

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

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5 DATE: SEPTEMBER 16, 2015  
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7 CASE NO.: CASE NO. 9/16/2015-1  
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9 APPLICANT: MATAROZZO FAMILY TRUST  
10 JIM MATAROZZO, TRUSTEE  
11 P.O. BOX 168  
12 COLBURN, CO 81624  
13  
14 LOCATION: 66 NASHUA ROAD, 7-40-4, C-1  
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16 BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN  
17 JACKIE BENARD, VOTING MEMBER  
18 BILL BERNADINO, VOTING ALTERNATE  
19 JIM TIRABASSI, ACTING CLERK  
20  
21 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING  
22 ADMINISTRATOR/HEALTH OFFICER  
23  
24 REQUEST: VARIANCE TO ALLOW THE ALTERATION OF SIGN COPY ON AN EXISTING  
25 NON-CONFORMING FREESTANDING SIGN AS PROHIBITED BY SECTION  
26 3.11.8.B AND TO ALLOW A WALL SIGN INCORPORATED INTO A CANOPY  
27 WHICH WILL EXCEED THE SIGN AREA ALLOWED BY SECTION 3.11.6.D.3.b.  
28  
29 PRESENTATION: J. TIRABASSI READ THE CASE INTO THE RECORD. TWO PREVIOUS CASES.  
30 NO LETTERS READ INTO THE RECORD. PAGES \_\_\_\_\_ ARE ATTACHMENTS  
31 TO REFERENCE.  
32  
33 JIM SMITH: Okay, who will be presenting?  
34  
35 HEATHER DUDKO: Hi good evening, my name is Heather Dudko. I'm at 27 Old Meetinghouse Road in Auburn,  
36 MA representing the sign installer Philadelphia Sign, and I also have with me tonight Terri Melisi-Bean  
37 whose the District Manager for Speedway, so sorry...  
38  
39 JIM SMITH: Why don't you have him come up and sit with you so.  
40  
41 HEATHER DUDKO: ...you have another gas station before you. Hopefully, this will be a little easier, but we  
42 are before the Board tonight to request permission to reface the existing freestanding sign. It's a pre-existing  
43 non-conforming sign due to the setback. They would like to just reface the panel from Hess to Speedway,  
44 and reface the manual pricing board to remain as a manual board, but it will be a little different coloring.

45 Also, they would like to install...replace, I'm sorry the lettering on the canopy at 25 square feet the existing  
46 Hess signage was 25 square feet. They'd like to replace it at the same square footage. Internally illuminated  
47 channel letters, but due to the way that the bylaw is written, we needed to measure the entire canopy area,  
48 and if we do that it exceeds the square footage allowed at 50 square feet, and also it would be a second wall  
49 sign. There's some vinyl lettering on the kiosk at 12 square feet that was allowed by right...a permit by right,  
50 so the replacement of the canopy lettering is considered a second wall sign. So that's our petition before the  
51 Board tonight. They'll be no structural change to the freestanding sign. It's just two new panels at the top  
52 and the manual pricing board to fit within the existing structure. Speedway...all Hess gas stations have been  
53 changed to Speedway, so it's...we're working regionally with many locations, so you won't see any more Hess  
54 gas stations.

55  
56 JIM SMITH: Before you go any further. Richard, was the height of the sign...what's the status of that?

57  
58 RICHARD CANUEL: The height of the sign?

59  
60 JIM SMITH: Yeah.

61  
62 RICHARD CANUEL: As it is today, it exceeds what's allowed by the ordinance today because all signage is  
63 required to be a maximum of 10 feet in height. So, the sign itself is non-conforming all the way around  
64 because of the sign height and because of the location of the sign in relations of the property line.

65  
66 JIM SMITH: Do they need a variance for the height?

67  
68 RICHARD CANUEL: Well, it's pre-existing. It does not conform to the ordinance today because it's a pre-  
69 existing non-conforming sign.

70  
71 JIM SMITH: Okay.

72  
73 HEATHER DUDKO: It is...maybe Terri can correct me if this is an incorrect statement, but it is a name change  
74 to the business itself. The...Hess does retain ownership of the...some of the businesses. Is that correct?

75  
76 TERRI MELISI-BEAN: Currently, Hess retail has been purchased by Speedway, so we are really...right now we  
77 are operating as Hess retail doing business as Speedway. As of October 1<sup>st</sup>, all of the assets revert to  
78 Speedway, and we will be Speedway, LLC.

79  
80 JIM SMITH: Okay. Rich, I'm still a little confused on the height? You're considering it what?

81  
82 RICHARD CANUEL: Well, the sign is qualifies as an existing non-conforming sign. Not so much because of the  
83 sign height, but because of the signs location in relationship to the property line. As a matter of fact, the sign  
84 currently is right on the property line. Where it would otherwise be required to be setback at 15 feet from  
85 the property. So, it's not so much the height, it's more the location of the sign.

86  
87 JIM SMITH: I'm just looking at the Part B "loss of legal non-conforming status...".

89 RICHARD CANUEL: Right.

90  
91 JIM SMITH: Does any of that apply to this?

92  
93 RICHARD CANUEL: And that's the reason for the variance. Also, because as an existing non-conforming sign,  
94 the sign can exist as it is today indefinitely.

95  
96 JIM SMITH: Permanently.

97  
98 RICHARD CANUEL: But once you change the sign copy, it loses its legally non-conforming status, and it must  
99 be brought into conformance with the ordinance. Which means it would have to be set back the 15 feet. It  
100 would have to comply with the height regulations as well.

101  
102 HEATHER DUDKO: So, there would be a hardship in that matter. If they needed to bring it into conformity  
103 because of the setback because to move it back 15 feet, it would bring them into the parking lot area...the  
104 paved area of the station. If they need to relocate the sign?

105  
106 JIM SMITH: But wouldn't it...shouldn't it be brought into height requirements?

107  
108 RICHARD CANUEL: It would have to yes. As the ordinance reads, as I explained it, it loses its protection as a  
109 grandfathered non-conforming sign, and therefore the ordinance requires that the sign be brought into  
110 conformance with the current requirements of the ordinance which will require it to be setback 15 feet from  
111 the property line and also require it to comply with the maximum 10 foot height limitation.

112  
113 JIM SMITH: Or get a variance?

114  
115 RICHARD CANUEL: Or request a variance.

116  
117 HEATHER DUDKO: Yeah.

118  
119 JIM SMITH: Okay, what are the variances we're...?

120  
121 HEATHER DUDKO: So, the variance for the freestanding sign would be for the setback and for the overall  
122 height to maintain...

123  
124 JIM SMITH: Okay, so you're looking for the height?

125  
126 HEATHER DUDKO: Yup, and then for the height and the setback, and then for the sign on the canopy that  
127 constitutes a second wall sign, and due to the way we need to measure the area there's a clause in the bylaw  
128 on an awning, you need to calculate the entire measurement of the awning...

129  
130 JIM SMITH: Okay.

132 HEATHER DUDKO: ...so, that would bring us...the lettering itself is only 25 square feet, but if we measure the  
133 awning, it brings it to...I think it's 300...?

134  
135 JIM SMITH: Some astronomical number.

136  
137 HEATHER DUDKO: Yeah, the canopy measurement would be 318 square feet whereas the lettering is only 25.

138  
139 JIM SMITH: Okay. Any other questions on this part of it? Okay. Why don't you make your presentation as  
140 far as the five points of law, and so forth?

141  
142 HEATHER DUDKO: Okay, so as to the five points that we did complete on the application. Speedway feels  
143 that it's not contrary to the public interest because it helps the public to clearly identify where this gas station  
144 is, and it shows that it's a fully operational service station and convenience store. The sign is clear and  
145 simple. It's readable and it helps the public to recognize the convenience store and the station and it open. I  
146 am told the station is open twenty-four hours, so the lighted signs are necessary. Of course over night to  
147 clearly identify the entrances and that the station is open to customers. We do believe that the spirit of the  
148 ordinance is observed in this commercial area. It is a commercially zoned property and freestanding and wall  
149 signs are allowed in this area. We would also fee that substantial justice is done by allowing Speedway to  
150 maintain the same square footage that they have maintained for years. Would you happen to know how  
151 long the Hess gas station was there?

152  
153 TERRI MELISI-BEAN: It was purchased from Gibbs about fourteen years ago.

154  
155 HEATHER DUDKO: So, we are not asking for more additional square footage. That has been onsite for many  
156 many years, so we're asking that substantial justice will be done by allowing them to maintain the same  
157 square footage. The values of the surrounding properties are not diminished. This is a commercial area. The  
158 signs are new. They are clear. They are concise. They are properly installed and properly maintained. The  
159 landscaping is nicely done onsite and would continue to be maintained and it's in keeping with the area and  
160 the signage on that street. Literal enforcement especially in regards to the freestanding sign...if they were...if  
161 they needed to alter the sign to bring it to conformity they would have quite a substantial hardship trying to  
162 find an area to relocate that sign to as Richard said, the sign I believe is quite near to the property line and if  
163 they needed to move it back to meet the setback at 15 square feet it would bring them into the actual  
164 parking area, pump area and I think they'd a quite a hardship finding a location to relocate the sign to. I  
165 think...

166  
167 JIM SMITH: Okay. Questions?

168  
169 HEATHER DUDKO: Oh, can I? I'm sorry, one more point. Just in relationship to the wall sign. The wall sign  
170 would meet the square footage. It would an additional sign, but gas stations provide the canopies for  
171 protection for the customers and we feel it's a hardship to have to measure all of the blank space on the  
172 canopy to bring us to 318 square feet. Whereas, the lettering would comply with the size that's allowed in  
173 that district.

174  
175 JIM SMITH: Okay, you currently have a sign on either side of the building? Right?

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HEATHER DUDKO: It's vinyl lettering on one side of the building and that is on the entrance...if you come down Route 102 and you take a right and then you take a left into the station there is some vinyl lettering on that side of the kiosk where the door is, and the illuminated channel letters are on the canopy side parallel to Route 102, so it's giving it exposure on different facades.

JIM SMITH: Are you saying there's only vinyl letters on one side of the building?

HEATHER DUDKO: That's correct, and that's where the entrance door is to the kiosk.

[Overlapping comments]

BILL BERNADINO: One on each side.

HEATHER DUDKO: Is there one on each side?

TERRI MELISI-BEAN: Yeah.

JIM SMITH: I believe there's sign...

TERRI MELISI-BEAN: I think there is?

JIM SMITH: ...on both sides of the building?

HEATHER DUDKO: Okay.

TERRI MELISI-BEAN: I think there is on both sides. The checkers have been removed. The checkerboard has been removed.

HEATHER DUDKO: Yeah.

TERRY: And there's a sign there.

HEATHER DUDKO: I was told there was only one sign on the side of the building.

JIM SMITH: I'm pretty sure there's two.

HEATHER DUDKO: Okay.

JIM SMITH: Which...

HEATHER DUDKO: We can...

220 JIM SMITH: ...adds up to what? Fifty square feet, Richard? The signs on either side of the building?  
221  
222 RICHARD CANUEL: As they are proposing is one sign at 12 square feet it looks like...  
223  
224 HEATHER DUDKO: Right.  
225  
226 RICHARD CANUEL: ...and another sign at 12 square feet.  
227  
228 JIM SMITH: So, they have 24 square feet on the building already?  
229  
230 RICHARD CANUEL: No, that's what they are proposing.  
231  
232 HEATHER DUDKO: No, we didn't...?  
233  
234 [Overlapping comments]  
235  
236 RICHARD CANUEL: I don't know what...  
237  
238 JIM SMITH: It's already on the building.  
239  
240 HEATHER DUDKO: I thought we only applied for the one on one side of the building?  
241  
242 TERRI MELISI-BEAN: Only on one side of the canopy. The other side of the building does have...  
243  
244 HEATHER DUDKO: Right, so there's vinyl lettering on the kiosk...on the kiosk building.  
245  
246 JIM SMITH: Yeah.  
247  
248 HEATHER DUDKO: And then lettering on the...  
249  
250 JIM SMITH: Yeah, but it's on both sides of that building?  
251  
252 TERRI MELISI-BEAN: It is.  
253  
254 HEATHER DUDKO: I was not under the impression that there were two sets on the kiosk, so if that's an issue,  
255 we can discuss that.  
256  
257 JIM SMITH: Richard, looks....question?  
258  
259 RICHARD CANUEL: Excuse me?  
260  
261 JIM SMITH: You looked like you're questioning?  
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263 RICHARD CANUEL: Well, I'm just looking at the graphics on the screen there.

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HEATHER DUDKO: Oh.

RICHARD CANUEL: Yeah, show what they had proposed with the permit submittal was two signs on the building, or the kiosk, if you will (one on either side). Which because the building faces two rights of way, they are allowed two wall signs, but adding another wall sign to the canopy would equate essentially to three wall signs.

TERRI MELISI-BEAN: You know what? That's photo shopped. That's not on the building yet.

RICHARD CANUEL: Right.

TERRI MELISI-BEAN: Because if you look there both done in the winter time.

RICHARD CANUEL: Yeah, well..

TERRI MELISI-BEAN: We've never done Speedway in the winter.

RICHARD CANUEL: That's true.

TERRI MELISI-BEAN: So, this is proposed. This isn't what's...

RICHARD CANUEL: That was done by your sign...

HEATHER DUDKO: Right.

[Overlapping comments]

TERRI MELISI-BEAN: So, it's not there yet.

RICHARD CANUEL: ...your sign company.

JIM SMITH: Well, I beg to differ. It's on the building.

HEATHER DUDKO: He thinks it's on the building now?

JIM SMITH: I've seen them.

HEATHER DUDKO: He thinks it's on the building now?

JIM SMITH: Speedway is on both sides of that building.

RICHARD CANUEL: Correct.

308 JIM SMITH: No question. Don't you think?  
309  
310 JIM TIRABASSI: Yeah, it is, yeah.  
311  
312 HEATHER DUDKO: Is it, okay.  
313  
314 JIM SMITH: And other people have seen them.  
315  
316 HEATHER DUDKO: Okay, okay.  
317  
318 JIM SMITH: Well, one of the only problems with that is shouldn't those signs be facing those two sides that  
319 face the street?  
320  
321 RICHARD CANUEL: That's correct, as the ordinance says is you're allowed two all signs if the building faces  
322 two rights of way with the intent being that the sign face each of those rights of way.  
323  
324 JIM SMITH: So, you've got one on the road that comes down from the mall.  
325  
326 HEATHER DUDKO: Yeah.  
327  
328 JIM SMITH: You've got one on the opposite side which doesn't fact the road.  
329  
330 RICHARD CANUEL: Correct.  
331  
332 JIM SMITH: Which shouldn't be there it should be on the side that faces 102.  
333  
334 HEATHER DUDKO: Okay, okay. Technically, yeah.  
335  
336 RICHARD CANUEL: That's correct.  
337  
338 JIM SMITH: Then in addition to that you want one on the canopy?  
339  
340 HEATHER DUDKO: Correct.  
341  
342 JIM SMITH: One way out of this would be to put one on...just take the one off the other side.  
343  
344 HEATHER DUDKO: Um hum.  
345  
346 JIM SMITH: Then if we grant the variance on the canopy nothing on the front of the building.  
347  
348 HEATHER DUDKO: Okay, so just one on the side entrance?  
349  
350 JIM SMITH: Correct, correct.  
351



352 HEATHER DUDKO: On the mall entrance side?  
353  
354 JIM SMITH: That would be one way of getting this into more conformance.  
355  
356 HEATHER DUDKO: Yeah, yeah.  
357  
358 JIM SMITH: If we grant the variance for the...  
359  
360 HEATHER DUDKO: Yeah.  
361  
362 JIM SMITH: Okay, any other questions? Anyone in the audience in favor of this? Seeing none. Anyone that  
363 either has a question, or is in opposition?  
364  
365 PAULINE CARON: Pauline Caron, 369 Mammoth Road. I have a question. The sign would the...numbers for  
366 the prices of the gas...is that a lit sign on the top where it says Speedway, or is it just a vinyl, or sign with no  
367 lights?  
368  
369 HEATHER DUDKO: No, that would be an internally illuminated sign place.  
370  
371 TERRI MELISI-BEAN: Just like the current one is.  
372  
373 PAULINE CARON: Okay, and the sign on the canopy? That would be internally lit as well?  
374  
375 TERRI MELISI-BEAN: Correct.  
376  
377 PAULINE CARON: Can I make a recommendation? That if this is passed that they go through the Heritage  
378 Commission on their lighting on their signs? Thank you.  
379  
380 HEATHER DUDKO: Just a note of the freestanding sign. The changes to the sign are within the existing  
381 cabinets in within the existing framework, so the existing lighting remains as is. There's no change lighting in  
382 that sign. The channel letters that would go on the canopy those are LED lettering, so it's an LED module  
383 inside the lettering versus a fluorescent. Just to make note, and to readdress the vinyl letter on the kiosk, we  
384 would remove...we'd be absolutely willing to remove one of those sets of lettering and just leave the lettering  
385 on the entrance of the side entrance with the mall is, and only have one set of lettering on that kiosk and a  
386 set on the canopy.  
387  
388 JIM SMITH: Okay, anyone else...questions or opposition? Seeing none, I'll bring it back to the Board.  
389  
390 JIM TIRABASSI: If there's none, I'm looking at the sign, the positioning of the sign. There's really no way to  
391 relocate that.  
392  
393 JIM SMITH: No, physically, no.  
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395 JIM TIRABASSI: It's physically without just shutting down a portion of their business.

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JIM SMITH: I think again, you're faced with the fact that this is a...developed as a gas station in god knows how many years ago.

JIM TIRABASSI: Right.

JIM SMITH: The 102 has been widened. There's a lot of land taking along that corridor.

JIM TIRABASSI: Right.

JIM SMITH: I know multiple signs have had problems with the lack of space between their property and the actual edge of the right of way.

JIM TIRABASSI: Right...if we didn't grant any...we'd restrict anybody to transfer their property to somebody else.

JIM SMITH: Yeah, okay. Any questions Jackie?

JACKIE BENARD: So do we also have to determine height requirement this evening?

JIM SMITH: Well...

JACKIE BENARD: Because we're talking about copy and signage, but are we addressing any height issues tonight?

JIM SMITH: ...that's what I was trying to get at.

JACKIE BENARD: There's no reference to height here. The applicant hasn't asked for height.

JIM TIRABASSI: You mean on the main site? On the main side?

JIM SMITH: Yeah.

JIM TIRABASSI: Okay, yeah their asking to leave it as it is just changing the face. So, they're not changing anything else just except the...

[Indistinct comments]

JIM TIRABASSI: We have to give it...we can grant it a variance.

JACKIE BENARD: Right because we asking about...

JIM TIRABASSI: Right, right.

440 JACKIE BENARD: ...signed copy, but we're not addressing any height? I just want to be clear.  
441  
442 JIM TIRABASSI: Yeah.  
443  
444 JACKIE BENARD: Because then you know we wanna make sure that we don't miss anything tonight.  
445  
446 JIM TIRABASSI: Right, we can just restrict the size of the sign cannot change height just the...  
447  
448 JACKIE BENARD: Well, because right now it is...Richard, what height did you say the sign was now?  
449  
450 RICHARD CANUEL: I'm not sure what it is as it exists today, but...  
451  
452 JACKIE BENARD: But it's definitely higher than 10 feet?  
453  
454 RICHARD CANUEL: Of course, yes.  
455  
456 JACKIE BENARD: I may have that, I may have that. I'm sorry, I don't.  
457  
458 HEATHER DUDKO: I was trying to see it on any of the renderings...  
459  
460 JACKIE BENARD: Yeah.  
461  
462 HEATHER DUDKO: ...and I was like how high is it?  
463  
464 JIM SMITH: I think the way it's worded, I think what we're trying to say is the only thing that is changing is  
465 the wording.  
466  
467 JIM TIRABASSI: Right.  
468  
469 JIM SMITH: And everything else is going to stay the same.  
470  
471 JACKIE BENARD: So, I just want to make sure that we cover it specifically so you know...that way there's no  
472 question as to what we were reviewing?  
473  
474 JIM TIRABASSI: Would the restriction be that the sign...the height of the...  
475  
476 JACKIE BENARD: Well, there no...well not so much a restriction because it gets thrown out because it's a non-  
477 conforming sign, but as soon as they want to change it now they've got to comply.  
478  
479 JIM TIRABASSI: Right.  
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481 JACKIE BENARD: But we're being asked about the height. We're being asked about copy right now.  
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483 JIM TIRABASSI: Copy, right.

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JACKIE BENARD: So, can we include...can we address even though the applicant hasn't specifically asked for the height...can we address that with the sign copy, or do we have to start to process over so that they can come back to us for a variance for height, or can we determine that with nothing else?

JIM SMITH: Actually, there's two issues height and setback.

JACKIE BENARD: And setback, yeah. Okay, so yeah. Do we need to have them come back, or can we address that this evening?

JIM SMITH: It's kind of where I was going. That's why I was asking Richard about the...

RICHARD CANUEL: If I could interject, Mr. Chairman?

JIM SMITH: Sure.

JACKIE BENARD: Yes, please.

RICHARD CANUEL: Basically, what you'd be doing is allowing the applicant to replace the sign copy on an existing non-conforming sign and allow the sign to remain as it, so the issue of the sign height and the sign location is irrelevant.

JACKIE BENARD: Okay, in that wording. Alright, thank you. Alright, that answers that.

JIM SMITH: We kind of went around in a circle, but that's...

JACKIE BENARD: But we came right back around.

JIM SMITH: I was trying to get those two issues out on the table just so we were all aware of them and for some reason somebody challenges it at a later date and for some reason somebody challenges it at a later date.

JACKIE BENARD: Right.

TERRI MELISI-BEAN: Right.

HEATHER DUDKO: Right, I agree. Thank you.

JIM SMITH: Okay. Okay, let's go over the five points of law.

JIM TIRABASSI: ...Now, are we going to go over the five points for the entire thing?

JIM SMITH: No, no, no...okay...wait a minute, I'm getting ahead of myself.

528 JIM TIRABASSI: Yeah, because we still have the other side to finish.  
529  
530 JIM SMITH: Okay, is there a separate...there's only one set of things on this right?  
531  
532 JIM TIRABASSI: Yeah, it was submitted as one package.  
533  
534 JIM SMITH: Right. Okay. Anything further you want to add to this?  
535  
536 HEATHER DUDKO: No.  
537  
538 JIM SMITH: Nothing further from the public? Board any further questions?  
539  
540 JIM TIRABASSI: No.  
541  
542 JIM SMITH: At this point, we'll close the public hearing on this case and we'll take it under advisement.  
543  
544 **DELIBERATIONS:**  
545  
546 JIM SMITH: Now, this one is some ways is easier. You have a site that is very difficult to bring into  
547 conformance because of the physical layout and the history of the site.  
548  
549 JIM TIRABASSI: Right.  
550  
551 JACKIE BENARD: Absolutely.  
552  
553 JIM SMITH: So...  
554  
555 JACKIE BENARD: That's first and foremost right there.  
556  
557 JIM TIRABASSI: Right.  
558  
559 JIM SMITH: Yeah. Granting the variance would or would not be contrary to public interest because? It allows  
560 for the continued use of this site for its original purpose. The spirit of the ordinance would be observed  
561 because? There's no other way to bring this into conformance really.  
562  
563 JACKIE BENARD: Well, there's absolutely no other way to bring it into conformance and the spirit of the  
564 ordinance which we just beat like a dead horse prior basically...it's allowing safety of the public so that they  
565 know where to go, what side to enter, so...  
566  
567 JIM SMITH: Okay, granting the variance would do substantial justice because? It allows for the continued use  
568 of this site as it was intended, I guess?  
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570 JIM TIRABASSI: It allows for the transfer of the business from one ownership to the other, so yeah same  
571 thing.

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JIM SMITH: The values of surrounding properties would not be diminished. You're not really changing anything other than the sign.

JIM TIRABASSI: Yeah, nothing is changing all you're doing is something to the name of the business.

JIM SMITH: Yeah.

JACKIE BENARD: Yeah.

JIM SMITH: Okay, knowing the special conditions of the property that distinguishes it from other properties...the variance will result in unnecessary hardship because?

JACKIE BENARD: It's a unique...due to its unique qualities this particular parcel...

JIM SMITH: Actually, Part B would probably be more applicable to this one? ...Not established...if and only if...special condition of the property distinguishes it from other properties...cannot be reasonably used in strict conformance. Physical layout of the property fits that.

JACKIE BENARD: Yeah.

JIM SMITH: Okay?

JACKIE BENARD: Okay, we're good.

JIM SMITH: You want to...? You're the official motion person...

JACKIE BENARD: Town crier, yeah. Mr. Chairman, I'd like to make a motion to grant case number 9/16/2015-1 (Matarozzo Family Trust) to grant a variance to allow the alteration of sign copy on existing non-conforming freestanding sign as prohibited by Section 3.11.8.B, and also to allow a wall sign incorporated into a canopy which will exceed the sign area allowed by Section 3.11.6.D.3.b at 66 Nashua Road.

JIM SMITH: And restrict to one vinyl sign on one side of the building.

JACKIE BENARD: Do we want to actually name that side?

JIM SMITH: Yeah, that's the...you know the name of that street, Richard that come down...?

RICHARD CANUEL: Orchard View Drive.

JIM SMITH: What?

RICHARD CANUEL: Orchard View Drive.

616 JIM SMITH: Orchard View Drive.

617  
618 [Overlapping comments]

619  
620 JACKIE BENARD: Okay, okay...granted with restrictions to one vinyl sign...

621  
622 JIM SMITH: Of 12 square feet.

623  
624 JACKIE BENARD: ...of 12 square feet on...

625  
626 JIM SMITH: Orchard View Drive.

627  
628 JIM TIRABASSI: Orchard View Drive.

629  
630 JACKIE BENARD: ...on Orchard View Drive...

631  
632 JIM SMITH: Side.

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634 JACKIE BENARD: ...or Orchard View side.

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636 JIM SMITH: Second?

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638 JIM TIRABASSI: Seconded.

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640 JIM SMITH: Jim seconded. All those in favor?

641  
642 ALL: Aye

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644 **RESULTS:**

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646 **THE MOTION TO GRANT CASE NO. 9/16/2015-1 WAS APPROVED WITH RESTRICTIONS, 4-0-0.**

647  
648 RESPECTFULLY SUBMITTED,

649  
650 *Jim Tirabassi*

651  
652 JIM TIRABASSI, ACTING CLERK

653  
654 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
655 SECRETARY.

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657 **APPROVED (NOVEMBER 18, 2015) WITH A MOTION MADE BY N. DUNN, SECONDED BY J. BERNARD AND**  
658 **APPROVED 5-0-0.**

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