

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

DATE: AUGUST 19, 2015

CASE NO.: CASE NO. 8/19/2015-4

APPLICANT: ARANCO REALTY, INC.
557 NORTH STATE STREET
CONCORD, NH 03301

LOCATION: 132 ROCKINGHAM ROAD, 16-68-0, C-II

BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
JACKIE BENARD, VOTING MEMBER
JIM TIRABASSI, VOTING MEMBER
ANNETTE STOLLER, VOTING ALTERNATE
BILL BERNADINO, NON-VOTING ALTERNATE
NEIL DUNN, ACTING CLERK

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

REQUEST: SPECIAL EXCEPTION TO AN ALLOW OFF-PREMISE SIGN
IN ACCORDANCE WITH SECTION 3.11.6.

PRESENTATION: N. DUNN READ THE CASE INTO THE RECORD. EIGHT PREVIOUS CASES.
NO LETTERS.

JIM SMITH: Who will be presenting?

MORGAN HOLLIS: Good evening, Mr. Chairman, members of the Board. My name is Morgan Hollis. I'm an attorney at Gottesman & Hollis in Nashua. I'm here this evening representing the applicant LaMontagne builders and the owner of the property Aranco Realty, Inc. The property is located at tax map 16 parcel 68 which has a street address of 132 Rockingham Road at the corner of Rockingham Road and Auburn Road. We're here requesting a temporary off-premises sign. It is a sign advertising in the Mill Pond subdivision which is located approximately two miles away off of Wilson Road. The history of this site has just recited by Mr. Dunn includes that his Board previously granted a variance on 8...a special exception on 8/21/2013 for a off-premises sign. It is the exact sign that is there today. That special exception was granted on 8/21/2013, but it was a temporary sign for a two year period. It expires 8/21 of this year, so we've snuck under the deadline and we're here asking for relief to basically continue the special exception. The subdivision did not sell out as quickly as everyone would like. We would like to have three more years. There was two years

45 granted. We'd like to have a special exception for off-premises sign for a temporary sign for three year
46 period. A sign is the benefit of the subdivision and is currently there. It's double-sided. We attached a
47 picture of the existing sign with the application (see Exhibit #1). It's 25 sq. ft. with meets the sign regulations
48 in the commercial district. There are certain criteria that have to be met under Section 3.11.6.C.6. The first
49 one is that no more than one off-premises sign per parcel is allowed. There is only one, and that's this one.
50 Second criteria is B, no business to be advertised on more than two off-premises signs. This is the only off-
51 premises sign for this subdivision which continues, as I've said, there's been 59 houses sold. There are 59 to
52 go. This is the only off-premises sign, so it meets criteria B. Off-premises sign in a commercial district shall
53 have a maximum of 25 feet surface area. This sign has 25 feet. It was approved by the inspector at the time,
54 and it remains the same exact sign. Off-premises signs in districts other than commercial, or industrial are to
55 be 8 sq. ft. This is in a commercial district. The directional signs are allowed based upon the distance and the
56 travel route, but we are not asking for, nor do we need, nor are there any other directional signs for this
57 project despite the distance. Sign must comply with the ordinance. It complies currently. It was approved.
58 It was erected. It exists, and it will remain exactly as it sits today. Other conditions or restrictions...previously
59 this Board imposed a two year limitation. We would ask for a three year limitation, so we wouldn't have to
60 come back here hopefully as long as sales continue. In addition to those specific requirements of the special
61 exception, your Town standards have a number of them. Most of them don't apply, but I'm just going to
62 quickly run through them – 4.1.5.A the special exception has to be specifically authorized and it is under the
63 section I just sited previously; B the Board makes a final that such use will not cause, or create a nuisance, or
64 hazard to adjacent properties – this sign has been there, it's pre-existing, they'll be no changes, there's been
65 no complaints, so there is no nuisance; C traffic and pedestrian safety has to be addressed to make sure there
66 are adequate provisions to avoid congestion – the sign creates no traffic, it is not blocking the line of site, it
67 does not affect pedestrian walkway issues, it's really not applicable here; D the Board may require protective
68 screening if necessary, none is applicable in this instance; E the Board shall determine adequate parking areas
69 and loading spaces for the anticipated occupants, employees and patrons and layout is convenient and
70 conducive to safe operations, that's not applicable either and there are no occupants, no loading, no parking;
71 F if outdoor lighting is required the Board's obligation is to ensure there's no problem no visibility or shining
72 problems, there are no lighting problems on the sign, there's no lights on the sign; G Board must assure there
73 are adequate provisions for collection of storm water runoff, again not applicable because there's no storm
74 water; H the Board may ask the Planning Board for input as to the layout, this sign already exists and has
75 been approved, so that wouldn't be applicable in this instance either. So, in essence, we're asking to
76 continue it. We'd like three years instead of two. Happy to answer any questions? I have here a
77 representative of LaMontagne builders, Mr. Dana Finn, and I also have Carol Shaw who works at the Mill
78 Pond subdivision as a broker/realtor.

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80 JIM SMITH: Okay, any questions from the Board?

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82 NEIL DUNN: Richard, do we have a regulation, or allowance for temporary signs, or is that more for sales, or
83 promotions?

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85 RICHARD CANUEL: Well, in this particular case that wouldn't apply because this is a off-premises sign. They
86 could have a temporary sign on the premises of the property. This is off though.

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88 NEIL DUNN: Thank you.

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JIM SMITH: I think the difference is on this...typically an off-premises sign is for some...

NEIL SMITH: Direction, or...?

JIM SMITH: ...company, or something that's located, and it's more or less permanent. In this case, it's for a subdivision. Hopefully there going to sell off everything.

NEIL DUNN: ...and it will go away...right...

JIM SMITH: Then the need would not be there anymore. So, we're basically just renewing what's already there and extending it, and their requesting a three year extension.

BILL BERNADINO: After they are sold before three years...sign come down?

MORGAN HOLLIS: Yes, it'll be three years, or when the subdivision is sold out.

JIM SMITH: Okay. Can you write that into the...

MORGAN HOLLIS: Whichever is sooner?

JIM SMITH: Yeah.

[Laughter]

JIM SMITH: Obviously, the market wasn't in your favor.

MORGAN HOLLIS: It's been good, but you know, we want to make sure the sign is there, so we don't have to come back here again.

JIM SMITH: Okay, so any other questions from the Board?

[Overlapping comments]

JIM SMITH: Anyone in opposition? Anyone in favor? If not, I'll take it back to the Board. This is a quick one. Thank you. No other comments? I'll entertain a motion.

JACKIE BENARD: I'd like to make a motion, Mr. Chairman to grant the special exception for Case No. 8/19/2015-4 to be extended for a three year period, or when the subdivision sells out whichever occurs first.

JIM SMITH: Okay. Do I have a second?

BILL BERNADINO: Second.

133 JIM SMITH: Bill seconds. Okay, all those in favor?
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135 ALL: Aye.
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137 **DELIBERATIONS:**
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139 **RESULTS: THE MOTION TO CONTINUE CASE NO. 8/19/2015-4 WAS GRANTED, 5-0-0.**
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141 RESPECTFULLY SUBMITTED,
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143 NEIL DUNN, ACTING CLERK
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145 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
146 SECRETARY.
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148 **APPROVED (SEPTEMBER 16, 2015) WITH A MOTION MADE BY J. TIRABASSI, SECONDED BY J. BENARD AND**
149 **APPROVED 4-0-0.**
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Mill Pond

Beautiful New Homes

**1/4 mile then
Left on Wilson Road**



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