

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

DATE: AUGUST 21, 2013

CASE NO.: 5/15/2013-2 (CONTINUED)

APPLICANT: JAMES A. AND DARLENE M. CORDARO
11 WILLOW STREET
DERRY, NH 03038

LOCATION: 10 KENDALL POND ROAD; 6-47-1; AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR
LARRY O'SULLIVAN, VOTING MEMBER
JAMES TOTTEN, VOTING ALTERNATE
NEIL DUNN, CLERK

REQUEST: VARIANCE TO REPLACE AN EXISTING 3.5 FOOT X 15 FOOT (52.5 SQUARE FOOT) NON-CONFORMING SIGN WHERE A MAXIMUM OF 6 SQUARE FEET IS ALLOWED FOR A NON-RESIDENTIAL USE IN A RESIDENTIAL ZONE ACCORDING TO SECTION 3.11.6.4.1.2.

PRESENTATION: At the opening of the meeting, the Chair announced to all applicants that with only four Board members in attendance, they would have the opportunity to request a continuance. The applicants of Case 5/15/2013-2 chose to proceed.

Case No. 5/15/2013-2 was read into the record with six previous cases listed.

JAMES SMITH: Who will be presenting?

DARLENE CORDARO: I'm Darlene Cordaro, my husband Jim, and we were just here for the sign. When we were here last time, you wanted us to go to the Heritage Commission, which we have, and we went to the Planning Board too and now we're here again in front of you.

JAMES SMITH: Okay. Richard, do you want to say anything about the Planning Board or...?

RICHARD CANUEL: I know they did go to the Heritage Commission. The Heritage Commission, I think, asked for a couple of changes which I think they have made, and they gave it their blessing.

JAMES SMITH: Okay. For everybody in the audience, this is a continued case. We had a question about the makeup of the sign and we asked the Heritage Commission to look at it and then I guess they went to the Planning Board and now we're back to us. Any questions or comments?

46 LARRY O'SULLIVAN: The issues have been that the sign is large and larger than, by five or six times, what was
47 allowed in a residential zone. To sum up my feelings of the last time we were here is we are right on the edge
48 of the heavily trafficked [Route] 101 and the intersection of...that's Kendall Pond there, right?
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50 JAMES SMITH: Yeah, Kendall Pond.
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52 LARRY O'SULLIVAN: But anyway, because it is so busy there, we're intruding into a residential area with the
53 building, which has been approved by a variance and the parking lot and the use now because originally it was
54 a church. We have a lot of things that we were dealing with to try and balance what you need and what you
55 would like to be able to get versus what is acceptable in the area. So that's why we asked you to go to the
56 Heritage Commission, that's why you have done the things that you've done to come up with what he have
57 here. What I see in the way of the photos is...underneath the number 10 on the side of the building, a white
58 background with colored lettering. Is that still where we are with this picture?
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60 DARLENE CORDARO: Yes.
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62 LARRY O'SULLIVAN: Okay. And the size; has that stayed the same?
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64 DARLENE CORDARO: We thought we were okay with the 50 square foot when we here last time. That's what
65 I thought we had agreed to.
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67 JAMES SMITH: Well, we discussed going...because the original application was for a duplication of the existing
68 sign, which was 52.5 square feet.
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70 LARRY O'SULLIVAN: Right.
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72 JAMES SMITH: I asked the question about the commercial district; a typical sign would be 50 square feet, so I
73 was comfortable with reducing it down to the 50 square feet.
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75 LARRY O'SULLIVAN: On the basis that it's right at the edge of the commercial district.
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77 JAMES SMITH: Right. Right.
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79 LARRY O'SULLIVAN: Okay, I follow.
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81 JAMES SMITH: Okay. Now, the picture we have has a white background. Is that still what you have?
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83 DARLENE CORDARO: Yes.
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85 JAMES SMITH: Okay. And that's what the Planning Board agreed to?
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87 DARLENE CORDARO: Yes.
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89 JAMES SMITH: Okay, so that's basically what we were looking for was to have the Planning Board...
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91 DARLENE CORDARO: Heritage Commission...

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JAMES SMITH: I wasn't really asking for the Planning Board to get involved...

LARRY O'SULLIVAN: It was Heritage Commission.

JAMES SMITH: ...but the Heritage Commission...I'm not sure exactly how it ended up with the Planning Board, that they went to the Planning Board. The Planning Board reviewed what the Heritage Commission looked at and said that they are agreeable to it, so I think we have the approval of the Planning Board, so...Is there any...?

LARRY O'SULLIVAN: There was no objection from the Planning Board...

JAMES SMITH: Right.

LARRY O'SULLIVAN: ...as opposed to this approval because we're the ones who are going to approve it. But the point of the matter that I would make is; they seemed to have addressed all the things that we asked them to...

JAMES SMITH: Yeah.

LARRY O'SULLIVAN: ...they made all their points according to the five criteria that we require. It seems to me that we haven't heard anything from anybody in the way of a negative. No neighbors have said anything. It seems to be fairly unobtrusive. I don't know what else I can say. Have we invited anybody to speak against or having any questions? I didn't know if...I don't remember if we did.

JAMES SMITH: I don't know if we did on the original meeting.

LARRY O'SULLIVAN: Okay, well...

JAMES SMITH: Yeah.

LARRY O'SULLIVAN: Want to do that again?

JAMES SMITH: Anybody else on the Board who wants to say anything?

NEIL DUNN: My only thought was, and we kind of left it with the Heritage Commission because there were concerns about it standing out a lot and there was talk about making it look more like the existing...the previous sign that was there, with more muted colors on the building background. And I thought that's what we were looking for. Because we had said it was a little busy and bright for a commercial/resi area, we were trying to be a little bit more subdued. Unfortunately, I guess, to me, it didn't quite meet what I had asked for, that we had spoken about here on the Board, but because it has gone through the Heritage Commission, I guess maybe I learned a lesson here. That would be my only point. I thought it was supposed to be more subdued.

JAMES SMITH: Jim?

138 JAMES TOTTEN: Noting to add.
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140 JAMES SMITH: Okay. So that this point, I'll open it up to the audience. Anyone have any comments, for or
141 against? [No response]. Okay, so I'll bring it back to the Board. If not, we'll close the public hearing at this
142 point.
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144 DELIBERATIONS:
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146 JAMES SMITH: Any more discussion?
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148 LARRY O'SULLIVAN: No. Good to go.
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150 JAMES SMITH: Does anyone want to make a motion?
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152 LARRY O'SULLIVAN: I guess, before we do that, I'd like to make sure that we have...what we're seeing in front
153 of us, that was...what do they call it? A black dibond address panel and the way it's described here, is what
154 the Heritage Commission has seen. So if this...
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156 DARLENE CORDARO: I have a picture.
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158 LARRY O'SULLIVAN: Okay, that's even better. So it matches up the way I see it, too. Have you got it?
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160 JAMES SMITH: Yeah.
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162 LARRY O'SULLIVAN: Are you good with that?
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164 JAMES SMITH: Yeah. That's...
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166 JAMES TOTTEN: Yeah, that's the one we have included.
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168 JAMES SMITH: Okay. Thank you.
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170 LARRY O'SULLIVAN: And Miss Cordaro, that's already been modified according to the Heritage Commission, of
171 the way they want it?
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173 DARLENE CORDARO: Yes.
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175 LARRY O'SULLIVAN: Okay. If there's nothing else, I'm ready to make a motion.
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177 JAMES SMITH: Okay.
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179 LARRY O'SULLIVAN: I make a motion to approve Case 5/15/2013-2 as all five points for a variance have been
180 met, the Heritage Commission has voiced its approval, and...
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182 JAMES SMITH: Okay, limited to 50 square feet
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184 LARRY O'SULLIVAN: ...and it's limited to 50 square feet.

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186 JAMES SMITH: Okay. Do I have a second?

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188 JAMES TOTTEN: I'll second.

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190 JAMES SMITH: All those in favor?

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192 NEIL DUNN: Aye.

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194 LARRY O'SULLIVAN: Aye.

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196 JAMES SMITH: Aye.

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198 JAMES TOTTEN: Aye.

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200 RESULT: THE MOTION TO GRANT CASE NO. 5/15/2013-2 WITH RESTRICTIONS WAS APPROVED, 4-0-0.

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202 RESPECTFULLY SUBMITTED.

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206 NEIL DUNN, CLERK

207 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

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209 **APPROVED SEPTEMBER 18, 2013** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JAMES
210 TOTTEN AND APPROVED 3-0-1 (JACKIE BENARD ABSTAINED AS SHE WAS NOT A MEMBER OF THE BOARD AT
211 THE TIME).