

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

5 DATE: OCTOBER 21, 2009

6
7 CASE NO.: 10/21/2009-1
8

9 APPLICANT: DEMOULAS SUPER MARKETS, INC.
10 875 EAST STREET
11 TEWKSBURY, MA 01876
12

13 LOCATION: 34 NASHUA ROAD, 10-52, C-I
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15 BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
16 JIM SMITH, VOTING MEMBER
17 MICHAEL GALLAGHER, VOTING ALTERNATE
18 MATTHEW NEUMAN, VOTING ALTERNATE
19 JOE GREEN, NON-VOTING ALTERNATE
20 YVES STEGER, ACTING CLERK
21

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

25 REQUEST: AREA VARIANCE TO ALLOW A WALL SIGN OF 61.57
26 SQUARE FEET WHERE ONLY 40 SQUARE FEET IS
27 ALLOWED FOR MULTI-TENANT COMMERCIAL
28 BUILDINGS IN ACCORDANCE WITH SECTION
29 3.11.6.4.3.2.1.
30
31

32 PRESENTATION: Case no. 10/21/2009-1 was read into the record with 27 previous cases
33 listed. Acting Clerk Yves Steger also read Exhibit "A" into the record (a letter from the
34 Londonderry Dispatch Supervisor re 911 address issues)
35

36 VICKI KEENAN: Just a reminder, state your name and address for the record and then you can
37 go ahead and start presenting your case.
38

39 CATHY CHAMPAGNE: My name is Cathy Champagne with Jutras Signs in Manchester and
40 I'm here with Jackie Banister who is the owner of Annie's Hallmark. I'll start by reading
41 through the application and then we can take it from there, because you do want me to read
42 through the application?
43

44 VICKI KEENAN: Please do.

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CATHY CHAMPAGNE: Okay. The type is small, so bear with me. The value of the surrounding property will not be diminished by granting this variance because there are retail establishments near and around this store. Additionally, the sign cannot be viewed from the main road, from Nashua Road. And it will not add to the view of traffic on the main road. The surrounding properties are commercial in nature and have signs in use with other existing commercial and retail establishments. Lastly, the addition of this store and its accompanying sign will likely drive traffic to the other surrounding stores, which can only help to increase their business and could in no way be considered to diminish the value of these surrounding commercial properties. The public interest is served by clear, legible and appropriate signs. The proposed sign encompasses the necessary identification for public viewing. The signs are placed on a commercial building surrounded by other businesses and the public interest will not be compromised by allowing this sign, which must encompass a particular language and proportion, to be installed. And we will talk a little bit more in detail about the relationship of the Annie's identification and the Hallmark signature oval sign. The storefront has been designed to maximize visual appeal and aesthetics, and in doing so, the identification sign for this property must follow suit. The Annie's Hallmark store is located at the end of the building and their sign must be appropriate in size and scale to the new storefront. Literal enforcement of the ordinance will result in a sign that does not create clear and consistent messaging for this store or for the traveling public. The brand and the store name will both be diminished to a degree that will not be effective, clear or legible to vehicles in the area. The area variance is needed for Annie's Hallmark in part because the store does not have street frontage and the building is set back from the road. It's critical that the public have this appropriately sized sign and messaging. The only reasonable method for relief is a variance because no other method is applicable to this particular situation. The benefit for a larger on-premise sign cannot be matched by any other form of marketing or advertising. In fact, no marketing or advertising of this store will use the Annie's Hallmark image....I'm sorry, will use the Annie's Hallmark image and if the image is displayed on the storefront, is not clear and appropriately sized to the building and surrounding area, the value of those marketing and advertising campaigns will be compromised. Annie's Hallmark must follow strict guidelines for their signage and the proposed sign is the best configuration of all of the necessary elements for their identification. The sign proposed on the storefront that is in excess of the square footage allowed in the ordinance is needed to enable Annie's Hallmark to effectively market the goods and products contained within the building as well as meet the criteria set forth by Hallmark. Lastly, the ordinance is written as a one-size-fits-all rule, and this is speaking to the spirit of the ordinance. There are exceptions to every rule and Annie's Hallmark, again, must encompass certain elements of their sign. The best and highest use of this space of the sign on their building would be the proposed sign, which does exceed forty (40) square feet. If this particular business name were shorter, they may not have an issue meeting the forty (40) square foot criteria. It's an arbitrary coincidence that the name is what it is because if it was a much longer name, if it was, perhaps, "Victoria's Hallmark" for example, it's conceivable that just the name of a store, just their identification, could exceed the square footage allowed by code and that's what I'm speaking to when I say it's a one-size-fits-all rule. It doesn't take into account individual circumstances or need. The proportion of the proposed sign is correct for the space they've

89 occupied and a forty (40) square foot sign for the message they must display doesn't provide the
90 maximum or best or highest exposure possible for this location. Fairness is a crucial element of
91 any ordinance and in this case, a forty (40) square foot sign would not be fair, given what's been
92 demonstrated as a need for this store.

93
94 JACKIE BANISTER: Is it okay if I stand and use this one?

95
96 VICKI KEENAN: Absolutely.

97
98 JACKIE BANISTER: Thank you. It feels a little better to stand. My name is Jackie Banister. My
99 husband Bill and I are the incoming owners of Annie's Hallmark. We're opening two stores in
100 this plaza, one next week and the other in about a month. We've been working as
101 owner/operators of Hallmark stores for twenty (20) years. I have ten (10) years background
102 with Hallmark and we have spent twenty (20) years in Salem, New Hampshire. We've worked
103 very hard in Salem to, number one, have a presence ourselves in the stores, so that they are
104 owner operated stores and number two, to become identified in the community as "Annie's"
105 rather than "the Hallmark shop." And I would like to just talk about that for a minute because
106 coming from the Hallmark background, I have so much appreciation for the logo and how
107 important it is and how stringently careful Hallmark is about the use of their logo. I have a
108 fifteen (15) page book with me that tells me exactly how those letters must appear on the oval,
109 how the proportions of the letters must be to each other and also to my store name. So, I want
110 to pass out to you, this is the rendering of our storefront [see Exhibit "B"] and it does have...we
111 think it's as important the storefront as is the signing issue, so we've worked with our architect
112 and with Jutras Signs and with Hallmark to get the approval to do this sign the way it is. And
113 I'm hopeful that you'll understand how important it is to us that the "Annie's" is as important
114 as the "Hallmark". I don't have a choice in using one or the other. It's really Annie's with the
115 Hallmark badge underneath it. So, we take that very seriously. We did spend a lot of money in
116 Salem to do a storefront. We are planning to spend a little money here to create something
117 beautiful in town. We're optimistic that we will become here in Londonderry also "Annie's,"
118 which is a little bit more local flavor, I think, that's the kind of business you're trying to get,
119 rather than "the Hallmark store down next to DeMoulas," because we take our business that
120 personally and are trying very hard to do that here also. It was a rather big concession and the
121 first time the marketing people I'm working with at Hallmark had ever seen Hallmark approve
122 the location of the oval underneath the "Annie's". Usually it's a linear equation and the rule
123 book says it will be store name followed by the badge on the same line. So, given the design of
124 the storefront, the fascia fronts, the clock elevation, the need for the presence of the name, we
125 thought it was aesthetically correct to do it the way it was done and it also gives, I think, a fair
126 amount of privilege to each of the names "Annie's" and "Hallmark." There's a certain staging
127 area, certain clearance areas around those logos that's important. To scrunch them together or
128 to try to do one next to the other just would not have worked. We tried it several ways because
129 we really have some appreciation for the forty (40) square foot rule and we tried to make it
130 work and it just didn't come out looking the way I think any of us would have been happy
131 seeing it. I think that's all I have to really say about it. I'm hopeful that...I'm sorry, Richard, I
132 didn't give you a copy of this, I should have done that, sorry.

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RICHARD CANUEL: Thank you.

CATHY CHAMPAGNE: And Jackie, if I can add to what you're saying about the area around the sign. I think this is a really interesting point and the math proves out to a point where I feel it's necessary to tell you how this configures in a different way. The space around the sign was really bothering me a bit because according to the Londonderry sign code, and we follow the code, we draw a large box around the sign, encompassing "Annie's Hallmark" as one large box. We can't break it up, we can't separate it or anything like that. And when you use that particular method of calculation, you come up with sixty one point five seven (61.57) square feet and what was bothering me is it's not sixty one point five seven (61.57) square feet of sign. It really isn't, because I did the math. And if you're able to calculate...if I could have drawn a box around the big letter "A" and if I could have drawn a box around the rest of the word "Annie's," "nnie's," and if I could have calculated the square footage of the oval, geometrically, the oval, it surprised me. It's just a tad over thirty (30) square feet of real sign. Not dead space, not area, not building, but sign. And I'm aware that the code tells me to calculate it a certain way and I have and we're here asking for relief but I thought the numbers were pretty dramatic. We cut it, well, in half. And I thought that was worth at least giving some thought to and perhaps your giving some consideration to.

VICKI KEENAN: Okay. Are you ready for questions from the Board?

CATHY CHAMPAGNE: Yes.

YVES STEGER: Do you have any draft of what it would have looked like at forty (40) feet?

CATHY CHAMPAGNE: I do not.

YVES STEGER: Okay.

CATHY CHAMPAGNE: [to J. Banister] A forty (40) square foot version.

YVES STEGER: You said you made it and it didn't look right, so, it would have been nice if we could just agree with you.

CATHY CHAMPAGNE: We went through several alterations and some of them would not be approved by Hallmark. They don't allow it. So we're kind of between a rock and a hard place where they didn't work but it wouldn't have been approved.

VICKI KEENAN: What are...I'm sorry, do you have something?

YVES STEGER: Yeah, the Baldoria sign [see Exhibit "B"], is that one already present on the wall or not?

177 CATHY CHAMPAGNE: No.

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179 YVES STEGER: Is that an example or will it be there?

180
181 CATHY CHAMPAGNE: That's to show you what the storefront will look like with both stores
182 side by side and that particular sign, the Baldoria sign, forty (40) square feet is allowed. In that
183 particular case, that's a little over...that's about twenty two (22), twenty three (23) square feet.

184
185 VICKI KEENAN: What are the Hallmark restrictions related to the oval underneath?

186
187 CATHY CHAMPAGNE: [to J. Banister] The Hallmark restrictions related to the oval, being
188 underneath.

189
190 JACKIE BANISTER: They approved it underneath and I'm not really sure why. The local
191 marketing people said they never saw it come back so fast and approved underneath. So, I
192 didn't question that. I only know that my book shows me exactly how it will be placed on the
193 same plane as the "Annie's" to the right and I was just really grateful, given our storefront
194 design that they thought that it worked. I think that their concerned, maybe this relates a little
195 bit to Yves' question, I think they're concerned about the relationship of the oval to the
196 "Annie's" because they don't want their name compromised, they don't want our name
197 compromised. There's that clear space around that has some relationship with each other and
198 so, I think that was part of the driving reason on the forty (40) square foot, just to keep that
199 space between "Annie's" and "Hallmark," that sort of dead space that Cathy referred to that she
200 has to include in her sign. It really scrunched the oval and it really made the "Annie's" ...it just
201 really minimized them both.

202
203 CATHY CHAMPAGNE: It looked very crowded and again, a lot of these revisions that we did,
204 we did them on a computer screen where you can manipulate them and shift them and all of
205 that. We did all of those types of configurations on the computer.

206
207 JACKIE BANISTER: And as soon as we tried to close up some of that space, it compromised the
208 "Annie's" name because the "A" is what makes that logo work and, again, I think that's why
209 people refer to that store as "Annie's" in Salem. It's never referred to as "the Hallmark store."
210 And I think that's what all of us in this room want.

211
212 VICKI KEENAN: How big is your sign in Salem? I know. I've seen it. I've been over there a
213 number of times.

214
215 JACKIE BANISTER: Excuse me?

216
217 CATHY CHAMPAGNE: [to J. Banister] The area of the sign in Salem. Now, you have a...

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219 JACKIE BANISTER: You know what? I have a picture of it, actually, and I'm not sure why I
220 brought it and my husband's remembering this as something like a hundred (100) square feet. I

221 think it's eighty eight (88) or ninety (90), but this is a picture of what that Annie's looks like
222 there [see Exhibit "C"]. It's lower, it's linear, it's just a different store design. And, like I say,
223 this is a hundred (100) square feet. And I believe, Cathy, that was measured on "A" separated
224 from "nnie's," I believe, from the [inaudible].

225
226 CATHY CHAMPAGNE: Yup.

227
228 JACKIE BANISTER: So this sign is huge.

229
230 CATHY CHAMPAGNE: Yup, I agree. Yup. I think your numbers are right.

231
232 JACKIE BANISTER: I think this is double the size of the sign that we're looking for here in
233 Londonderry. And because it's taller and the arches are taller and we've got that clock up on
234 top, it needed proportionately to be attractive and to be architecturally correct, it needed to fill
235 some of that space up as well. It was sort of a whole combination of things. It was a
236 combination of what Hallmark needed, what we want for the store name to be pronounced,
237 what the architect thought was appropriate, given that we were given this corner building. This
238 is the far right from DeMoulas, it's the old Hallmark Cutting space and the Blockbuster space
239 next to it which is now gone. So, we have that corner and wanted to make sort of a prominent
240 statement. You have a picture, I think, of around the corner [see Exhibit "D"], if I can show
241 them that. What we did to try to do it architecturally correct is we either...I don't know if I
242 have enough of these but...

243
244 CATHY CHAMPAGNE: I think I've got about four. Yeah.

245
246 JACKIE BANISTER: We have a three dimension drawing here that will show you what we do
247 around the corner of the building as well. We just feel so strongly about...I'm sorry, can I just
248 show you that...

249
250 JAYE TROTTIER: Sure.

251
252 JACKIE BANISTER: I'll give it [inaudible]. So we sort of continue that arch theme around the
253 corner...

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255 VICKI KEENAN: Could you speak into the microphone so we can get you on record?

256
257 JACKIE BANISTER: I'm sorry.

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259 VICKI KEENAN: I'm sorry. Thank you.

260
261 JACKIE BANISTER: This photo that I just passed out shows you around the corner, what we've
262 tried to do to make a presence in that center because while Sears is there for the moment and
263 DeMoulas is planning to expand, we've really got a wonderful corner location and wanted to
264 take advantage of that, so, again, we're trying to upgrade the building and put a beautiful

265 storefront on it and make sure that the signing is appropriately there to fit into all of that. What
266 Hallmark needs, what we think the needs of the store are, what we think makes sense for
267 Londonderry. It's not going to do sign clutter from Route 102. When both signs are together, it
268 just seemed that it was a fair and reasonable request to try to get the sign at the sixty (60) square
269 feet instead of the forty (40).

270
271 CATHY CHAMPAGNE: And I'll add on to what Jackie's saying. If you do look at the signs
272 together, even though they are separate stores, they're owned by the same owner, what's kind
273 of interesting is the Baldoria sign application, even though there was forty (40) square feet to
274 work with, we're only using a little bit over twenty (20), so there, it worked, it was okay. And
275 again, that one-size-fits-all rule and you go to the right and Annie's Hallmark needs a little more
276 and I know you can't borrow from one but if you look at it in the aggregate, it averages to forty
277 (40) each, even though that's not...I know that that's not a technical argument. We use half for
278 Baldoria and we need a little bit more for Annie's, so...And it creates the look that you have in
279 front of you now.

280
281 JACKIE BANISTER: If the Annie's sign in Salem bothers anyone, I would also mention that this
282 store is probably, if you know it on Route 28 behind Target at the very back of the plaza, I think
283 it must sit about a hundred and seventy five (175) to two hundred (200) yards off the road, so
284 this is like barely visible from Route 28, which is why we were able to do that and why we did
285 do that. We didn't need to go that big here at once, we just want a presence in the mall or in the
286 center once you get there.

287
288 CATHY CHAMPAGNE: And if I'm not mistaken, that particular formula that allowed that size
289 sign took into account the length of the storefront. There was a formula...

290
291 JACKIE BANISTER: It's a different formula.

292
293 CATHY CHAMPAGNE: ...that allowed you so the sign was appropriate to the size of the store.
294 A small store would get a proportionally smaller sign.

295
296 JACKIE BANISTER: This store is, in Annie's Salem, is one hundred and forty (140) feet wide
297 and seventy (70) feet deep. The store that we're working with in Londonderry on Nashua Road
298 is ninety six (96) feet wide and a hundred twenty (120) feet deep, so that was a good point. It
299 was also proportionately a different situation to the storefront.

300
301 VICKI KEENAN: Jim?

302
303 JIM SMITH: I have a question for Richard. In how the sign is measured, when you look at it,
304 there's two different ways of looking at it. One talks about a wall sign and it includes the
305 background and that talks about having a discernable surface that it's on or background. And
306 then the second one talks about the area that it encompasses. Which is the more appropriate
307 one to measure these signs?
308

309 RICHARD CANUEL: The more appropriate would be when the letters themselves are applied
310 to the building face, you would include what would essentially be the smallest triangle that
311 encompasses those letters as the sign area.
312

313 JIM SMITH: Okay. It also includes a symbol.
314

315 RICHARD CANUEL: Letters and symbols. That's right.
316

317 JIM SMITH: Wouldn't that "Hallmark" be a symbol?
318

319 RICHARD CANUEL: That's right, yeah. That's the way I looked at it.
320

321 JIM SMITH: So what would be the actual measurement, based upon that?
322

323 RICHARD CANUEL: The actual measurement is what we came up with, was the sixty one (61)
324 square feet because it is the overall rectangular area that encompasses the letters and that
325 symbol.
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327 JIM SMITH: Wouldn't you look at the letters separately from the symbol?
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329 RICHARD CANUEL: No.
330

331 YVES STEGER: No.
332

333 RICHARD CANUEL: 'Cause then you'd consider that two (2) signs.
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335 YVES STEGER: We're essentially including a whole rectangle...
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337 RICHARD CANUEL: [inaudible] that's right.
338

339 YVES STEGER: ...even though they are all the portion around the Hallmark sign that
340 essentially are not part of the sign.
341

342 RICHARD CANUEL: Essentially, you consider those letters and that symbol applied to a
343 board and that board attached to the building. In this particular instance, we're not using a
344 board, we're using the building face itself. So you have to consider that triangle that makes up
345 all of those letters and that area of that symbol. So that essentially is how you get the sixty one
346 (61) square feet.
347

348 JIM SMITH: Well...okay...
349

350 YVES STEGER: So if I had a sign with small letter "a" here and a small letter "z" here and
351 nothing in between, it will be a large sign?
352

353 RICHARD CANUEL: Of course, yeah.
354
355 YVES STEGER: Okay.
356
357 RICHARD CANUEL: Or unless you want to consider it two (2) separate signs, then we have a
358 whole other issue.
359
360 [laughter]
361
362 JACKIE BANISTER: No.
363
364 CATHY CHAMPAGNE: I don't think we'd consider that.
365
366 YVES STEGER: Okay.
367
368 JACKIE BANISTER: Yeah, I didn't have a choice with that. It's what it is.
369
370 RICHARD CANUEL: Dictated by the corporation.
371
372 JACKIE BANISTER: Using the Hallmark trademark and...yeah.
373
374 JIM SMITH: I don't agree with that interpretation. I mean, when I read it, it says "When [sic] a
375 sign consists of individual letters," which the "Annie" thing is, "or symbols," and the
376 "Hallmark" is a symbol, "attached, painted or applied to a building, wall or window, without
377 any distinguishing border, panel or background, the area shall be considered to be the smallest
378 rectangle, triangle, or circle encompassing all the letters and symbols" [Section 3.11.5.2.2].
379
380 RICHARD CANUEL: Right. Encompassing all of those letters and symbols, not individually.
381
382 VICKI KEENAN: It's all of it.
383
384 JACKIE BANISTER: Well we could take that emblem out of the letters...
385
386 RICHARD CANUEL: No, we can't do that.
387
388 YVES STEGER: No, because that would be two (2) signs and that would not be allowed either.
389
390 VICKI KEENAN: So it encompasses everything.
391
392 YVES STEGER: Mm-hmm.
393
394 JIM SMITH: Yeah, I guess so.
395
396 VICKI KEENAN: As they have it drawn on page two (2) of the handout.

397

398 JIM SMITH: Interpretation's always fun.

399

400 VICKI KEENAN: What is the...I'm sorry, go ahead.

401

402 JIM SMITH: No, one other question. There's two (2) clocks. Who do they belong to?

403

404 RICHARD CANUEL: I'm not sure who those belong to.

405

406 JACKIE BANISTER: Oh. We are still negotiating with DeMoulas. They are a wonderful
407 landlord and we are determining who's going to pay for how much and I'm sure that will be
408 worked out when those clocks are purchased. Do you have anything to add to that?

409

410 BILL BANISTER: No.

411

412 JACKIE BANISTER: It's not decided yet. I would like for DeMoulas to pay for them but if they
413 won't, I will put them in and they will be my clocks and I will maintain them, if that's the
414 answer you're looking for.

415

416 JIM SMITH: That's not where I'm going. Are they considered part of the signage?

417

418 RICHARD CANUEL: I wouldn't consider that a sign at all.

419

420 VICKI KEENAN: I think that's an architectural detail.

421

422 RICHARD CANUEL: Yup.

423

424 VICKI KEENAN: [inaudible]

425

426 JIM SMITH: Okay. Just wanna clear...

427

428 RICHARD CANUEL: If it said "Annie's Hallmark" on the clock, now, we got a different
429 situation, of course.

430

431 VICKI KEENAN: The Hallmark emblem, is there a size restriction in terms of how small it can
432 be?

433

434 JACKIE BANISTER: I can't answer that because it's not in the book exactly the dimensions that
435 are approved. But all of it has to go through Hallmark corporate for approval and knowing,
436 having been with Hallmark and having spent time with them, there's a limit. I just don't know
437 what it is.

438

439 YVES STEGER: I have the impression from the two pictures you have us that the ratio of the
440 Hallmark sign and Annie's is it the same in both cases?

441
442 CATHY CHAMPAGNE: 'Is not the same'?

443
444 YVES STEGER: I think it is.

445
446 CATHY CHAMPAGNE: The ratio...

447
448 YVES STEGER: That the ratio of the sign to the size of your letters is the same in the proposed
449 Londonderry and the one you have in Salem.

450
451 JACKIE BANISTER: You know what? It's supposed to be.

452
453 YVES STEGER: Okay.

454
455 JACKIE BANISTER: I'm going to assume that it is because it was approved. I think it is.

456
457 VICKI KEENAN: It appears to be.

458
459 YVES STEGER: Just eyeballing, you know?

460
461 VICKI KEENAN: Yeah. Yeah.

462
463 JACKIE BANISTER: Eyeballing it, it feels like it.

464
465 YVES STEGER: It looks pretty close, doesn't it?

466
467 CATHY CHAMPAGNE: I don't know if I have that information in here or not.

468
469 JACKIE BANISTER: I don't think it is in here. What this is all about is that this store would be
470 considered a "multi-focus store," and because of the size of it, it's more than five thousand
471 (5,000) square feet, once we, by trademark license agreement, agree to having a five thousand
472 (5,000) square foot store with a minimum of...I've got it in writing here somewhere, about seven
473 hundred (700) linear feet of...three hundred seventy six (376) linear feet of permanent core
474 Hallmark product on display, we then become a multi-focus store. Multi-focus stores are sort of
475 few and far between in the Hallmark world. They're mostly three thousand (3,000) square foot,
476 Amy's Hallmark shops and they would say "Amy's Hallmark" on them. And I'm not sure
477 what that relates to on my signing issue here, but this is a multi-focus store and that's why I'm
478 required to use that badge with that Hallmark logo with those letters spaced the way they are,
479 with the proportion that they have to "Annie's."

480
481 JIM SMITH: One other question. You heard the letter that was read into the record [see Exhibit
482 "A"]?

483
484 CATHY CHAMPAGNE: [to J. Banister] The letter that they read about the address?

485
486 JACKIE BANISTER: The letter they read about the address?
487
488 CATHY CHAMPAGNE: Yeah, they read a letter about wanting the address on the store.
489
490 JACKIE BANISTER: Oh. I missed that.
491
492 CATHY CHAMPAGNE: Okay. And what was the question?
493
494 JIM SMITH: What would you do to address that issue?
495
496 JACKIE BANISTER: It would most likely be under the fascia and down at door level, because
497 that's the only place it would be helpful to anybody.
498
499 CATHY CHAMPAGNE: Is this new? Is this a new requirement?
500
501 JACKIE BANISTER: Is it a requirement?
502
503 JIM SMITH: It's not a requirement. It's a request from that committee.
504
505 VICKI KEENAN: From the 911 dispatch. They had requested that the proper addresses be
506 placed on the signage for emergency dispatch services to easily find the location.
507
508 YVES STEGER: Actually, until we change the zoning laws, we can't even do that.
509
510 VICKI KEENAN: Right.
511
512 YVES STEGER: Because it says on 3.11.6.4.3.2, "One (1) wall of fascia indicating only the name
513 and nature of the occupancy."
514
515 CATHY CHAMPAGNE: If you'll allow me, I do a lot of work in a lot of different cities and
516 towns and some towns and cities have this request and the way it's implemented is, and Jackie
517 made a good point, every store is 34 Nashua Road...
518
519 VICKI KEENAN: Right.
520
521 CATHY CHAMPAGNE: ...or Nashua Road.
522
523 VICKI KEENAN: The plaza sign.
524
525 CATHY CHAMPAGNE: Right. And a lot of cities and towns say they want the address but
526 they want it on the sign that's on the road because really, the address being way up off the road
527 where you can't see it isn't terribly helpful when you're on the road trying to find it. So, all of
528 the ground signs that line the streets, we have to put a number, an identifying number and in

529 some cases the name. So, the main sign for this plaza that's on Nashua Road proper, on that
530 strip...

531

532 VICKI KEENAN: Mm-hmm.

533

534 YVES STEGER: Street sign.

535

536 CATHY CHAMPAGNE: ...would have a strip saying "34 Nashua Road" and that would
537 encompass that area. That's how it's implemented in other cities and towns and I'm required,
538 when I build a sign for these properties in these towns, I have to incorporate that and there's a
539 minimum size letter and they typically do not count it as square footage because it's not
540 advertising anybody's product or service. But I've never seen it implemented on a storefront or
541 on a building. It's always on the sign that identifies the property. And that way it's consistent
542 and the emergency people know where to look. It's always gonna be on that road sign.

543

544 VICKI KEENAN: I've seen it done both ways. I think that that letter is probably more
545 applicable to our next case...

546

547 MICHAEL GALLAGHER: Yeah.

548

549 YVES STEGER: Mm-hmm.

550

551 VICKI KEENAN: ...than it is this case, so...

552

553 YVES STEGER: Yes, correct.

554

555 MICHAEL GALLAGHER: I agree.

556

557 VICKI KEENAN: Okay. Are there any more questions for the applicant? No? Seeing none,
558 then why don't we open it up to the public for comment. Is there anyone in the audience that
559 would like to speak in favor of the application? Anyone who is opposed to this application?

560

561 [no response with in favor or opposition]

562

563 VICKI KEENAN: Okay, seeing no one here from the public who would like to speak regarding
564 this case, we'll close the public portion of comment and we will bring it back to the Board for
565 deliberation, okay?

566

567 DELIBERATIONS:

568

569 VICKI KEENAN: Does it make sense, guys, to walk through the variance worksheet and sort of
570 talk about each point out in sort of a pass/fail?

571

572 JIM SMITH: Sure.

573
574 VICKI KEENAN: Okay. Would not diminish surrounding property values?
575
576 YVES STEGER: I think they addressed it correctly. It's all commercial. Not seen from the road
577 and actually it will increase the business, so, I would say it meets the criteria.
578
579 MICHAEL GALLAGHER: Yes.
580
581 VICKI KEENAN: I agree. Would not be contrary to the public interest?
582
583 YVES STEGER: Well, actually, it helps because it helps locating the store when you have finally
584 left the road.
585
586 [pause]
587
588 VICKI KEENAN: I agree with you. Anyone else have comment on that? Let's see, the...
589
590 YVES STEGER: It's an area variance.
591
592 VICKI KEENAN: Yup, the special conditions of the property? I think the fact that it's set so far
593 off the main road.
594
595 YVES STEGER: Actually, they are much more than that. The space where they can go is
596 extremely narrow.
597
598 VICKI KEENAN: Mm-hmm.
599
600 YVES STEGER: And because of the Hallmark rules, they have to put things in a way that may
601 occupy more space than would normally be if they had put it horizontally. And had it been a
602 real, full space, but with all the blanks that is in there, it doesn't even look like it is that big.
603
604 VICKI KEENAN: Cannot be achieved by some other method reasonable feasible? I feel that the
605 area of the sign is reduced and then you put it with the rest of the plaza and the relationship of
606 the allowed signage...
607
608 YVES STEGER: Mm-hmm.
609
610 VICKI KEENAN: ...it's going to look consistent, I think, and professional.
611
612 YVES STEGER: Well, if you look at the size of the Baldoria sign...
613
614 VICKI KEENAN: Mm-hmm.
615

616 YVES STEGER: ...which would be compliant, and you compare both, essentially there is no...I
617 mean, it appears fair and if you compare with the size of the Market Basket sign, it looks
618 miniscule compared to that one.

619
620 MATT NEUMAN: I don't think you can compare those two...

621
622 JOE GREEN: But I do think that if, contrary to Hallmark's restrictions, I do think that if the
623 "Annie's" and "Hallmark" were closer, that it would be far, a smaller area...

624
625 VICKI KEENAN: Mm-hmm.

626
627 JOE GREEN: ...it would take up, so...I don't think, you know, I know they have to be
628 concerned with Hallmark's decisions but we don't...we shouldn't make that part of our
629 decision process. If that was squeezed down a little bit, I think it would come more in
630 compliance. So, under "reasonably feasible," I think that would fall underneath that.

631
632 VICKI KEENAN: They could move them closer to one another.

633
634 JOE GREEN: Right.

635
636 VICKI KEENAN: Okay. Would do substantial justice? Any comment on that?

637
638 YVES STEGER: As presented.

639
640 VICKI KEENAN: And then the use is not contrary to the spirit of the ordinance? And do you
641 want me to read the purpose and intent of the ordinance? The signage ordinance? Would that
642 be helpful?

643
644 JIM SMITH: Do you wanna...yeah.

645
646 VICKI KEENAN: Okay. "The purpose of this Section is to establish uniform regulations for the
647 installation and use of the signs in the Town of Londonderry and to protect and improve the
648 livability and quality of life in Londonderry through sign regulations that: Protect the health,
649 safety and welfare of the public; Maintain and enhance the appearance and aesthetic
650 environment of Londonderry; Maintain and promote the rural, agricultural and historical
651 character of Londonderry; Control visual clutter and encourage high professional standards in
652 sign design and display," this one sort of stood out for me, "Promote signs that are harmonious
653 in color, material and lighting with the buildings and surroundings to which they relate,"
654 another one, "Retain the Town's ability to attract and encourage economic development and
655 growth," we've got a plaza that...a couple of empty stores, "Promote the economic growth of
656 Londonderry by creating a community image that is conducive to attracting new businesses and
657 industrial development." This was a pass for me.

658
659 MICHAEL GALLAGHER: Yeah.

660

661 MATT NEUMAN: I think my only concern would be if there was another store coming in
662 afterwards if Annie's didn't work out and there was another tenant there. Are they then going
663 to be able to fall within the variance?

664

665 RICHARD CANUEL: Sure. You grant the variance for the sign area, you know, the variance
666 goes with the property.

667

668 MATT NEUMAN: Right. So, I mean, this sign looks good but will the next sign look good?

669

670 VICKI KEENAN: Could we put a restriction that it would only be for this business owner?

671

672 RICHARD CANUEL: You could. Absolutely. Sure.

673

674 YVES STEGER: Yes.

675

676 JIM SMITH: Yeah.

677

678 VICKI KEENAN: Okay, I think we should definitely do that. That's a good point.

679

680 JIM SMITH: But I think, to address your concern, a lot of times what one unit configuration
681 may or may not be the same as the next unit because they expand and contract, so, in that case,
682 the variance wouldn't hold for that because it would be a new situation.

683

684 MATT NEUMAN: If it was the same unit...

685

686 JIM SMITH: Right.

687

688 YVES STEGER: Even if it was...if we can put a restriction that it's only for this one.

689

690 JIM SMITH: Yeah.

691

692 YVES STEGER: I mean, it definitely meets the spirit of the ordinance by trying to make
693 something that looks good.

694

695 JIM SMITH: And I think part of the other situation, you have an existing mall that has a certain
696 group of signs which are all about in the same size, so it would fall in that...

697

698 YVES STEGER: Mm-hmm.

699

700 JIM SMITH: It would be more consistent and it would fall into one of those things you just
701 read, I believe.

702

703 VICKI KEENAN: I agree with you.

704
705 RICHARD CANUEL: And I think you have valid reason to restrict the variance to this
706 particular sign because the sign, the size and design is governed by, you know, corporate
707 dictate, so...
708
709 JIM SMITH: Mmm.
710
711 YVES STEGER: Also, anybody that would repaint anything, I mean...you know, we should
712 restrict to this one. There is enough imagination in the world for people to go around.
713
714 MATT NEUMAN: I agree.
715
716 VICKI KEENAN: I agree. What about the request of the 911 Dispatch Coordinator for this
717 case?
718
719 MATT NEUMAN: I think it's hard to...
720
721 VICKI KEENAN: ...think it's applicable...
722
723 MICHAEL GALLAGHER: I think it's more applicable to the following case. Where it's set so
724 far off the road and eventually, I think the name, I mean, may come into play because that
725 would be prominent.
726
727 MATT NEUMAN: And if the address truly is 34 for the entire...
728
729 MICHAEL GALLAGHER: Right.
730
731 VICKI KEENAN: Plaza.
732
733 MATT NEUMAN: ...plaza.
734
735 VICKI KEENAN: I agree.
736
737 YVES STEGER: So, actually, I'm very sensitive to the naming and the 911 because it is
738 important for the safety.
739
740 MICHAEL GALLAGHER: Right.
741
742 YVES STEGER: But in this case, yes, the first one should be on the street itself. I do not know
743 what the task force has decided about requirements for the houses themselves, as opposed to
744 the frontage. For example, if there is an accident that happens in the parking lot, they're gonna
745 be far away from the street, so it is probable and possible that there should be "34 Nashua
746 Road" that is affixed somewhere on the building, but I don't think that we can put that
747 restriction or that demand on a single user when there is so much wall space in the whole thing

748 and it should be not probably very high but probably more at the level where people are gonna
749 see them and I don't know, so, my recommendation for the Task Force would be to enforce it is
750 to say, well, in any of those developments, there should be an address that indicates the number
751 and the street in such a way that accidents in parking lots can be resolved quickly when
752 somebody takes their cell phone and starts calling. But I don't think it applies strictly to this
753 sign itself.

754
755 JIM SMITH: I'm gonna ask a question. On the street numbering...or the numbering of the
756 building, is there any particular number for each unit? Much like on a house where you have
757 "A" and "B" on a duplex?

758
759 JACKIE BANISTER: I don't think there is. I think that the, you know...

760
761 JIM SMITH: Okay, so...

762
763 MATT NEUMAN: This isn't a condo...

764
765 JACKIE BANISTER: Deliveries are made...

766
767 MATT NEUMAN: ...DeMoulas owns the whole...

768
769 JIM SMITH: Yeah.

770
771 YVES STEGER: I always found it very difficult when you get into, you know, multi-tenant
772 commercial buildings to find the number of each one of them. It's a nightmare. So, I think it's a
773 good thing that the Task Force is doing that. But it would not, in my opinion, it would not
774 apply to that sign which is up there.

775
776 VICKI KEENAN: Agreed. Mm-hmm.

777
778 JIM SMITH: Okay.

779
780 VICKI KEENAN: Okay? Are there any more thoughts, comments or questions from the Board?
781 If none, I'll entertain a motion.

782
783 MATT NEUMAN: I'm not voting on this, right?

784
785 VICKI KEENAN: You are a voting alternate on this tonight. Mm-hmm.

786
787 MATT NEUMAN: Oh, I thought it was just on case two (2).

788
789 YVES STEGER: One, two, three, four, five.

790
791 VICKI KEENAN: Yeah, on case one (1) and two (2).

792
793 MATT NEUMAN: Oh, you just said case two (2).
794
795 VICKI KEENAN: I'm sorry. Yeah.
796
797 [laughter]
798
799 MATT NEUMAN: Then I will make a motion...
800
801 VICKI KEENAN: Thanks.
802
803 MATT NEUMAN: ...to approve the area variance with the restriction that it be limited to this
804 particular sign.
805
806 VICKI KEENAN: For this particular user.
807
808 MATT NEUMAN: User, rather. Sorry.
809
810 VICKI KEENAN: Okay, there's a motion to grant the request with the restriction that this
811 variance be restricted to just this user.
812
813 YVES STEGER: I second that one.
814
815 VICKI KEENAN: And there's a second. Any discussion on the motion?
816
817 JIM SMITH: No.
818
819 VICKI KEENAN: Okay, seeing none, all those in favor, signify by saying 'aye.'
820
821 JIM SMITH: Aye.
822
823 MICHAEL GALLAGHER: Aye.
824
825 MATT NEUMAN: Aye.
826
827 YVES STEGER: Aye.
828
829 VICKI KEENAN: Aye. Opposed? Abstentions?
830
831 [no response either opposed or abstaining]
832
833 RESULT: THE MOTION TO GRANT CASE NO. 10/21/2009-1 WITH RESTRICTIONS WAS
834 APPROVED, 5-0-0.
835

836 RESPECTFULLY SUBMITTED,

837

838

839

840 YVES STEGER, ACTING CLERK

841 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

842

843 **APPROVED NOVEMBER 18, 2009** WITH A MOTION MADE BY JIM SMITH, SECONDED BY

844 MIKE GALLAGHER AND APPROVED 3-0-1 WITH LARRY O'SULLIVAN ABSTAINING AS

845 HE HAD NOT ATTENDED THE MEETING.