

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

MINUTES FROM 11/1/18 MEETING

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Suzanne Brunelle, member; Bill Berardino, member; Brendan O'Brien, alternate member and Tiffany Richardson, alternate member. Also, in attendance were Brad Anderson, Code Enforcement Officer, Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures.

1. PUBLIC HEARING OF CASES

CASE NO. 10/17/18-7: Request for eight variances from the Londonderry Zoning Ordinance: (1) 2.4.3.A.1 to encroach into the 32 feet into the 60 feet structure setback for the construction of a retaining wall greater than three feet; (2) 2.4.3.B.1 to reduce the overall green space from 33% to 11%; (3) 2.4.3.B.1 to encroach 15 feet into the 15 feet perimeter green space for the installation of proposed pavement; (4) 2.4.3.A to encroach 30 feet into the 30 feet rear structure setback for the construction of a retaining wall along the easterly lot line; (5) 2.4.3.B.1 to encroach 30 feet into the 30 feet into the perimeter green space to allow the existing pavement to remain; (6) 3.11.6.C.3 to allow a directional 22 SF directional sign where only 4 SF are allowed; (7) 3.11.6.D.3.b to allow 10 wall signs where only one is allowed (one additional on existing building and nine (9) on proposed building; and (8) 3.11.6.D.3.b to allow 359.1 SF of wall signage on various facades of the buildings where only 50 SF is permitted, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants)

B. O'Brien and T. Richardson were made voting members for this case. B. B. O'Brien reviewed the previous zoning cases. John Cronin, Esq., from Cronin Bisson & Zalinsky Attorneys at Law, Amy Saunders, engineer and Jim McGovern introduced themselves to the Board. J. Cronin noted that Ford dealership has three roads which it abuts, Gilcreast, Nashua and Palmer Road. He pointed out the steep pitch of the Ford dealership, particularly on the Palmer Road side. He explained that there are actually two lots, 73-3 and 73-6, that comprise the whole Ford dealership. He said that Lot 73-3 is 2.6 acres and Lot 73-6 is 1.2 acres in size. He stated that the dealership now sits on the larger lot with an office building on the smaller lot. He said that when reviewing this application with town staff, it was recommended to consolidate the two lots into one, as it eliminated the need for even more variances. He stated that he groups the variances into two groups, with the first being called site specific that is related to the retaining wall and the green space. He stated the second group is

related to signage. He noted that the sign package is standard from Ford itself to their specific franchises. He said that the owners of this particular Ford dealership had looked at other sites to move to, but really want to stay in Londonderry and serve their customer base. He stated that the current showroom and service bays pale in comparison to other Ford dealerships and they are looking to upgrade their current franchise by putting in a new service area on the existing lot and take down the smaller building. He pointed out that the grades on the site make the retaining walls a necessity on this site. He reviewed the retaining wall with the Board on the map noting that the wall goes anywhere from 3 feet to 7.8 feet at its highest. He explained that the lot is currently nonconforming presently and does not meet the 33% of green space and stated if they are allowed to complete the improvements, it will reduce the amount of green space to 11%. He reviewed the specific sign requests with the Board. Chairman Dunn asked for clarification on the variances at this point. J. Cronin went through all eight variances with the Board. He explained that the second building does not exist and is proposed at this point. He then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because the essential character of the neighborhood will not be altered. He stated they want to take an imperfect site and make it more modern.
- (2) The spirit of the ordinance is observed: because it will not alter the essential character of the neighborhood.
- (3) Substantial justice is done: because the loss to the applicant would be more than any gain to the general public.
- (4) Values of surrounding properties are not diminished: because the essential character of the neighborhood is not changing. He submitted a letter (Exhibit 1), by a prominent real estate expert in the area for the Boards review. He also submitted two letters of support by the public for granting the variances at this point, (Exhibit 2 and Exhibit 3).
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because they believe that the property is unique as it is on two lots of land, each with its own criteria, as well as the topography of the lots being challenging and having to work with three different setbacks as the lot abuts three different roads. He stated that the proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. B. O'Brien asked if the property had setbacks on three sides of the property. J. Cronin stated that the property does. N. Dunn asked if Palmer was a town road. J. Cronin stated it was. N. Dunn asked for clarification on what makes this property unique, as he feels it is the same as all the other properties in that area. J. Cronin said that he agreed that all the properties on that side of Nashua Road do have a pitch to work with, but did not think you could compare that to every other public property that was on level land.

Chairman Dunn asked for public input in favor of the variance.

Jim McGovern, franchise owner, addressed the Board in favor of the variance. He stated that the Ford dealership is roughly 30 feet from the bottom of the lot to the top of the lot and did not feel that it is comparable to other lots in the area.

Chairman Dunn brought it back to the Board for questions. B. Berardino asked if the Ford oval disc would be illuminated. J. Cronin stated that it would be. J. Malone approached the Board with a sign illustration and reviewed all the signs with the Board again. L. Gandia pointed out that the applicant is requesting a variance for 8 signs, with 5 on the service building and 3 on the showroom building. J. Cronin said that he did not think that was correct and approached the Board with a different plan that was not previously submitted. L. Gandia pointed out that the plan that J. Cronin just presented her is not in the packet and noted it as (Exhibit 4). She stated that there are 9 signs total on the service building and the applicant is requesting a variance for 8 signs, noting 1 to be the Ford oval disc on Palmer Road side and the 7 other on Lot 73-6. N. Dunn asked if any of the signs were less than 50 SF. J. Cronin stated that the Ford oval signs were 21 SF. He said that they are seeking to have total square footage of the signs be 359.1 SF where only 50 SF is allowed. S. Brunelle asked how the Board will differentiate the two lots for the variances. J. Cronin stated that he has proposed to town staff that if the variances are granted the condition shall be the lots will be consolidated. S. Brunelle stated she thought the request was for a lot of signs. B. Berardino stated he felt the same. B. O'Brien said he felt the signs were far back from Route 102 and would not be of great concern. N. Dunn stated in his opinion, it was too many signs that were confusing and would create clutter, which is against the intent of the ordinance. J. Malone tried to clarify the request for the signs stating they are trying to separate long term service requests from express service requests, such as oil change. B. Berardino asked if the asphalt would be new, and if it was going to be new, would they consider writing on the asphalt. J. Malone stated the asphalt would be new, but he would prefer the signs. S. Brunelle asked for clarification on the green space going from 33% to 11%. Amy Saunders said that at first they were looking at all 4 parcels owned by 5 M's, but now are only looking at 2 parcels, and that is how the green space calculation changed from 26% to 11%. She stated that the design did not change for the green space.

The Board closed public input and began its deliberations as follows to encroach into the 32 feet into the 60 feet structure setback for the construction of a retaining wall greater than three feet:

- (1) The variance would not be contrary to the public interest: because it would not threaten the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it would not threaten the health, safety or welfare of the general public.

- (3) Substantial justice would be done: because there is no harm to the public that would outweigh the loss to the applicant.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.A.1 to encroach into the 32 feet into the 60 feet structure setback for the construction of a retaining wall greater than three feet in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.A.1 to encroach into the 32 feet into the 60 feet structure setback for the construction of a retaining wall greater than three feet in Lot 73-6, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted with conditions, 3-2-0. The applicant's request for a variance was granted.

The Board closed public input and began its deliberations as follows to reduce the overall green space from 33% to 11%:

- (1) The variance would not be contrary to the public interest: because it would not threaten the health, safety or welfare of the general public.

- (2) The spirit of the ordinance would be observed: because it would not threaten the health, safety or welfare of the general public.
- (3) Substantial justice would be done: because there is no harm to the public that would outweigh the loss to the applicant.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.B.1 to reduce the overall green space from 33% to 11% in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.B.1 to reduce the overall green space from 33% to 11% in Lot 73-6, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

The Board closed public input and began its deliberations as follows to encroach 15 feet into the 15 foot perimeter green space for the installation of proposed pavement:

- (1) The variance would not be contrary to the public interest: because it would not impact the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it would not impact the health, safety or welfare of the general public.

- (3) Substantial justice would be done: because the loss to the individual would outweigh any gains to the public.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.B.1 to encroach 15 feet into the 15 feet perimeter green space for the installation of proposed pavement in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.B.1 to encroach 15 feet into the 15 feet perimeter green space for the installation of proposed pavement in Lot 73-6, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

The Board closed public input and began its deliberations as follows to encroach 30 feet into the 30 feet rear structure setback for the construction of a retaining wall along the easterly lot line:

- (1) The variance would not be contrary to the public interest: because it would not threaten the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it does not threaten the health, safety or welfare of the general public.

- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the public.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.A to encroach 30 feet into the 30 feet rear structure setback for the construction of a retaining wall along the easterly lot line in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.A to encroach 30 feet into the 30 feet rear structure setback for the construction of a retaining wall along the easterly lot line in Lot 73-6, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

The Board closed public input and began its deliberations as follows to encroach 30 feet into the perimeter green space to allow the existing pavement to remain:

- (1) The variance would not be contrary to the public interest: because it would not impact the health, safety or welfare of the general public.

- (2) The spirit of the ordinance would be observed: because it would not alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the public.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request to LZO, 2.4.3.B.1 to encroach 30 feet into the perimeter green space to allow the existing pavement to remain in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

The Board closed public input and began its deliberations as follows to allow a directional 22 SF directional sign where only 4 SF are allowed:

- (1) The variance would be contrary to the public interest: because it would alter the essential character of the neighborhood and make more clutter and threaten public safety.
- (2) The spirit of the ordinance would not be observed: because it would alter the essential character of the neighborhood and contribute to clutter and congestion.
- (3) Substantial justice would not be done: because there is more harm to the public that outweighs any loss to the applicant as the sign causes great public safety concerns due to the proposed size and location.
- (4) Values of the property would not be diminished: as evidenced by the letter from the relator (Exhibit 1).
- (5) There is a fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is not unique, as all other properties have similar characteristics. The general purpose of the ordinance

is to prevent clutter, congestion and there is a fair and substantial relationship to reducing clutter and promoting safety in that area which is highly travelled. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to deny a variance request to LZO, 3.11.6.C.3 to allow a directional 22 SF directional sign where only 4 SF are allowed, in Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants)as presented with the condition that Lot 73-3 and 73-6 be consolidated.

B. Berardino seconded the motion.

The motion was denied 5-0-0. The applicant's request for a variance was denied.

The Board closed public input and began its deliberations as follows for one additional sign on the building on Lot 73-3:

- (1) The variance would not be contrary to the public interest: because it would not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it would not alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the public.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request from LZO, 3.11.6.D.3.b to allow one additional sign to existing building on Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants)as presented.

B. Berardino seconded the motion.

The motion was granted, 3-2-0. The applicant's request for a variance was granted.

The Board received a sign exhibit (Exhibit 5) to use as a guide for the rest of the case. The Board closed public input and began its deliberations as follows to allow 10 wall signs where only one is allowed (one additional on existing building) and nine (9) on proposed building. The Board agreed that an additional nine signs would not be appropriate and granting the variance for the additional nine signs would not be in violation of the variance criteria. The Board sought to grant the variance for some of the signs but not all of them.

- (1) The variance would not be contrary to the public interest: because it would not impact the health, safety or welfare of the general public BUT all nine signs would alter the character of the neighborhood and would create clutter and congestion.
- (2) The spirit of the ordinance would be observed: because it would not impact the health, safety or welfare of the general public BUT all nine signs would contribute to clutter and congestion in violation of the spirit;
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the public BUT having nine signs would cause more harm to the public due to clutter and congestion.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography BUT there is a fair and substantial relationship to not allow nine signs as the purpose of the ordinance is to reduce clutter and congestion and nine signs would only contribute to clutter and congestion. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request from LZO 3.11.6.D.3.b with respect to Lot 73-6 to allow 8 wall signs for signs #1, 4, 7, 8, 9 as presented on Exhibit 5 and deny signs #2, 3, 5 as presented on Exhibit 5 , 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) with the condition that Lot 73-3 and 73-6 be consolidated.

S. Brunelle seconded the motion.

The motion was granted with conditions, 4-1-0. The applicant's request for a variance was granted in part and denied in part.

The reasons for the denial in part are as follows: The granting of the variance would be contrary to the public interest as the sign would alter the character of the neighborhood and would create clutter and congestion; the spirit of the ordinance would not be observed because all nine signs would contribute to clutter and congestion; substantial justice would not be done because the loss to the public is greater than any gain to the applicant as the additional signs are in direct violation of the ordinance; there is a fair and substantial relationship between the general purpose of the ordinance and the specific application to that property as the general purpose of the ordinance is to prevent clutter, congestion and there is a fair and substantial relationship to reducing clutter and congestion in that area which is highly travelled.

The Board closed public input and began its deliberations as follows to allow 359.1 SF of wall signage on various facades of the buildings where only 50 SF is permitted:

- (1) The variance would not be contrary to the public interest: because it would not impact the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would be observed: because it would not impact the health, safety or welfare of the general public.
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the public.
- (4) Values of the property would not be diminished: as evidenced from the letter from the relator (Exhibit 1).
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique because it has three different setbacks as it abuts three different roads and challenging topography. The proposed use is a reasonable one.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request from LZO 3.11.6.D.3.b to allow 21 SF on Lot 73-3, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

S. Brunelle seconded the motion.

The motion was granted, 4-1-0. The applicant's request for a variance was granted.

B. O'Brien made a motion in CASE NO. 10/17/18-7 to grant a variance request from LZO 3.11.6.D.3.b to allow 225 SF of wall signage on various facades of the buildings where only 50 SF is permitted on Lot 73-6, 33 Nashua Road and Two Palmer Drive, Map 7, Lots 73-3 and 6, Zoned C-I and C-II, Five M's Real Estate Holdings, LLC and Five M's Office Properties Holdings, LLC (Owners & Applicants) as presented with the condition that Lot 73-3 and 73-6 be consolidated.

S. Brunelle seconded the motion.

The motion was granted, 4-1-0. The applicant's request for a variance was granted.

The Board and Town Staff discussed the method of calculating the SF of the sign. Brad Anderson, Code Enforcement officer stated the sign calculation would be 28 SF as it is a box versus an oval. N. Dunn said that the Board approved 21 SF based on our square as it is stated in the ordinance. S. Brunelle noted that the Board voted as presented. The Board and Town Staff worked on reconciling that 21 SF versus 28 SF of the oval as presented and as characterized in the motion. N. Dunn voiced his concern on the calculation method used by the applicant. He said he felt this was not presented fairly. J. Cronin respectfully disagreed with N. Dunn on this point. N. Dunn asked if the Planning Staff had made any comments regarding signage. L. Gandia pointed out that the project is under review and the Planning Staff is aware of the applicant's request for a variance and will continue its review upon the relief, if any, granted by the ZBA. N. Dunn asked the other Board members if this changed their previous motion that was made for SF of wall signage. The consensus of the Board was that as presented meant that the applicant received the 21 SF oval sign (hence the 28 SF square) and no modification to the motion was necessary. J. Cronin reiterated and confirmed with the Board and the Code Enforcement Officer that it would be in fact 21 SF for the oval portion of the sign and 28 SF if calculating it as a square for a total of 28 SF on Lot 73-3 and 246 SF for the total SF on Lot 73-6. Everyone was in agreement.

II. Communications and miscellaneous: None

III. Other business: None

S. Brunelle made a motion to adjourn at 10:55 p.m.

B. O'Brien seconded the motion.

The motion was granted, 5-0-0. The meeting adjourned at 10:55 p.m.

- (2) The spirit of the ordinance would be observed: because of public safety concerns not being able to identify the building correctly.
- (3) Substantial justice would be done: because there is greater gain to the public in being able to identify the building.
- (4) Values of the property would not be diminished: because it will help distinguish the properties that are there.
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the parcel is unique due to the location and visibility of the public. The proposed use is a reasonable one.

J. Benard made a motion in CASE NO. 10/17/18-9 to grant the applicant's request for a variance from LZO 3.11.8.B to allow the alteration of a pre-existing non-conforming sign without bringing it into full compliance with the Londonderry Zoning Ordinance, 103 Nashua Road, Map 6 Lot 35-17, Zoned C-I, Robert P. Rivard (Rivard Pizza, LLC) (Owner & Applicant)

B. O'Brien seconded the motion.


The motion was granted, 4-0-0. The applicant's request for a variance was granted.

II. Communications and miscellaneous: None

III. Other business: L. Gandia reminded the public that there will be one case heard on the overflow meeting on November 1, 2018. She stated there will be no further notice.

J. Benard made a motion to adjourn at 11:55 p.m. B. O'Brien seconded the motion. The motion was granted, 4-0-0. The meeting adjourned at 11:55 p.m.

RESPECTFULLY SUBMITTED,


CLERK James Tirabassi

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

APPROVED (X) WITH A MOTION MADE BY J. Tirabassi, SECONDED BY B. Benarduro, 4-0-1.



The Valentine Group

REAL ESTATE INVESTMENT SERVICES

Ex. 1

October 16, 2018

Neil Dunn, Chairman
Zoning Board of Adjustment
Town of Londonderry
Londonderry, New Hampshire 03053

Re: Variance Hearing – Ford of Londonderry
Nashua Road, Palmer Road, Gilcreast Road
Tax Map and Lots – 073/3-073/6

Dear Chairman Dunn:

At the request of Attorney Cronin, I reviewed the proposed plan to improve the Ford of Londonderry facility by adding a stand-alone service facility. It is my understanding that certain variances are required to allow the improvements to be completed. As part of my due diligence to render an opinion, I reviewed the variance application, the 6-page site plan and I inspected the property.

The Property is located in an area dominated by commercial uses. Home Depot, a supermarket and various retail and service businesses surround the Property. The proposed plan, if built out, will improve the aesthetics of the Property and the convenience for the customer base. In addition to the new building, other site improvements are contemplated. The replacement of the existing building with a newly constructed building, combined with the site improvements to be made will enhance the market value of surrounding properties.

Based on my experience of 39 years serving as a real estate broker in NH and in MA, with numerous transactions in Londonderry, it is my professional opinion that the market value of surrounding properties will not be diminished if the variances are granted. The improvements proposed are consistent with the character of the neighborhood and will be in the best interest of the community as the tax base will be expanded and a long existing use will be maintained but with improved visual appearance and customer experience.

Thank you for your consideration.

Sincerely yours,

By:

Ralph Valentine

Three Nashua Road Londonderry, NH 03038
60.434.9700

Ex. 2

Hamid Zohdi
6 Crestview Circle, # 137
Londonderry, New Hampshire 03053

November 1, 2018

To: Londonderry ZBA

From: Hamid Zohdi

Re: Variances

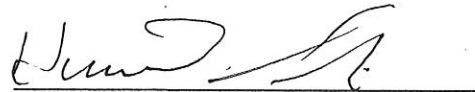
Dear Chairperson:

Please accept this writing as an expression of my support for the requested variances. As a resident of 6 Crestview Circle, #137, Londonderry, New Hampshire. I am familiar with Londonderry Ford and support their request to expand.

Thank you for your consideration.

Sincerely yours,

By:



Hamid Zohdi

HZ:sew

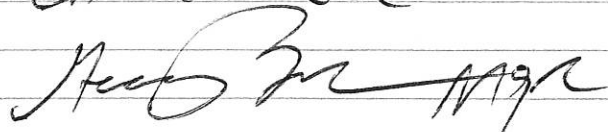
October 24, 2018

TO Londonderry ZBA

FROM Zander LLC (12 Alexander Rd)

RE: LONDONDERRY Ford

I, Gerry Beique, manager of Zander LLC support Londonderry Ford's request for variances. As an owner of a Ford F250 purchased at Londonderry Ford, I believe the service facility needs upgrades and improvements.

Zander LLC


PARTS & SERVICE

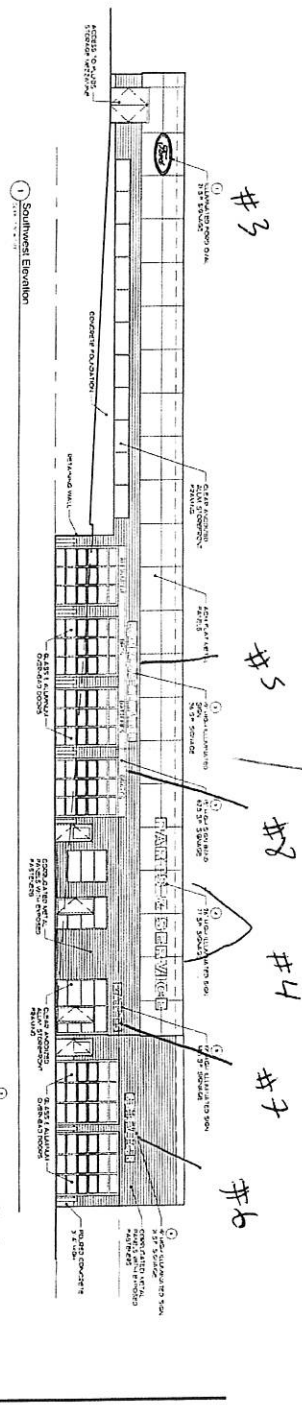
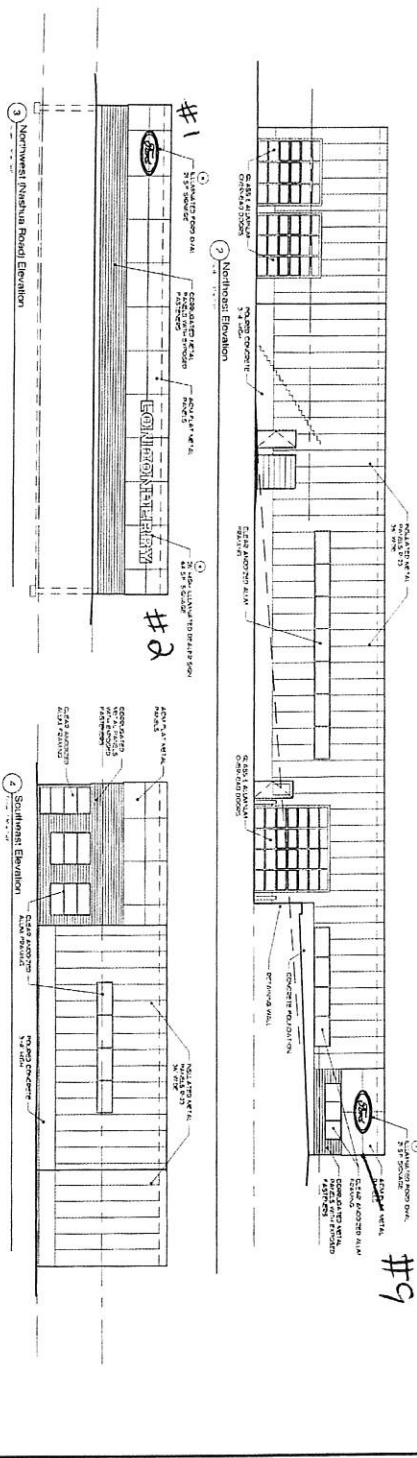
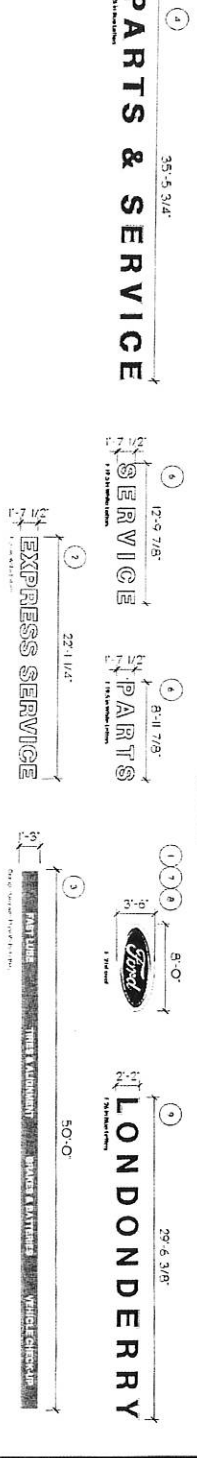
EXPRESS SERVICE

LONDONDERY

Ford of Londonderry
 Nashua Road
 Londonderry, NH
 Signage Drawing
 For Town Approval

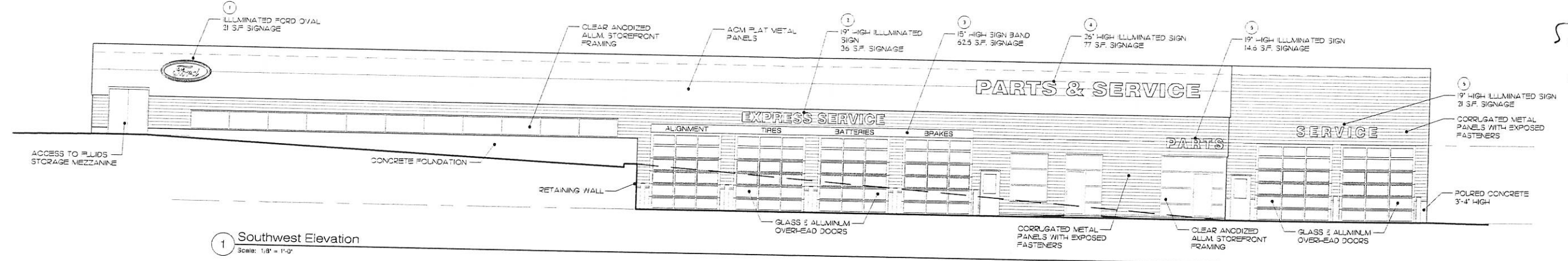
O'SULLIVAN ARCHITECTS, INC.
 ARCHITECTURE • INTERIORS • PLANNING
 608 MAIN STREET, SUITE 3007 • HEADING, MA 01867
 TEL: (978) 326-5100 • FAX: (978) 326-5170 • WWW.OSA-ARCH.COM

DATE	SHEET NUMBER
10/17/11	G1
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	JOB NO.
10/17/11	14022

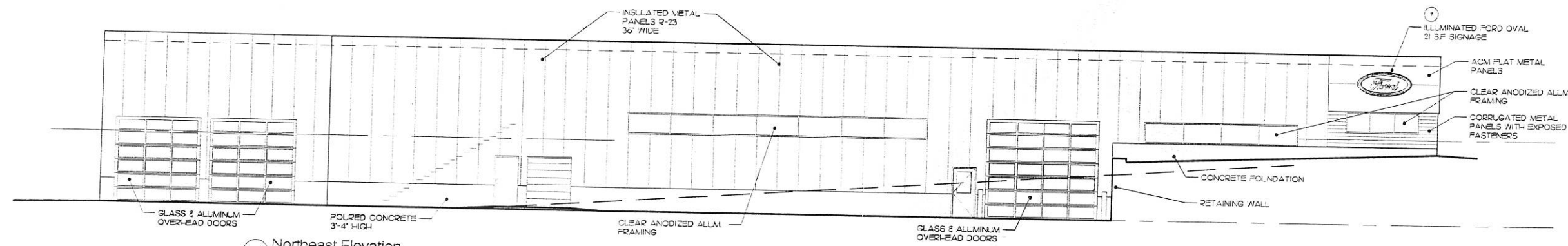


Not

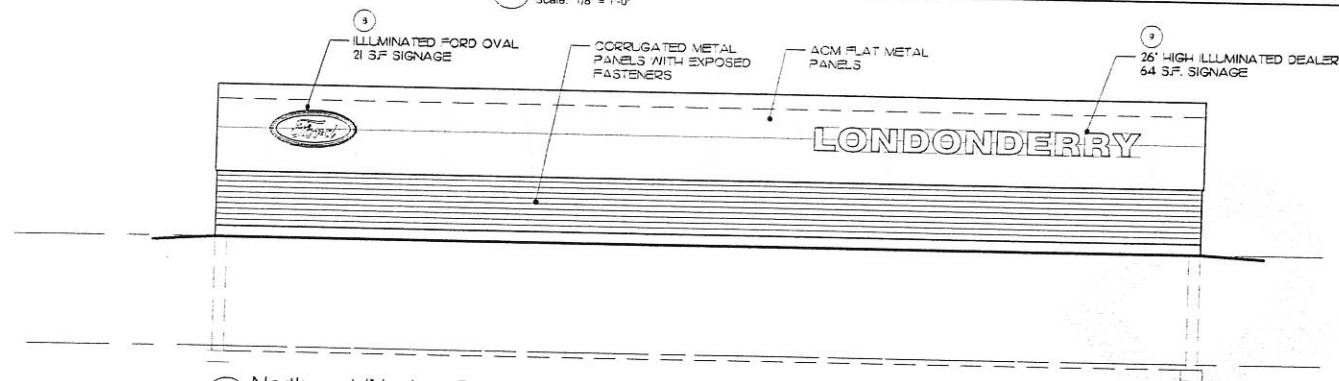
Sign Exhibit
EX4



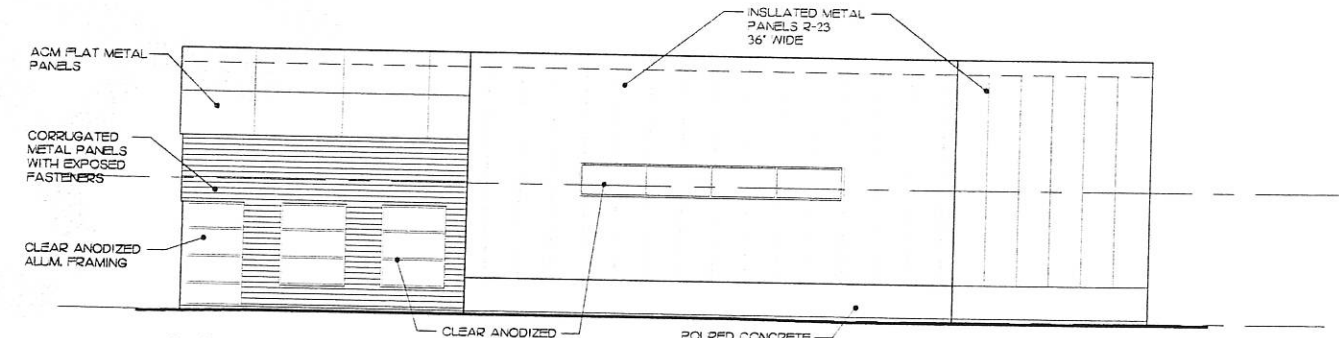
1 Southwest Elevation
Scale: 1/8" = 1'-0"



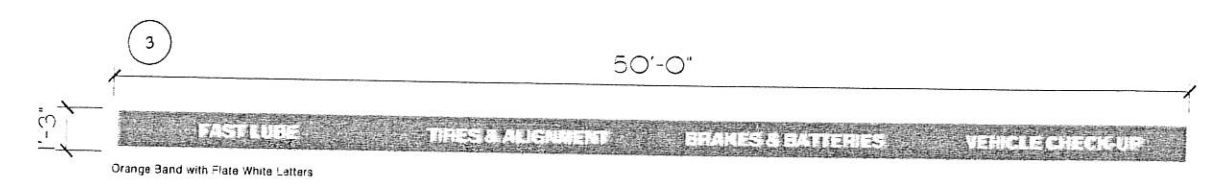
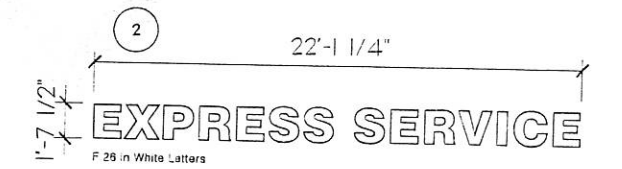
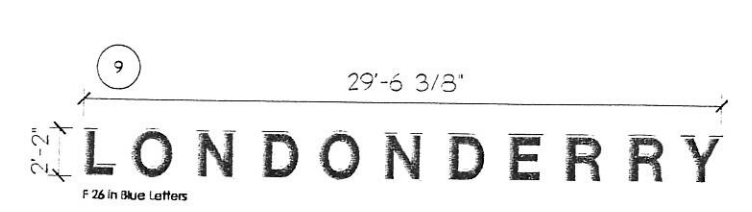
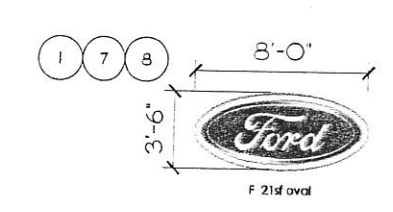
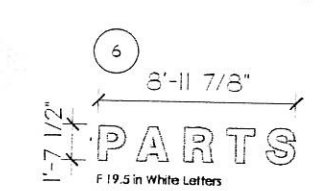
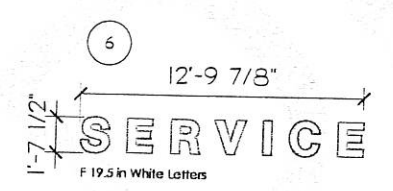
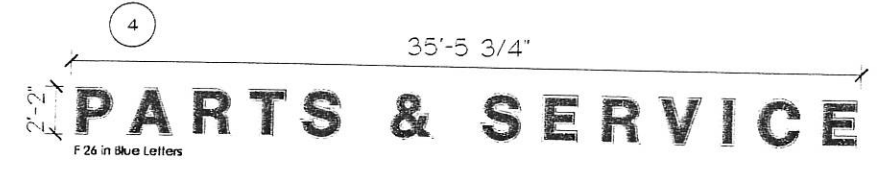
2 Northeast Elevation
Scale: 1/8" = 1'-0"



3 Northwest (Nashua Road) Elevation
Scale: 1/8" = 1'-0"



4 Southeast Elevation
Scale: 1/8" = 1'-0"



Ford of Londonderry
Nashua Road
Londonderry, NH
Signage Drawing
For Town Approval

O'SULLIVAN ARCHITECTS, INC.
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606 MAIN STREET, SUITE 3001 • READING, MA 01867
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ISSUED 10/17/2017//	SHEET NUMBER G1 Sheet 34 of 34
REVISED / REVISED BY	JOB NO: 14022

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