

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

DATE: NOVEMBER 17, 2010

CASE NO.: 11/17/2010-1

APPLICANT: MICHAEL J. RICCIO
169 EAST DERRY ROAD
CHESTER, NH 03036

LOCATION: 103 NASHUA ROAD, 6-35-17, C-I/RTE 102 POD

BOARD MEMBERS PRESENT: MATTHEW NEUMAN, ACTING CHAIR
JIM SMITH, VOTING MEMBER
JAY HOOLEY, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING OFFICER

REQUEST: VARIANCE TO ALLOW REPLACEMENT OF THE SIGN FACE ON AN
EXISTING NON-CONFORMING FREESTANDING SIGN WITHOUT HAVING
TO BRING THE ENTIRE SIGN INTO COMPLIANCE AS REQUIRED BY SECTION
3.11.8.

PRESENTATION: CASE NO. 11/17/2010-1 WAS READ INTO THE RECORD ALONG WITH THE THREE PREVIOUS
CASES AND THE SPECIFIC RESTRICTIONS ATTACHED TO CASE NO. 10/17/89-1.

MATT NEUMAN: Would you like to identify yourselves for the Board?

J.D. ILES: Judy?

JUDY RICCIO: My name is Judy Riccio. I own Café Theresa with my husband, Michael Riccio, and I'm here on
his behalf as he is owner of the building.

J.D. ILES: And my name is J.D. Iles. I'm with Jutras Sign Company. We've been working with Judy over the
past year to update the look of her signage and restaurant.

MATT NEUMAN: Okay. So we'd ask now for you to make your presentation and if you want to read through
your application?

J.D. ILES: Sure, and I'm just gonna read through everything from start to finish.

MATT NEUMAN: That's fine.

J.D. ILES: A variance is requested from Section 3.11 of the zoning ordinance for the following reasons: The existing freestanding pylon sign misdirects the consumer into thinking another business, Mr. Steer, is still at 103 Nashua Road. The owner of the company wants to change the sign faces in order to properly identify the businesses at that location; Café Theresa and New England Design Elements. Additionally, New England Design Elements is a tenant of the owners of Café Theresa and they want to be able to serve their tenant to the best of their ability. Additionally, Café Theresa would like to update their logo to the current logo used in the rest of their marketing campaign. Number one, the variance will not be contrary to public interest. The requested face change will not impact the public interest in a negative way and will, in fact, be an improvement to the signage on the property. The sign currently being mislabeled confuses the public. Café Theresa is asking for the ability to bring their sign current with the tenants that currently exist in the building. Number two, the spirit of the ordinance is observed. The letter from the Zoning Board [sic; from the Zoning Officer] dated 10/19/10 confirms that the existing sign is protected from retroactive application of the ordinance sign regulations, which I believe means that the sign is still legal as it currently stands, as per the variance that was awarded back in 1989. "However, the sign will lose its legal nonconforming status if the sign is 'altered in any way in structure or copy,'" and that's a direct quote from the letter. I can understand Londonderry's interest in having oversight over changes a business owner makes to their signage but I don't think that changing the logo on this sign goes against the sign ordinance and is in closer keeping with the purpose and intent of the Town sign ordinances than leaving it as-is would be. In regards to keeping with the purpose and intent of the sign ordinance, changing the logos on the sign would promote signs that are harmonious in color, material, and lighting with the buildings and surroundings to which they relate. Café Theresa recently changed their logo and rebranded their restaurant with awnings which will compliment the sign change as well, and vice versa. To leave the sign as-is would negate the importance of this purpose. Changing the logos would serve to control visual clutter and encourage high professional standards in sign design and display. Visual clutter would include, in my mind, information which is potentially confusing to the person reading a sign. And clearly, having a business mismarked would be confusing to the public. Allowing a logo change on a sign face would promote the economic growth of Londonderry that is conducive to attracting new business and industrial development. By restricting the ability for a sign owner to freshen their logo or to correctly identify a tenant in a building places unnecessary hardship on a Londonderry business owner. In regards to the issue of whether or not changing a business logo on a sign is, in fact, allowed by Londonderry's current sign ordinances, the ordinance reads that a "sign is no longer protected if the sign is altered in any way or structure or copy." The word "copy" is never defined in the sign code and a poll of dictionary definitions defines "copy" as "the text of a news story, advertisement, television commercial, et cetera, as distinguished from other visual material. I would like to suggest that a customer's logo or logo type is not, in fact, copy. I believe the intention of the sign ordinance is to make sure that any copy placed on a sign is readily changeable only in the case that it occurs within exchangeable copy system, as Londonderry's sign code reflects. For example, if a fictional business, Fred's Fish, wanted to create a static sign that says "Flounder, 99 cents per pound," they would be restricted from changing the price whenever the market changed, except if the price change occurred in the changeable copy area. "99 cents" is copy and if the change of copy was not restricted, a business owner could change a large amount of copy on their sign at will and I can understand the logical need to restrict that. If an owner updates their logo to provide a fresher look to keep with the times and attract more business, only the visual representation of the business changes on the sign. No copy needs to change for this to occur. Substantial justice is done because it would be better to

grant the request than deny it. Granting the request would allow a business owner to refresh their logo and properly reflect the tenants in a building. To deny the request would set up situations where an incorrect sign stands in front of a business for several years unchanged because the owner is hesitant to change the logo, lest they use the protected status of the sign, which is what occurred. The values of the surrounding properties are not diminished. The sign has existed in the same location since 1989 and has not yet to be found to have had a negative impact on property owners. Number five; literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of the provision to the property. There is no relationship between the spirit of the provision and the application in regards to this property. We contend that a logo change on a sign face or the change of tenants in a building should be allowed on any property as outlined above. Not being able to change the face of this sign has resulted in unnecessary hardship already. Patrons of Mr. Steer incorrectly coming into the existing businesses at this address takes time away from the business staff and diminishes public good will in the two (2) businesses at that property as well as Mr. Steer's good will. Not allowing the change does more harm than good and I've also included a letter from Chris George, who's the owner of Mr. Steer's Marketplace which is directly across the street. The proposed use is a reasonable one. Granting this variance does not allow the erecting of any new sign or structure but merely allows a sign that has stood since 1989 to remain. The variance granted for this pylon sign at that time allowed for reasonable use that was specific to the property. Placement of the sign according to code would have resulted in the sign being placed in the middle of the parking lot and in a bad viewing location. We only ask to update logos on the sign and correctly reflect tenant information. To insist that these businesses need to remove and then rebuild an existing sign causes unnecessary hardship to both because of the cost burden. And in the event they are unable to afford a new sign, Café Theresa is less visible and less branded than they would have been if they had simply left things as they are right now. Number six; if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist only if, and only if, owing to special conditions of the property that distinguish it from the other properties in the area. The property cannot be reasonably used in strict conformance with the ordinance and a variance is necessary to enable reasonable use of it. The variance granted for this pylon sign at the time allowed a reasonable use that was specific to the property. Placement of the sign according to the code would have resulted in the sign being placed in the middle of the parking lot in a bad viewing location. We only ask to update logos on the sign and correctly reflect tenant information. To insist that these businesses need to remove and then rebuild an existing sign causes unnecessary hardship because of the cost burden and in the event they are unable to afford the new sign, Café Theresa is less visible and branded than they would have been if they had simply left the sign as it was. And I realize those last two repeat and overlap, but I thought it applied equally.

MATT NEUMAN: Okay.

J.D. ILES: The last three are the ones I have the most trouble with.

MATT NEUMAN: Like most people.

J.D. ILES: Yeah.

MATT NEUMAN: Alright. Thank you. I'm gonna ask Richard a quick question before we get going. Exactly where does this sign need to be to be conforming?

RICHARD CANUEL: Well, since this sign was constructed, the Route 102 Overlay District has been implemented. Back when the sign was constructed, it was as fifteen (15) foot setback requirement. It is now only a ten (10) foot setback requirement. You know, that doesn't aid the case in this point but there is also an added restriction that the sign can be no higher than ten (10) feet as well because of that overlay district. So basically, the setback would be ten (10) feet in this instance.

LARRY O'SULLIVAN: And how close is it now?

RICHARD CANUEL: Well, the sign is actually located in the State right of way.

LARRY O'SULLIVAN: Okay, how close is that to the setback?

RICHARD CANUEL: How close is it to the setback? Well, it's not.

LARRY O'SULLIVAN: To the property line?

RICHARD CANUEL: Well, let's see, the best plan that I have here shows the sign, I would have to guess, probably...

LARRY O'SULLIVAN: Six (6) feet?

RICHARD CANUEL: Yeah, maybe five (5) feet into the State right of way.

JAY HOOLEY: Mr. Chairman, if I might, so to make the setback, you'd have to put it pretty much in the middle of the parking area.

RICHARD CANUEL: Pretty much right in the parking lot, yeah. Would you want to take a look at this site plan? I don't know if you have this information there or not, so...

LARRY O'SULLIVAN: We have a plan, it's just very small.

MATT NEUMAN: Yeah.

RICHARD CANUEL: There's the property line...

MATT NEUMAN: Yup.

RICHARD CANUEL: That represents the State right of way...

JAY HOOLEY: So they'd have to be ten (10) feet back, right in the middle of the two-way traffic?

RICHARD CANUEL: That's right.

JAY HOOLEY: Right. Okay.

MATT NEUMAN: And that's the entryway.

RICHARD CANUEL: That's actually the access way...

MATT NEUMAN: Right.

RICHARD CANUEL: ...directly into the parking lot.

JAY HOOLEY: Yup.

MATT NEUMAN: Okay.

JAY HOOLEY: I think that might create other issues.

[Indistinct comments]

RICHARD CANUEL: This is actually the traveled way...

LARRY O'SULLIVAN: Right.

RICHARD CANUEL: ...to that parking area.

LARRY O'SULLIVAN: So the property line is that dark line.

RICHARD CANUEL: That's the property line. That's right.

LARRY O'SULLIVAN: So the sign is outside the property line.

RICHARD CANUEL: That's right. It's actually within the State right of way.

LARRY O'SULLIVAN: Okay, so they have a sign on the State right of way, not even on their property. Do we have the authority, my question is, to grant something that isn't on the property?

RICHARD CANUEL: Well, see that's the situation we're in. The State took that portion of the property when they widened 102, so that sort of creates a hardship in itself simply because...

MATT NEUMAN: When was that taken?

RICHARD CANUEL: You could probably answer that better than I could. I don't know when that happened.

LARRY O'SULLIVAN: Fifteen (15), twenty (20) years ago.

JUDY RICCIO: I'm not sure when.

RICHARD CANUEL: Yeah, oh, several years ago. Yeah, I don't know the date when that happened. I couldn't tell you. But at the time when the original variance was granted, the sign was basically in compliance by that variance. So the widening had to happen sometime, you know, post 1989 when...

MATT NEUMAN: It did have that restriction on it that it met all State requirements as well.

RICHARD CANUEL: That's right, yeah, simply because it was close to the State right of way at that time.

MATT NEUMAN: Right.

RICHARD CANUEL: Simply because by the clause in our ordinance that talks about preexisting, nonconforming signs, if the signs remain as-is without any changes, it can stay that way forever. But simply because that clause in our ordinance that says when you change sign copy, you lose your, basically, your grandfathered status as an existing nonconforming sign. So that's why the variance would be required. But the location of the sign doesn't change, so I don't think that would necessarily affect, you know, DOT approval at this point. This is primarily a restriction by our own ordinance, so...

MATT NEUMAN: So there should be no reason to go to DOT to get...

RICHARD CANUEL: No. If it was a matter of relocating the sign, much in the same way that that caveat was added to the variance way back when, because the sign was close to the State right of way, I would say if we're changing the location of the sign, then we may have a DOT issue there, which, you know, it would be beneficial to get their permission to make any changes but it's just a matter of changing the sign face, simply because our ordinance has that restriction in there regarding that, so...

MATT NEUMAN: Now, you do have a tenant as well?

JUDY RICCIO: Yes, we do.

MATT NEUMAN: So, you would understand that if the Board did grant the variance, that going forward, any time your tenant might change, you would have to come before the Board each time to request an additional variance.

JUDY RICCIO: Right. Because as it stands, that would represent a change, which...

MATT NEUMAN: Correct.

JUDY RICCIO: Falls into the same sort of situation.

MATT NEUMAN: Exactly. Okay.

JIM SMITH: Question to Richard. Should this be considered an off-premise sign?

RICHARD CANUEL: Well, that's a good question. That's a very good question. I don't think so. I mean, simply because the sign is now within the State right of way because of the relocation of that property line, it's not like the sign is being requested to be located on another parcel for advertisement.

MATT NEUMAN: Originally, it was part of the parcel and then it was taken by the State?

RICHARD CANUEL: That's right, yes. Exactly.

MATT NEUMAN: Yeah, so I agree with Richard.

JIM SMITH: The State, in fact, owns that land now.

RICHARD CANUEL: It does, of course.

JIM SMITH: Which, by definition, makes it an off-premise sign.

RICHARD CANUEL: Yeah, technically, I guess it would, yeah. I wouldn't want to go down that road, to tell you the truth.

JIM SMITH: Which means you really need the State's permission.

RICHARD CANUEL: Well, the sign's already there. You know, the State took the property knowing full well...well, I don't want to speak on behalf of the State, but I'm assuming they knew full well that the sign was located there and allowed it to remain, so...

MATT NEUMAN: And obviously, any decision that this Board makes, I mean, the State could come in and make their own determination...

JIM SMITH: Sure.

MATT NEUMAN: ...looking at the sign down the road.

LARRY O'SULLIVAN: Or we can just throw into anything that we do the same caveat we had in the other one, that State approvals are required, so...

MATT NEUMAN: Right.

RICHARD CANUEL: Actually, I didn't see the application, but was the State listed as an abutting property owner, do you know? As an abutter? I was just wondering if that....

MATT NEUMAN: That's a good question, Richard.

RICHARD CANUEL: I didn't see the application, so I...

MATT NEUMAN: They would be quite an abutter, seeing as the sign does sit on their property.

LARRY O'SULLIVAN: [indistinct] ever sent...

RICHARD CANUEL: The sign's on their property, right.

JAYE TROTTIER: No, not in this case.

RICHARD CANUEL: Hmmm.

MATT NEUMAN: Mmm. So they were not notified? I think that does raise an issue, though.

RICHARD CANUEL: Yup, it certainly does.

J.D. ILES: When I pulled the names, I pulled them, you know, directly from the computer, so I realize that we're missing someone now but at the time, I did my best possible job to get everybody included.

MATT NEUMAN: Right.

JIM SMITH: Yeah.

MATT NEUMAN: I understand that. Unfortunately, I do think, though, I mean, this does sit on State property. They clearly are an abutter.

RICHARD CANUEL: Absolutely, yup.

MATT NEUMAN: They do need to be notified.

RICHARD CANUEL: Yeah, if I can make a comment. It may be beneficial to postpone this hearing until the State can be notified because they are an abutting property owner.

JIM SMITH: Well, they're more than an abutting...

MATT NEUMAN: Well, right, it sits on the...

RICHARD CANUEL: Well, they are the landowner, yeah.

LARRY O'SULLIVAN: So since they haven't been notified and they're not aware of anything happening there and it's our requirements, our ordinances that are being addressed with the variance, because we haven't notified them, you feel we are legally obligated to notify the land owner? I'm trying to get to the gist of this is that the only thing missing out of this so far is that landowner doesn't know that something's happening on their property.

RICHARD CANUEL: Exactly.

LARRY O'SULLIVAN: Okay.

RICHARD CANUEL: They're not given the opportunity to comment.

MATT NEUMAN: Absolutely.

JIM SMITH: Well, I think it's more than that. Shouldn't they be a party to the application?

MATT NEUMAN: I don't know that they necessarily have to be a party to it.

RICHARD CANUEL: No, because, yeah, because they're not requesting the variance. I don't necessarily think so. Nope.

JUDY RICCIO: Historically, are they always an abutter whenever issues come up, like, for the property on the opposite corner of Meadow Drive? Are they always listed as an abutter to be involved in discussions?

LARRY O'SULLIVAN: There was a variance that was approved with a sign that's for the elderly...you know, the older community? I can't think of the name of it.

JAY HOOLEY: The Nevins?

LARRY O'SULLIVAN: Yeah, right. And that was within their property lines, so we notified them. I saw that.

RICHARD CANUEL: They were noticed, that's right.

JUDY RICCIO: Mm-hmm.

LARRY O'SULLIVAN: So it's...

RICHARD CANUEL: Because it occurred on their property.

LARRY O'SULLIVAN: Right, but...

JIM SMITH: I think it's more than just being an abutter.

JUDY RICCIO: Mm-hmm.

JIM SMITH: They actually own the property.

J.D. ILES: The only thing I would contribute is that we're not changing anything about the position of the sign, the direction of the sign, the structure of the sign. All we're doing is trying to make a cosmetic change to more accurately reflect information.

MATT NEUMAN: Right, but honestly, I don't know what the DOT's restrictions and requirements are for preexisting nonconforming and if they have a similar situation where any change in copy will, you know...that they may object to. I truly think it's probably in your benefit to find that out now than two years down the road if the...

JIM SMITH: Yeah.

MATT NEUMAN: ...State discovers that.

LARRY O'SULLIVAN: May I ask? If we considered it with a contingency, whatever we do here tonight, with a contingency, that the State approval happen or...?

JIM SMITH: No, I don't think so.

MATT NEUMAN: I mean, I don't think that we're...

JIM SMITH: Can I interject?

MATT NEUMAN: Yeah.

JIM SMITH: When we looked at the sign for the Verani building, they were directly involved with that particular case because they were relocating the sign due to the construction on the on-ramp.

LARRY O'SULLIVAN: They showed up...

JIM SMITH: So they were directly involved with that sign issue, so I would think that they would have a particular interest in this sign being on their right of way. So I think we should probably entertain a motion to continue this to the next appropriate time.

MATT NEUMAN: They'll have to be...

LARRY O'SULLIVAN: Well, it's up to the applicant to supply the notices to the abutters, right? So, what we probably would suggest is that the applicant make a request to postpone or to continue the hearing, continue the request...

JIM SMITH: Yeah.

LARRY O'SULLIVAN: ...as opposed to us making that.

MATT NEUMAN: Yeah, but I don't think the Board can hear a case that all abutters have not been properly notified, so...

LARRY O'SULLIVAN: Right, but...so what would you suggest our...

MATT NEUMAN: Well, obviously, 'til we actually...I mean, we cannot hear the case, so we really don't have a choice...

RICHARD CANUEL: It would be appropriate for the Board to make that motion because the Board has discovered during this hearing that there wasn't proper notification made.

LARRY O'SULLIVAN: Oh, okay.

RICHARD CANUEL: Of all parties involved. Not that the State is necessarily an abutter, because it's on their property, so they are actually the landowner, but it's a matter of not being properly noticed. They do have an involvement, you know, a concern, you know, some sort of investment involved with this location of the sign, so, yeah, they do need to be properly noticed.

LARRY O'SULLIVAN: Okay.

RICHARD CANUEL: Yeah, I think it's certainly appropriate for the Board to make that motion.

J.D. ILES: Can I ask a few questions?

MATT NEUMAN: Go ahead.

J.D. ILES: When these abutters names were pulled, they were pulled directly from the zoning computer, I don't know what it's called. Because the State did not get listed according to Londonderry's computers as an abutter, can any additional charges for a hearing be waived so that she is not charged a second time if we postpone this?

MATT NEUMAN: Jaye?

LARRY O'SULLIVAN: You don't get charged a second time.

MATT NEUMAN: Right.

RICHARD CANUEL: If the meeting is postponed, they're not charged another fee.

J.D. ILES: Okay. Alright.

JIM SMITH: The only additional charge might be for whatever legal mailing you might have to make.

MATT NEUMAN: Right.

J.D. ILES: Right.

MATT NEUMAN: Now will all the other abutters have to be re-noticed?

JIM SMITH: No.

LARRY O'SULLIVAN: No, this is a continuation.

MATT NEUMAN: Right.

JIM SMITH: Just to continue.

LARRY O'SULLIVAN: Okay.

RICHARD CANUEL: And that's true. The State, as, you know, owning the State right of way, they would not be listed as an abutting property owner on any of the Town's records anyway. But simply because they do have an interest because the sign is located on their property, they do need to be properly noticed.

J.D. ILES: Right.

RICHARD CANUEL: Otherwise, they do have the opportunity to certainly appeal the decision of the Board at some later date.

J.D. ILES: So any time there is a variance hearing that involves a business that is along this route, the State is always informed that...

MATT NEUMAN: No, this is a unique situation where the sign is standing on the...

LARRY O'SULLIVAN: But wait. Wait. I think you're right. I think they have been all along informed. I mean, I've seen it again and again. Where we've sent them letters. I don't know if it's every time.

JAYE TROTTIER: No, not every time. It would have to be a specific situation, like you were saying with the Nevins.

LARRY O'SULLIVAN: Right. Right.

MATT NEUMAN: Yeah, I don't believe it's a necessity unless it's a situation like this where the sign actually sits on the right of way.

LARRY O'SULLIVAN: Good point, though.

J.D. ILES: Yeah, and if that is the case, why doesn't the...what is the computer called that gives me the list? Down in the zoning office? Why doesn't the zoning office computer automatically list the State as an abutter? I'm just curious.

MATT NEUMAN: Are we talking about the GIS maps?

JAYE TROTTIER: I would assume that's what you mean, is the GIS, but typically...

RICHARD CANUEL: Because, you know, unless anything particularly affects the State, such as in this situation, they're not listed as an abutting property owner, because our regulations don't apply to the State property. Simply because this sign is, you know, located on State property, we're making a decision on a sign that's basically on their property. They are a party of interest and they should be properly noticed.

JIM SMITH: I think one of the things that you're bringing out; most of the streets in the town belong to the Town except for the State highways. So, in those situations, you have a slightly different scenario than you would normally have. So if it was on a Town road, the Town would automatically just know what's going on because the Town's a party to the thing. But in this particular case, you have the unique situation of the sign actually being located within the State right of way because of the land taking. When it was originally erected, it was not in the right of way. So, that has changed over time. And again, most people do not realize how wide the right of way on 102 is because if you look at, like, the Citizen's Bank, they had about two (2) feet of their front parking lot in the State right of way at one point and again, I'm sure if you go up and down the entire 102 complex, you'll find that a lot of the parking lots and everything else are right up to the edge of the State right of way.

J.D. ILES: My only concern is I would rather not...the owners have to come back a second time. Obviously, you know, we would love to get this resolved tonight if we could. I'm not sure if there is a way that we can.

MATT NEUMAN: Unfortunately, with this situation, I don't see a way that it can be resolved tonight. I mean, clearly the sign sits within State property. They need to be notified. Unless I'm missing something. I don't...

LARRY O'SULLIVAN: No, you're right. The reason I made the suggestion that I did earlier, if we could expedite, simply to move things along. However, now that I understand that the State is the property owner where the sign is located, we can't allow that at all. I mean, that is just something we just don't do. Legally can't do.

J.D. ILES: Let me ask you this. If we request a continuance, could we then proceed with...not the hearing, but an intellectual examination of the facts that we've presented to get some kind of direction?

LARRY O'SULLIVAN: That would be the thing you'd review with Richard, right?

MATT NEUMAN: Correct.

JIM SMITH: Yeah.

RICHARD CANUEL: You see, the Zoning Board acts in a much different capacity than the Planning Board does.

The Planning Board has that opportunity to do a conceptual review, whereas the Zoning Board does not. The Zoning Board has to make their decision based on the requirements of the ordinance per se. So the only discussion can be made is the discussion that is brought up during a hearing, such as we're doing right now.

JIM SMITH: I think one of the other problems would be you may have a different group of people hearing at the next hearing. Right now we've got four (4) people. We may have the five (5) full members, we may have a different mix of alternates and who knows.

MATT NEUMAN: Correct.

JIM SMITH: So, it would be based upon their judgment on that night based upon whatever information is presented on that evening. At this point, if nobody else...I'd like to make a motion to continue this hearing 'til the next available meeting after the State has been notified.

LARRY O'SULLIVAN: Second.

MATT NEUMAN: There's a motion and a second to continue.

LARRY O'SULLIVAN: Any discussion?

MATT NEUMAN: Is there any discussion on that motion? Seeing none, all those in favor, say 'aye.'

JIM SMITH: Aye.

LARRY O'SULLIVAN: Aye.

JAY HOOLEY: Aye.

MATT NEUMAN: Aye. Opposed? Abstain?

LARRY O'SULLIVAN: The case is postponed then.

MATT NEUMAN: The case is postponed until...

LARRY O'SULLIVAN: After the State is notified.

JAYE TROTTIER: December 15th would be the next meeting.

RESULT: CASE NO. 11/17/2010-1 WAS CONTINUED TO THE DECEMBER 15, 2010 MEETING.

RESPECTFULLY SUBMITTED,



LARRY O'SULLIVAN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED DECEMBER 15, 2010 WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JIM SMITH AND APPROVED 5-0-1 WITH VICKI KEENAN ABSTAINING AS SHE HAD NOT ATTENDED THE MEETING.