

1 ZONING BOARD OF ADJUSTMENT
2 268B MAMMOTH ROAD
3 LONDONDERRY, NH 03053
4

5 DATE: AUGUST 19, 2009

6
7 CASE NO.: 8/19/2009-1
8

9 APPLICANT: PARRISH HILLS CONDOMINIUM ASSOCIATION
10 C/O PATER REAL ESTATE
11 82 WEST BROADWAY
12 DERRY, NH 03038
13

14 LOCATION: SOUTH PARRISH DRIVE, 12-143C, AR-I
15

16 BOARD MEMBERS PRESENT: YVES STEGER, ACTING CHAIR
17 NEIL DUNN, VOTING MEMBER
18 JIM SMITH, VOTING MEMBER
19 MICHAEL GALLAGHER, NON-VOTING ALTERNATE
20 MATTHEW NEUMAN, VOTING ALTERNATE
21 LARRY O'SULLIVAN, CLERK
22

23 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/
24 ZONING OFFICER
25

26 REQUEST: AREA VARIANCE TO ALLOW A FREESTANDING SIGN
27 TO BE LOCATED LESS THAN 15 FEET TO A PROPERTY
28 LINE AS REQUIRED BY SECTION 3.11.6.4.1.5.
29

30 PRESENTATION: Case no. 8/19/2009-1 was read into the record with three previous cases
31 listed.
32

33 YVES STEGER: For this one, we have one (1), two (2), three (3), four (4) full voting members
34 and I would like Matt to be the voting alternate for this one.
35

36 LARRY O'SULLIVAN: Okay.
37

38 MATT NEUMAN: Sounds good to me.
39

40 YVES STEGER: Okay?
41

42 LARRY O'SULLIVAN: The record shows. Okay, so we have an area variance. Could you...?
43

44 RON MARCHAND: I'm Ron Marchand, 3 South Parrish Drive. I don't know how you want to
45 handle this. Do you want to ask me or...?

46
47 LARRY O'SULLIVAN: Why don't you tell us what you'd like to get within.

48
49 RON MARCHAND: We're asking for a variance to replace an entrance sign to the community.

50
51 LARRY O'SULLIVAN: Okay, and, Mr. Chairman, do you want me to continue, or...?

52
53 YVES STEGER: No, actually, no. I'm confused because you represent the Parrish Hill
54 Condominium...?

55
56 RON MARCHAND: I'm Vice President of the Board of Directors, yes. I have a letter or the
57 signed statement here from the President of the Board of Directors. You have that. I submitted
58 it.

59
60 YVES STEGER: Okay. So you can legally represent the condominium association and make
61 decisions for them?

62
63 RON MARCHAND: Yes.

64
65 YVES STEGER: Thank you, sir. I'd like you to essentially present, in simple terms, what is it
66 that you would like to do and then go through the five (5) points of law that you need to meet
67 for us to approve your request. Thank you.

68
69 RON MARCHAND: We are, obviously, asking for a variance from Section 3.11.6.4.1.5 of the
70 zoning ordinance to permit a replacement of the entrance sign to the community. Now, the
71 facts supporting this request. The proposed use would not diminish surrounding property
72 values because a new sign would not diminish property values. In fact, it would increase the
73 property values by erecting a sign designed to enhance the entire area. Granting a variance
74 would not be contrary to public interest. The sign that has been on site for six (6) to seven (7)
75 years, more or less, it's been up, it's been down. We've rebuilt it, we've put it back up. It has no
76 interest to anyone other than Parrish Hills. It would not affect anyone adversely. Special
77 conditions exist that literal enforcement of the ordinance results in unnecessary hardship.
78 Number one (1), an area variance is needed to enable the applicant's proposed use of the
79 property, given the following special conditions of the property. Not having an entrance sign
80 creates a hardship, not only for the residents but delivery drivers, emergency vehicles, that find
81 it difficult to distinguish between the single family private homes on Meetinghouse Drive and
82 the single family freestanding condos in our community. This is a senior community in need of
83 emergency services. An ambulance or EMT vehicle unfamiliar with the area could take a wrong
84 turn due to the lack of proper signage, potentially creating a very dangerous situation. Number
85 two (2), the benefit sought by the applicant cannot be achieved by some other method
86 reasonable feasible for the applicant to pursue other than an area variance. The intersection of
87 West Parrish Drive, Meetinghouse Drive, South Parrish Drive has been measured and

88 inspected. It is our conclusion that there is no alternative site to erect an entrance sign. As
89 shown on the enclosed diagram which I've submitted [see Exhibit "A"], alternate one (1), the
90 south side of West Parrish Drive has a grove of pine trees and if we follow the Town's sign
91 regulations, the sign would have to be located behind the trees, nearly to the deck of unit
92 number one (1). It would not be visible from the street. The other location, alternate number
93 two (2) we looked at was on South Parrish, on the east side of the street. That area would put
94 the sign in the flower garden of unit one (1), also not visible from the intersection. (D), granting
95 the variance would do substantial justice because since Parrish Hills was developed some seven
96 (7) years ago, we have been faced with issues that no other over-fifty five (55) community in
97 town has experienced. We have worked long and hard at considerable expense to complete our
98 community. It is now a beautiful site of thirty seven (37) homes that we are vary proud of and
99 which has become an asset to the town. We are in the final stages of landscaping and we
100 believe we are justified in requesting a variance to the sign regulations which would allow us to
101 erect an entrance sign that represents our community. (E), the use is not contrary to the spirit of
102 the ordinance because we understand and respect the sign regulations and we believe if the
103 original developer, after developing the island at the entrance to Parrish Hills community, had
104 applied for permission to erect the sign, it would have been granted. Unfortunately, he did not
105 and that is why we are here today. We are only asking to replace a faded, decrepit sign with a
106 new, professionally designed one. I've also included an artists rendering [see Exhibit "B"] of
107 the old sign and then the new sign.

108
109 JIM SMITH: Okay, on the sketch where you show the two (2) alternate locations and you show,
110 I guess, the proposed one in red, approximately how far or how close to the property line would
111 that sign be installed?

112
113 RON MARCHAND: It's approximately on the property line. Richard actually measured it. It's
114 probably sitting on the property line. If we go back fifteen (15) feet from...there's actually an
115 island that was built there for the sign. If we go back from that sign, it's downhill, and if we go
116 back fifteen (15) to twenty (20) feet, we're almost to unit number fifteen (15) and it wouldn't be
117 visible from the street. The alternates are...we've tried all the different alternates of where else
118 we could put it but there really isn't anywhere.

119
120 MATT NEUMAN: Is the existing sign visible from the street?

121
122 RON MARCHAND: It's right...well, it's visible but you can't...if you can see in the rendering
123 that I showed you, it's faded, it's been cut and...

124
125 MATT NEUMAN: Right, but why aren't you just replacing that sign with a new sign on that...?

126
127 RON MARCHAND: That's what we're doing.

128
129 MATT NEUMAN: But on that spot.

130

131 RON MARCHAND: That's what we're doing. We're just moving it over a couple feet. It's not
132 centered on the island.
133
134 MATT NEUMAN: So the existing sign...?
135
136 RON MARCHAND: Has been sitting right on that...it's like an island with flowers and shrubs
137 on it and it's meant to have a sign. The developer put a sign there originally. That's the one that
138 more or less is the same one that's there now. It's been there all along. All we're trying to do is
139 replace it but when we went to apply for the permit, we found that he had never applied for the
140 permit to put the sign there in the first place.
141
142 YVES STEGER: But the new one will not be closer to the road than the previous one?
143
144 RON MARCHAND: No, it's exactly the same spot. It's just moved over about five (5) feet, five
145 (5) or six (6) feet.
146
147 MICHAEL GALLAGHER: You're centering it, so...trying to center it on the island?
148
149 RON MARCHAND: Right in the center of the island, yeah.
150
151 MATT NEUMAN: And is it substantially larger than the existing sign?
152
153 RON MARCHAND: Well, no, it isn't. The original sign has been cut down. It's been frayed
154 and chipped and broken through the years, so it's been cut and right now, it...
155
156 MATT NEUMAN: Just looking at the picture, it looks to be about almost double the size.
157
158 RON MARCHAND: It probably is. Well, it's not as big as...well, the sign is actually thirty two
159 (32) by seventy four (74). It's not a very big sign. It has granite posts.
160
161 LARRY O'SULLIVAN: What you're proposing is thirty two (32) by seventy four (74). And
162 what's there now looks like a square.
163
164 RON MARCHAND: Well it is now.
165
166 LARRY O'SULLIVAN: About four (4) by four (4).
167
168 RON MARCHAND: It's probably a little bit bigger than that, but approximately, yeah. When
169 you come down West Parrish, you can't really see what that sign says.
170
171 YVES STEGER: Most of the traffic to enter the condominium area is through West Parrish
172 Drive?
173
174 RON MARCHAND: It's the only way.

175
176 JIM SMITH: Only one (1) entrance.
177
178 YVES STEGER: So, essentially, that sign is in a private zone, even though they are using city
179 roads.
180
181 RON MARCHAND: Yes. Yes, it is.
182
183 YVES STEGER: And it needs to be visible from the West Parrish.
184
185 RON MARCHAND: As it stands right now, when you come down West Parrish to the existing
186 stop sign, you can't really differentiate where...there's only one (1) street sign up that says
187 "Meetinghouse Drive," so you really can't differentiate where Meetinghouse Drive starts or
188 South Parrish starts. We've had a number of people, delivery people, we've even had an
189 ambulance go down Meetinghouse Drive trying to find our address. There's really nothing
190 there to tell us where it is.
191
192 LARRY O'SULLIVAN: And so this, you feel, is going to be enough of an indication that this is
193 Parrish Hills Drive?
194
195 RON MARCHAND: What we're trying to do is put this...yes, it is. That would definitely show
196 the entrance to our community. And then...
197
198 LARRY O'SULLIVAN: As opposed to just a street sign?
199
200 RON MARCHAND: We have a street sign but right now, the street sign is...I'm not sure why
201 this was, but it happened a few years ago, the only street sign we have is tacked to the side of
202 the mailboxes. Why it's there, I have no idea. Why it's not up on the...I have no idea.
203
204 LARRY O'SULLIVAN: Well, isn't all of that supposed to be arranged by the association?
205
206 RON MARCHAND: What, the...?
207
208 LARRY O'SULLIVAN: Street signs.
209
210 RON MARCHAND: It's supposed to be arranged by the developer. He usually puts that in.
211 He put the island in and then he was going to put the sign after he had the "for sale" sign. That
212 was gonna go down and then the entrance sign. There isn't a condominium in Londonderry
213 that doesn't have an entrance sign. That's the entrance to the community, that's what shows
214 where we are. And we don't have anything.
215
216 JIM SMITH: In the design of the sign and the location of the sign, I would suggest that unless it
217 had an arrow pointing to your left, it's not really gonna accomplish what you're trying to do.
218

219 RON MARCHAND: Well, the house behind it, behind the sign, that's one of our houses. It's at
220 the entrance. If you could see it, you...it's obvious that that's the entrance to the community.
221 And then during this process, we were going to have the sign, the street sign, taken off of the
222 mailbox. Why it's there, I have no idea. And put it up onto the pole that's there, that's currently
223 there, so we would have a street sign for Meetinghouse and a street sign for South Parrish and
224 then we'd have the entrance sign so there'd be no confusion.

225
226 YVES STEGER: And there are no signs on Hardy Road?

227
228 RON MARCHAND: Hardy Road is up at the end of...

229
230 YVES STEGER: South Parrish, but there is nothing at that place to indicate...

231
232 RON MARCHAND: Hardy Road intersects with West Parrish. But there's nothing up there,
233 no.

234
235 NEIL DUNN: May I, Mr. Chairman? Richard, this would have to comply with sixteen (16)
236 square feet?

237
238 RICHARD CANUEL: Absolutely.

239
240 RON MARCHAND: Which it does.

241
242 JIM SMITH: What would you say if we put a restriction that it had to be one (1) foot inside the
243 property line?

244
245 RON MARCHAND: I couldn't tell you exactly, it's an approximate. The island is there.
246 There's only so many places I could put it. I could put it back a foot but it's approximately on
247 the property line but I couldn't tell you exactly how far it is. It's approximately ten (10) feet in
248 from the roadway. I mean, it's not interfering with anything. We maintain it. There's no
249 neighbors that have any problems with it. It's just there. It's been there. Like I say, the other
250 sign's been there for...

251
252 YVES STEGER: You're afraid that it would be on the easement and it's...?

253
254 JIM SMITH: Yeah, that's...

255
256 YVES STEGER: ...it has to be inside the property.

257
258 JIM SMITH: Yeah. Is there any boundary markers out there, Richard, do you know?

259
260 RICHARD CANUEL: There should be.

261
262 JIM SMITH: I know there should be.

263
264 RICHARD CANUEL: There should have been bounds places when they did the subdivision,
265 yeah. Yeah, there's bounds out there.
266
267 RON MARCHAND: The original developer didn't do a lot of things.
268
269 JIM SMITH: I know that.
270
271 RON MARCHAND: So, I'm not surprised. Every time we go to do something, it's the same
272 thing. Coming across the same [inaudible]. What he did or what he was supposed to, I just
273 couldn't tell you. We can put it any way you want it but, I mean, it has to be...
274
275 JIM SMITH: The point I'm raising is, the sign should be at least on your property.
276
277 NEIL DUNN: Property, yeah.
278
279 RON MARCHAND: Well, it probably...
280
281 JIM SMITH: Rather than in the Town right of way.
282
283 RON MARCHAND: Did you measure it, Richard?
284
285 MATT NEUMAN: I agree with Jim.
286
287 RON MARCHAND: Do you know exactly?
288
289 YVES STEGER: Yeah, absolutely.
290
291 MATT NEUMAN: We need a restriction on that.
292
293 RON MARCHAND: I think it's actually on our property but it's not...it doesn't conform to the
294 fifteen (15) feet. That's the main problem.
295
296 YVES STEGER: Well, but, see, a lot of people believe that where the road ends is where their
297 property starts.
298
299 RON MARCHAND: No...
300
301 YVES STEGER: And that's not usually the case. They're usually at least ten (10) feet or
302 sometimes more.
303
304 JIM SMITH: Ten (10) to twelve (12) feet, yeah.
305
306 YVES STEGER: Ten (10) to twelve (12) feet.

307
308 RON MARCHAND: That's what we're saying. It's in there. And I can't really push it back too
309 far. The island is domed, so, I mean, the sign has to...if I put it behind it, then it starts going
310 down the hill. But it's on our property, it's over ten (10) feet, but it's not twenty five (25) to
311 thirty (30) feet where the sign regulations say it should be.
312
313 YVES STEGER: So explain why you cannot move it further towards the house?
314
315 JIM SMITH: It's going downhill.
316
317 RON MARCHAND: It's downhill.
318
319 YVES STEGER: Oh.
320
321 RON MARCHAND: It's a rounded island and if you go back at all, you're gonna go straight
322 downhill. You can't really see that from here but...
323
324 YVES STEGER: Okay. Alright.
325
326 JIM SMITH: This used to be a ski area.
327
328 YVES STEGER: Oh, well that's downhill.
329
330 NEIL DUNN: Rope tow.
331
332 MATT NEUMAN: It used to be a what?
333
334 JIM SMITH: Ski area.
335
336 MATT NEUMAN: Oh, really?
337
338 YVES STEGER: Okay.
339
340 JIM SMITH: Yup.
341
342 YVES STEGER: Alright, any more questions from the Board?
343
344 MICHAEL GALLAGHER: What's the total width of that island again? That way you're not...
345
346 RON MARCHAND: Width? Looks to be maybe twenty five (25) feet.
347
348 MICHAEL GALLAGHER: Or should I say depth?
349
350 LARRY O'SULLIVAN: There's length and then there's depth.

351
352 MICHAEL GALLAGHER: Depth. So, what...
353
354 RON MARCHAND: The depth is maybe six (6) feet.
355
356 LARRY O'SULLIVAN: So, would you feel comfortable, Mike, if we moved it back a foot?
357
358 RON MARCHAND: I'll push it back as far as I can but the posts have to be in solid ground
359 there.
360
361 YVES STEGER: Mm-hmm.
362
363 RON MARCHAND: I can't go down the hill.
364
365 MATT NEUMAN: Yeah, but is there gonna be an issue plowing?
366
367 RON MARCHAND: We do all...
368
369 JIM SMITH: Well, that's the point.
370
371 MATT NEUMAN: Right.
372
373 JIM SMITH: By having it on their property, it's out of the Town right of way.
374
375 MATT NEUMAN: Right.
376
377 RON MARCHAND: The Town doesn't plow, we plow our own. We take care of it, we
378 maintain it, we plow the roads. The Town doesn't have anything to do with it.
379
380 YVES STEGER: If the picture here is correct, they cannot plow there because it's gonna be in
381 that flower bed, correct?
382
383 RON MARCHAND: Yup.
384
385 YVES STEGER: And you don't usually plow...
386
387 RON MARCHAND: And in front of the sign is grass. There's nothing to plow there.
388
389 YVES STEGER: Actually, it's above a rock, isn't it?
390
391 RON MARCHAND: The sign? Well, that's why we moved the sign over, so that the sign could
392 be above the rock.
393
394 YVES STEGER: Mm-hmm.

395
396 RON MARCHAND: Cover the rock.
397
398 YVES STEGER: I think that should allay our fear about...
399
400 LARRY O'SULLIVAN: Yeah.
401
402 YVES STEGER: ...snow plowing.
403
404 LARRY O'SULLIVAN: That's a good thought, though.
405
406 MICHAEL GALLAGHER: Yeah.
407
408 MATT NEUMAN: I was just thinking accumulation of snow.
409
410 YVES STEGER: Yeah, I know. I know.
411
412 MATT NEUMAN: ...a very large snow bank there.
413
414 YVES STEGER: Okay. Anybody in the audience that would like to speak in favor of the
415 application? Anybody that is opposed or has questions? Seeing none, I'd like to go back to the
416 Board. Questions?
417
418 LARRY O'SULLIVAN: No further questions.
419
420 YVES STEGER: Any more questions?
421
422 JIM SMITH: No.
423
424 YVES STEGER: Okay, thank you sir. We will deliberate now and you will be aware of the
425 answer very soon.
426
427 RON MARCHAND: Thank you.
428
429 DELIBERATIONS:
430
431 MATT NEUMAN: I don't see real impact.
432
433 MICHAEL GALLAGHER: Actually, it's an improvement.
434
435 MATT NEUMAN: You're moving it a few feet.
436
437 YVES STEGER: Well, actually, the first one was not compliant in the first place, so the fact that
438 they just move it, you know, it's...

439
440 MATT NEUMAN: Right. But it hasn't impacted it.
441
442 YVES STEGER: Yeah. Correct. So if you look, property value...
443
444 LARRY O'SULLIVAN: You would think that if it was impacting, they wouldn't want it there,
445 so...
446
447 MATT NEUMAN: Right.
448
449 YVES STEGER: Yeah. So, I think the presentation was pretty good.
450
451 LARRY O'SULLIVAN: I think it hit all the points. That's all I cared about.
452
453 YVES STEGER: It hit all the points. There is definitely no property value impact.
454
455 LARRY O'SULLIVAN: I don't care how pretty it is, it's their neighborhood...
456
457 YVES STEGER: They looked at the special conditions, they demonstrated that they cannot
458 really achieve it any other way, the justice, you know, the impact of ambulances arriving there
459 is definitely something that we need to take into consideration, so, anybody else has any
460 objection with any of the five (5) points of law?
461
462 LARRY O'SULLIVAN: No. How about I'll...M. Chairman, I make a motion that we approve
463 case number 8/18/2009-1 as the presentation covered all of the five (5) points sufficiently.
464
465 YVES STEGER: Thank you.
466
467 JIM SMITH: Would you add a restriction that it be one (1) foot onto their property?
468
469 LARRY O'SULLIVAN: Okay. Alright, I'll withdraw that motion and I'll add that the sign be
470 placed at the minimum of one (1) foot inside the property line.
471
472 YVES STEGER: Okay. Anybody wants to second this?
473
474 JIM SMITH: I'll second.
475
476 YVES STEGER: Okay, we have a motion by Larry to approve the variance and it is seconded by
477 Jim. Anybody in favor, say 'aye.'
478
479 LARRY O'SULLIVAN: Aye.
480
481 NEIL DUNN: Aye.
482

483 JIM SMITH: Aye.

484

485 MATT NEUMAN: Aye.

486

487 YVES STEGER: Aye. Anybody against?

488

489 [no response in opposition]

490

491 YVES STEGER: Okay.

492

493 RESULT: THE MOTION TO GRANT CASE NO. 8/19/2009-1 WITH RESTRICTIONS WAS
494 APPROVED, 5-0-0.

495

496 RESPECTFULLY SUBMITTED,

497

498

499

500 LARRY O'SULLIVAN, CLERK

501 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

502

503 **APPROVED SEPTEMBER 16, 2009** WITH A MOTION MADE BY LARRY O'SULLIVAN,
504 SECONDED BY JIM SMITH AND APPROVED 5-0-0.