEN: So none of the documentation references that?  
186

187 JOHN KALANTZAKOS: It's on the special exception form...where is says description of proposed use, at the  
188 bottom of the first page.  
189

190 JAMES TOTTEN: Yes. Where you hand wrote it in?  
191

192 JOHN KALANTZAKOS: Yeah.  
193

194 JAMES TOTTEN: Yeah 3.11.6.3.6.  
195

196 JACKIE BENARD: Will this be a lit sign, sir?  
197

198 JOHN KALANTZAKOS: Yes...I mean if we get variance, most likely no but if it's the 25 square feet it would have  
199 to be.  
200

201 JACKIE BENARD: And it will be two sided?  
202

203 JOHN KALANTZAKOS: Yup.  
204

205 LARRY O'SULLIVAN: Ok so the question is if it's 65 square feet you don't need it lit but if it's 25 square feet  
206 you're going to need it lit?  
207

208 JOHN KALANTZAKOS: You're right.  
209

210 JIM SMITH: Ok well if we have no other questions, comments, I'll obtain a motion.  
211

212 LARRY O'SULLIVAN: I make a motion to approve case 11-20-2013-2 [clearing of throat] with this special  
213 exception from the POD.  
214

215 JAMES SMITH: Do you want to put a time limit?  
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217 LARRY O'SULLIVAN: Do we need it for this one as opposed to the 65 ft. because as far as I'm concerned they  
218 could always have a sign there if it's 25 sq. ft. Right? I mean, it has to be allowable and that's usually what we  
219 proved.  
220

221 JAMES SMITH: Yeah, okay.  
222

223 LARRY O'SULLIVAN: But it probably wouldn't hurt, you know I'll put it in this one than, we'll start it as part of  
224 this motion that we include it for two years as we have done historically...with a time limit of two years.  
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226 JAMES SMITH: Do I have a second?  
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228 JAMES TOTTEN: Why two?  
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230 LARRY O'SULLIVAN: Because that's what we have done historically...we've done it three times so far and it's  
231 been two years each time.  
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233 JAMES SMITH: They came back after two years and got a....  
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235 LARRY O'SULLIVAN: So they would get an extension.  
236  
237 JAMES TOTTEN: Okay.  
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239 LARRY O'SULLIVAN: And then it's easy enough...  
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241 JACKIE BENARD: Okay, so then it's just an extension that gets filed  
242  
243 LARRY O'SULLIVAN: Mm-hmm.  
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245 JAMES SMITH: That kind of puts...  
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247 LARRY O'SULLIVAN: Okay...  
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249 JACKIE BENARD: I second that.  
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251 LARRY O'SULLIVAN: Perhaps we should have, before we get a second...  
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253 JACKIE BENARD: Yeah...  
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255 LARRY O'SULLIVAN: Perhaps we should have a time frame; have you put a shovel in the ground yet?  
256  
257 JOHN KALANTZAKOS: Well the land is cleared out there and the road is paved and the utilities are in...  
258  
259 LARRY O'SULLIVAN: Oh, they're in? Any residences built there?  
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261 JOHN KALANTZAKOS: We're starting digging foundations now...  
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263 LARRY O'SULLIVAN: Underground utilities?  
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265 JOHN KALANTZAKOS: Yup.  
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267 [Overlapping comment]

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LARRY O'SULLIVAN: So when do you expect to have something for sale may I ask...

JOHN KALANTZAKOS: We we're taking you know refundable lot deposits now while the Attorney General approvals going on but we are reserving lots and we have a lot of interest and so we are really going to move pretty fast...it's going to be a nice place, there's a lot of views out there, and walk out basements and...we've worked hard on this, two and a half years.

LARRY O'SULLIVAN: ...to have something for sale...?

[Laughter]

TONY MESITI: We'd be happy to give you a [indistinct] tour.

LARRY O'SULLIVAN: [Jokes] That comes with the movie and free tickets to Disney, right?

[Laughter]

JOHN KALANTZAKOS: So we've gone pretty far so it is time for a sign so we're not premature.

LARRY O'SULLIVAN: So you're ready to put a sign in the ground now?

JOHN KALANTZAKOS: Yes

LARRY O'SULLIVAN: Okay, I thought they were a little further out, so two years may not be sufficient. [laughs] but I think it's a reasonable...

JIM SMITH: They're much further along with the project as far as I'm concerned.

LARRY O'SULLIVAN: That's awesome...

JAMES SMITH: Yeah.

LARRY O'SULLIVAN: Okay, now I guess we could second, I'm finished

JAMES SMITH: Okay.

JACKIE BENARD: I'll second it.

JIM SMITH: Jackie seconds it. All those in favor?

LARRY O'SULLIVAN: Aye.

JACKIE BENARD: Aye.

313 JAMES TOTTEN: Aye.

314

315 JIM SMITH: Aye.

316

317

318 RESULT: THE MOTION TO GRANT CASE NO. 11/20/2013-2 WITH RESTRICTONS WAS APPROVED, 4-0-0.

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320 CASE NO. 11/20/2013-3:

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322 JIM SMITH: Onward to the...the variance.

323

324 JOHN KALANTZAKOS: Alright as far as the variance goes, we would we have the 5 points. The first one, the  
325 variance will not be contrary to the public interest, 65 sq. ft. signs are allowed in C-II so that is going to be the  
326 only sign on the lot, so I think that it really wouldn't be any different from anything else out there. The spirit of  
327 the Ordinance is observed so once again, 65 sq. ft. signs are allowed in C-II....substantial justice is done and it  
328 just gives us a fair sized temporary promotional sign just to get things started at least. It really wouldn't affect  
329 the adjacent parcels because it is all along 102 there are 65 sq. ft. signs in the commercial district...as far as  
330 hardship goes, we really, we have frontage along the road coming in between the commercial lots but, it's a  
331 50ft. right away and a 28 ft. rd. so there's not a lot of room in there for signs so we're feeling like it's a special  
332 case because we essentially own that front commercial lot and there was just retained as part of the parcel we  
333 would be allowed to put the 65 sq. ft. sign up so if that parcel does get developed for commercial use  
334 obviously that sign would have to come down and a commercial use would go in there so there's only going to  
335 be one use at a time and right now it would be to market Hickory Woods 55 and over community and when  
336 commercial use comes in that sign is going to have to go so....we would be back here with other alternative  
337 and maybe on a different piece of land, so this really is more temporary than a subdivision saying we would  
338 like to get a temporary sign until we sell the houses. This really is a temporary sign just to get us going and  
339 then we have commercial that will be going on for that lot so we're going to replace our own sign use with our  
340 own development. [Long pause]. I know there's somebody here that will speak in favor of this too.

341

342 [Chuckles]

343

344 JIM SMITH: This picture of the sign, is this what you're proposing?

345

346 JOHN KALANTZAKOS: Which one re you looking at? Are you looking at the...?

347

348 JIM SMITH: It has Hickory Hill [sic] Woods across the top, premier adult community, plus 55, active indoor  
349 outdoor lifestyle, than it has a map...

350

351 JOHN KALANTZAKOS: Yeah.

352

353 JIM SMITH: Real Estate Results

354

355 JOHN KALANTZAKOS: Yup.

356



357 JIM SMITH: Than there's an address below that and a phone number than a...email address then...what  
358 else...four lines of text below that...  
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360 JOHN KALANTZAKOS: Yeah...so this would be like an up to 65 ft. sign so the bottom rider, when we get  
361 Attorney General approval, would come off.  
362  
363 JIM SMITH: Approximately how long would you envision a car driving by this sign would have to read this...?  
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365 LARRY O'SULLIVAN: At 50 miles an hour.  
366  
367 JAMES SMITH: Whether 55 or 60 mph...  
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369 JOHN KALANTZAKOS: I don't think anybody reads it as they go by but a lot of people see that there's  
370 something being developed in the area and they're like 'oh I wonder what that is' so they will drive over there  
371 and take a look to see what's going in there. So we don't get anything at the Nevins from people even  
372 stopping at that light and saying 'oh there's a Nevins sign here' it's really somebody that's looking for the place  
373 and can identify where your development is and then it will alert people that seek instruction and that want to  
374 know, ok what is going in there, they'll have an idea of what's there and who they can call, because we are  
375 actually getting calls from customers, potential customers that live in town and they call the town to find out  
376 what's going there and the town is supposed to direct them to us, so it's...it's just a marker so people know  
377 what's going on there, I don't expect anybody to read it flying by there.  
378  
379 RICK WELCH: In this case you can go down the road to the new paved road and see that it's a new  
380 development, that might make them go into that road and maybe get out and look at the sign.  
381  
382 JOHN KALANTZAKOS: I've driven down there 100 times and I can only tell you that the flea market down there  
383 and Comcast, I don't really see everything when you're driving by so...  
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385 JAMES TOTTEN: That's all that's there.  
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387 LARRY O'SULLIVAN: [indistinct]  
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389 JAMES TOTTEN: That's it  
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391 JACKIE BENARD: Yeah  
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393 LARRY O'SULLIVAN: [indistinct]  
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395 JIM SMITH: Okay, the only thing I'm suggesting is that it's a very busy sign, there's an awful lot of text on this  
396 sign and so forth.  
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398 LARRY O'SULLIVAN: Hey but it's still 65 square feet so...  
399  
400 JIM SMITH: Yeah, I'm...I'm just trying...to point out that....  
401

402 JOHN KALANTZAKOS: All the wording on the bottom will just be for a couple months and then it's gone, so  
403 you'll have a phone number, a website and a picture of the lot map and Hickory Woods, you know....I think it's  
404 pretty basic.

405

406 JIM SMITH: Is there a legal requirement to have that on the bottom.

407

408 JOHN KALANTZAKOS: Yes.

409

410 JIM SMITH: Ok then it makes a little more sense to me. Once that part is gone, how are you going to  
411 reconfigure the sign, or are you?

412

413 JOHN KALANTZAKOS: That's going to be a rider so it's just going to come off and nothing will replace it.

414

415 JIM SMITH: So you'd actually reduce the overall size of the sign by that sq. footage.

416

417 JOHN KALANTZAKOS: Yup. This is going to be a temporary piece and then, that's why we said up to 65 sq. ft.  
418 because I know it's not going to end up being the full amount.

419

420 JIM SMITH: Okay...do you know how many square feet that area represents?

421

422 JAMES TOTTEN: This sign as presented to me is only 48....

423

424 JAMES SMITH: Well, the...

425

426 JOHN KALANTZAKOS: It might be one and a half by eight or at the bottom that's coming off maybe...

427

428 RICK WELCH: About twelve sq. ft.

429

430 JIM SMITH: [Sigh] Well, this...yeah like Jim was saying the way it's presented right now looks like he has 6x8...

431

432 JOHN KALANTZAKOS: Yeah. We asked for up to 65 sq. ft. but this is the plan for the sign so if you approved  
433 48, we would be happy with that.

434

435 JAMES TOTTEN: So if we approve 65, will this sign change? I'm not clear as to why it's presented 65 if your sign  
436 is 48...

437

438 JOHN KALANTZAKOS: Well we figured if we got 65, than that's the allowable sign size in the district...

439

440 JAMES TOTTEN: Oh, for C-II?

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442 JOHN KALANTZAKOS: Yeah.

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444 JIM SMITH: Okay

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446 LARRY O'SULLIVAN: Sounds reasonable to me.

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JIM SMITH: Well...well here's where I was going with it. I would like to see it...ok... give you the 48 sq. ft. as presented at this point with the provision that the size of the sign be reduced by whatever that sq. footage on the bottom, once you can remove that.

JOHN KALANTZAKOS: Okay.

JIM SMITH: And I think part of what we're trying to do, what I'm...my thinking is to reduce the size of this sign to the minimum size required over the 25 that you could...

JOHN KALANTZAKOS: Right.

JAMES SMITH: ...which would accomplish what you are trying to do...rather than giving you an open 65 sq. ft.

JOHN KALANTZAKOS: So if we go with that criteria of the 48 and then dropping the rider, can we have lit?

JIM SMITH: Correct.

JOHN KALANTZAKOS: Yes?

JAMES SMITH: How does the rest of the Board feel about that?

LARRY O'SULLIVAN: I don't see why it should be lit alone.

JIM SMITH: What?

LARRY O'SULLIVAN: I don't see why...nobody's going to read that for Pete's sake.

JAMES SMITH: Well, I know, but I'm just saying, once that lower section is gone, it's gone forever, so than you have a...probably a foot maybe, say it's a foot, but now you're down to a 5x8.

LARRY O'SULLIVAN: I think it's more...

JAMES TOTTEN: I see it a little differently...

LARRY O'SULLIVAN: Me too.

JIM SMITH: Well...okay. Go ahead

JAMES TOTTEN: So C-II is allowed 65 sq. ft. right, when they develop that property they're going to be allowed a sign of that size, the only reason that this is unique is because it's an off premise sign...and...I just don't see...

LARRY O'SULLIVAN: What 48 is going to mean versus 65?

JAMES TOTTEN: Yeah, I mean if...if...

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LARRY O'SULLIVAN: Why put

JAMES TOTTEN: Right? The lot's allowed 65 Sq. Ft...the lot as it stays, so...

LARRY O'SULLIVAN: Correct.

JIM SMITH: If it wasn't an off premise sign...

JAMES TOTTEN: If it wasn't an off premise sign...

JAMES SMITH: Right.

JAMES TOTTEN: So when they do develop it they're going to have a 65 sq. ft. sign there...

[Overlapping comments]

LARRY O'SULLIVAN: Yeah, but in the meantime what Jim's point is...is...is just to pick up on it...we're limiting the off premises signs.

JAMES TOTTEN: I understand...

LARRY O'SULLIVAN: And the purpose for it and the reason...

JAMES TOTTEN: No, I understand...

LARRY O'SULLIVAN: ...why we have a difference between them, an on-premises sign versus and off premises sign, it's a Master Plan and Planning Board decision.

JAMES TOTTEN: Yup.

LARRY O'SULLIVAN: Right? That's what the town wanted...so....that's what Jim's...

[Overlapping comment]

JIM SMITH: Right.

LARRY O'SULLIVAN: My point is with this, since 65 is allowed in a commercial zone, and we see a 65 sign...ft. sign coming sometime in the future when it is developed, what we could do in the meantime to prevent it from being lit and more intrusive in my opinion, is to allow the 65 ft. with the exception of that it not be lit...so...I'd rather have a bigger sign than a lit sign...

JAMES TOTTEN: ...I...I would feel the same way...

LARRY O'SULLIVAN: I think it's better for the neighbors...

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[Long pause]

JIM SMITH:....I think part of what my, kind of problem with this whole off premise sign...the off premise sign was really designed with the idea it was...was to advertise a business use, which was located on a lot which was not adjacent to a well-traveled road and it was much like Stonyfield...yogurt...they have an off premise sign because their business is set back, of to the...well highly traveled road. Using it for a real estate approach...is...is kind of a [sign]...stretch in my mind for this type of a use...purpose...it wasn't the original intent....and again I think part of that logic went into limiting it to the 25 sq. ft. and you were limited to I believe one off premise sign on a particular piece of property, you can also have some directional signs and so forth, and again it was too...facilitate those business's which didn't have...e...eye visibility on well-traveled roads. This is a second time we have had a real-estate sign using this mechanism...and I...it's kind of a wishy-washy in my mind as to if it's the proper use of this type of a sign, so...in...trying to balance that idea and the overall use, in this case they're trying...similar to the other one that we had like this...you want to increase the size to make it more visible, I think we should allow it to be increased in size...but...not necessarily go to the full 65 sq. ft. because at 65 sq. ft. is really to advertise the commercial activity on that particular lot, not something that's on a...not on a...not on a lot...so that's where I'm coming from and that's why I think we should limit it to the 48 sq. ft. that's on this presentation rather than give them the 65...That's where I stand on it...

LARRY O'SULLIVAN: Understood...understood...I completely understand your point there and that's exactly where I was coming from with usage, that's why I mentioned that for two years this is going to be...in my opinion...and unlit, larger than permitted sign, whether it be 48 or 65, is not material to me I just don't want it to be lit. I think you'll have an effect on neighbors and traffic as soon as you lit it...so...similar to the Nevins, the Nevins was the first one right?...the Nevins is an off-premise...and we just did one two months ago...three months ago...can't think of the name of the development in north off...off...off of Exit 5 on Rockingham Rd.

JAMES TOTTEN: Yeah, I can't think of it.

LARRY O'SULLIVAN: But...so that's...this will be the third one...we...we did another on for a senior housing project was it, or senior.....or am I thinking of something else...the one over by the ski center...the association there [pause]...but anyway, the point of the matter is, I don't care if it's 48 ft. just as long as it's not lit, I don't care if it's 65 ft. as long as it's not lit...because it's going to be 65 ft. in two years or whenever they do put a piece of property on there that does business on that lot. So, the point of the matter is, for a couple years you'll have neighbors who won't be bothered by the glare and drivers who won't be bothered by the glare...so...one less distraction on that stretch of road...ok

[Chuckles]

JIM SMITH:...So at this point we're...you're suggesting up to 65 as long as it is not lit.

LARRY O'SULLIVAN: Right.

JIM SMITH: Anyone else have any thoughts...?

582 JAMES TOTTEN: I can't believe I'm saying it, but I agree with Larry...  
583  
584 JAMES SMITH: Okay, alright...[laughter]...ok if anybody has no other objections I'll entertain a motion...I made  
585 my argument you made yours...and...[laughter]...whatever...  
586  
587 LARRY O'SULLIVAN: Do you want me to make a motion?  
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589 JAMES TOTTEN: Did we open it...  
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591 LARRY O'SULLIVAN: ...I was hoping somebody else would make it...  
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593 JAMES TOTTEN: ...to the...?  
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595 JAMES SMITH: I think we...we...kind of fell into deliberations, I...I believe....There's nothing else to present  
596 right?  
597  
598 JOHN KALANTZAKOS: No.  
599  
600 JAMES SMITH: Okay, so officially we're in deliberations, we've kind of deliberated it already so at this point I'll  
601 entertain a motion...  
602  
603 [Overlapping comment]  
604  
605 JAMES TOTTEN: That's fine I'll do it...so I move that the Board...approve variance request 11-20-2013-3  
606 submitted....by....[shuffling of papers]...Hickory Wood LLC...  
607  
608 LARRY O'SULLIVAN: Can I interrupt for a suggestion...  
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610 JAMES TOTTEN: Sure.  
611  
612 LARRY O'SULLIVAN: That it be the only...that we would limit it to the only .....sign on the lot...and it be unlit...  
613  
614 JAMES TOTTEN: With restrictions that it be the only...with restrictions that the sign will not exceed 65 sq. ft.  
615 and that it be the only sign on the lot and not lit.  
616  
617 LARRY O'SULLIVAN: Jackie, are you good with that?  
618  
619 JACKIE BENARD: Very good. Second.  
620  
621 JAMES SMITH: Okay, all those....  
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623 LARRY O'SULLIVAN: Do you need a second?  
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625 JAMES SMITH: She seconds...  
626

627 LARRY O'SULLIVAN: Yup.

628  
629 JIM SMITH: All those in favor?

630  
631 LARRY O'SULLIVAN: Aye.

632  
633 JACKIE BENARD: Aye.

634  
635 JIM SMITH: Aye.

636  
637 JAMES TOTTEN: Aye.

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639  
640 RESULT: THE MOTION TO GRANT CASE NO. 11/20/2013-3 WITH RESTRICITONS WAS APPROVED, 4-0-0.

641  
642  
643 RESPECTFULLY SUBMITTED,

644  


645  
646 LARRY O'SULLIVAN, ACTING CLERK

648  
649 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

650  
651 **APPROVED DECEMBER 18, 2013** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JACKIE  
652 BENARD AND APPROVED 3-0-1 WITH NEIL DUNN ABSTAINING AS HE HAD NOT ATTENDED THE MEETING.