

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. 9/16/2015-3
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9 APPLICANT: CITY OF MANCHESTER (AIRPORT)
10 ONE AIRPORT RD., STE. 300
11 MANCHESTER, NH 03103
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13 LOCATION: 57 REAR PETTENGILL ROAD, 28-17-2, GB
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15 BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
16 JACKIE BENARD, VOTING MEMBER
17 BILL BERNADINO, VOTING ALTERNATE
18 JIM TIRABASSI, ACTING CLERK
19
20 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING
21 ADMINISTRATOR/HEALTH OFFICER
22
23 REQUEST: VARIANCE TO ALLOW A SECOND FREESTANDING SIGN WHERE ONLY
24 ONE SIGN IS ALLOWED BY SECTION 3.11.6.D.5.a; AND TO ALLOW A SIGN
25 HEIGHT OF 20 FEET WHERE A MAXIMUM OF 10 FEET IS ALLOWED BY
26 SECTION 3.11.5.C.1; AND TO ALLOW A TOTAL SIGN AREA OF 125
27 SQUARE FEET WHERE A MAXIMUM AREA OF 100 SQUARE FEET IS
28 ALLOWED BY SECTION 3.11.6.D.5.a.
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30 PRESENTATION: J. TIRABASSI READ THE CASE INTO THE RECORD. NO PREVIOUS CASES.
31 NO LETTERS. PAGES _____ ARE ATTACHMENTS TO REFERENCE.
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33 JIM SMITH: Okay, who will be presenting?
34

35 BRIAN PRATT: Hi, thank you my name is Brian Pratt. I'm with CLD Consulting Engineers. I'm here
36 representing the developer. Also, with me is Ari Pollack. He's the attorney for the developer. Thank you for
37 hearing with this case. I'll give just a brief summary of what the project is, and then I'll talk about the sign
38 variances. "Nicole, would you mind going to the 3D rendering please? Thanks". So, what we are working on
39 is a 300,000 square foot manufacturing facility. It's located on property owned by the Manchester Airport.
40 There it is. It's a 17 acre parcel right of Raymond Resort Drive and it is near the...very close to the airport. So,
41 what it is...we have like I said 300,000 square feet with a 500 space plus parking lot. When they originally...the
42 tenants and the developers purchased this property they were told that there would be a right-in/right-out
43 access way off of Raymond Resort Drive. In the talks with the DOT, the Town had asked for that. Basically,
44 Old Pettengill Road which is kind of on the bottom of that plan slanting down it's...so this right here is Old

45 Pettengill Road which was discontinued when the new Pettengill was constructed. So, the Town and the City
46 of Manchester and everyone thought that this Old Pettengill Road would actually be able to connect with the
47 right-in/right-out off of Raymond Resort Drive. So, when they purchased this property, or made...you know an
48 intent to purchase it that was...that was a big thing. They wanted some presence off of Raymond Resort Drive
49 that close to the airport. After we started the design, we met with the Town. We met with DOT, and just the
50 proximity of the intersection from where Pettengill Road meets Raymond Resort and where this proposed
51 right-in/right-out was to be placed it just kind of...it really didn't work for numerous reasons. So, basically
52 their street presence was basically gone, and the primary access point to this, and "Nicole, do you mind going
53 to one of the overview plans please?" "Can you go to the one right above that?" "Great." So, here's kind of
54 an overview of the neighborhood...

55
56 ARI POLLACK: Use the slide on the bottom...

57
58 BRIAN PRATT: So, on the left is Raymond Resort Drive on the very bottom of the screen is the brand new
59 Pettengill Road and right here...my laser pointer is having some technical issues. Right here is the North Spur
60 Road which has yet to be constructed. The applicant has to...is going to construct that as part of their
61 development, and like I said they originally thought that they were going to get a right-in/right-out...my laser
62 pointer is just having trouble today...so they were supposed to have a right-in/right-out right in this area. Like
63 I said, because that was a safety issue...a little too close to Pettengill Road. So, that's the purpose of us
64 requesting this sign variance because their primary access now has to be off this cul-de-sac which is now about
65 800 to 1,000 feet off of Pettengill Road they're not going to be seen from Pettengill Road at all so they really
66 want a sign out in this area that lets their presence be know from the airport traffic. So, that's the first
67 variance to have a second sign so they want to have a pedestal sign here and a pedestal sign here. That way
68 their presence is known from Raymond Resort and as people are driving down they'll be able to identify the
69 facility there. The second is the size of the signs. Technically, we'd be allowed 100 square feet. What we're
70 requesting is 100 square feet for this sign here and then 25 square feet for this sign here so we're increasing
71 the square footage that would be allowed by 25 square feet. The third is the height, and...can you go to the
72 cross section...I don't know what number it is? If you keep going, I'll show you. There it is (13) yup. So, this
73 shows a cross section of...so on the left hand side here this is Raymond Resort Drive. This is our property over
74 here. This is the right of way line between Raymond Resort Drive and our property, and this is our proposed
75 sign location, and this line is a cross section that we drew through. So, if you look on the left of the cross
76 section this is Raymond Resort Drive...the lighter line is the existing grade and then...you know this is our
77 finished grade. So, if you look...if you're in a car driving by and you look to the right, we want that sign to be
78 up 20 feet tall (instead of 10 feet tall) which is the maximum that would be allowed. Basically, the reason for
79 that is there is a plateau of land right through this area and if you're looking from here you wouldn't see this
80 sign. There's also a 6 foot chain link fence so is we only have a 10 foot tall sign behind it that chain link fence
81 will completely block the view of that sign. So, that's why we're requesting to raise it to 20 feet.

82
83 ARI POLLACK: [Indistinct]

84
85 BRIAN PRATT: What was that?

86
87 ARI POLLACK: The fence is on the state land.

89 BRIAN PRATT: The fence is on the state land, yup. So, we can't remove that even if we wanted to. Also, the
90 proximity to the right of way...typically, you're required to have a sign that's 10 feet from the right of way.
91 We're requesting to push it basically 6 inches behind the right of way line, and again...it's the same reason, we
92 want it to be visible. The reason for that 10 foot setback is...you know, so you don't have signs right up on the
93 street. In this case, the edge of pavement of the Raymond Resort Drive is about 100 feet away from our...the
94 fence there. Maybe a little less, maybe 90, so it really doesn't defeat the purpose of having that 10 foot
95 setback. It really just pushes it further into the site and makes it more difficult to see. I can show..."Do you
96 mind showing the sign?" "Just scroll through, I'll tell you what number." "Keep going, go to the...keep going
97 up...that number 3, yup". So, up at the top that's the 20 foot tall sign that's going to be out by Raymond
98 Resort Drive and this is the sign that's going to be the 25 square foot sign that's going to be by the cul-de-sac.
99 No problem...and those names there are generic. The company name hasn't been released publicly what the
100 company name is so...the name will change, but the general size and configuration that we are requesting will
101 be the same.

102
103 ARI POLLACK: [Indistinct]

104
105 BRIAN PRATT: And the height. Thank you.

106
107 ARI POLLACK: [Indistinct]

108
109 BRIAN PRATT: Oh, yeah. "Can you go back to that 3D rendering please?" So, we're going to show you the 3D
110 rendering again. So, along this right of way here there's a really thick stand of trees up in that...in that section
111 owned by DOT so that's another reason why we need it to be a little bit larger so that it's going to be visible
112 from the trees. We are going to work with the DOT to try to...you know, selectively trim to try to open up
113 some views here, but this whole thing isn't going to be clear cut, but it'll be cut back a little bit from what we
114 show there. So, in summary it's four variances, but generally it's for one reason and that's because the street
115 presence on the main road that they thought they were going to get they didn't end up getting it. So, as a
116 tradeoff we're hoping to get a little bigger, a little taller sign, and an additional sign because of the...you know
117 the difficulty of identifying the facility from it being set so far back from **North Spur Road**. I think that's it.
118 "Did I cover everything?"

119
120 ARI POLLACK: Go through the criteria.

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122 BRIAN PRATT: Do you want me to go through the five criteria, or...? Anyone have any questions first?

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124 JACKIE BENARD: I do have a question for you?

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126 BRIAN PRATT: Sure.

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128 JACKIE BENARD: On your sign that is the larger one...so that will be face lit?

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130 BRIAN PRATT: I have the representative from Barlow Signs here that is...

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132 JACKIE BENARD: Okay, so that's...

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BRIAN PRATT: He can probably answer more questions about the actual...

JACKIE BENARD: So, that sign the 20 some odd foot sign will be lit? Correct?

DANNY MALTESE: Well, my name is Danny Maltase, and I'm with Barlow signs...Greely Street, Hudson. The intent that they will be actually individual LED illuminated letters mounted on an opaque background so what you see is the white structure of the sign is a fabricated aluminum opaque structure.

JACKIE BENARD: Okay.

DANNY MALTESE: So, the background of the sign will be opaque. The only thing that will illuminate are the letters and there is an LED architectural element that will light also.

JACKIE BENARD: Okay. Then the freestanding sign at the end of the road...that is not lit?

DANNY MALTESE: The monument sign?

JACKIE BENARD: Correct.

DANNY MALTESE: With the masonry base?

JACKIE BENARD: Yeah.

DANNY MALTESE: It's similar construction. It will be a fabricated aluminum background.

JACKIE BENARD: Yeah.

DANNY MALTESE: It's opaque, and in this particular case the letters are pushed-through acrylic. So, the only thing that is illuminate are the letters.

JACKIE BENARD: Oh, okay. So, that will be letter illumination as well?

DANNY MALTESE: That's correct.

JACKIE BENARD: Alright.

DANNY MALTESE: And an opaque background...

JACKIE BENARD: Okay, well that clarifies.

DANNY MALTESE: ...also with an LED architectural element.

JACKIE BENARD: Okay. Thank you very much.

177
178 DANNY MALTESE: You're welcome.

179
180 JIM SMITH: Anybody else? Okay, why don't you go through the various points?

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182 BRIAN PRATT: Okay, one the variance will not be contrary to the public interest. The location, height and size
183 of the proposed signs are in the public interest as it will be more visible to the users of the property and
184 providing notification of the business location. The existing edge of pavement is over 100 feet from the
185 Raymond Resort Drive right of way, so reducing the setback from the right of way will not impact the public
186 interest as there is sufficient separation between the edge of the road and the sign. The two signs are located
187 very far apart from each other on two very distinct road ways. Two, the spirit of the ordinance is observed.
188 The signs are on two separate rights of ways. The ordinance is observed. The signs are on two separate rights
189 of ways and are not visible from each other. Given the distance between the edge of the road and the right of
190 ways just over 100 feet there is more than sufficient separation proposed between the sign and the road.
191 Additionally, there's a ditch and an embankment that will separate the road from the sign. The increase
192 height and overall square footage will make the sign more visible from the longer distance and existing terrain
193 challenges so it can be effective thus the spirit of the ordinance is upheld. I think I lost number three...what
194 the actual substantial justice...

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196 ARI POLLACK: [Indistinct]

197
198 BRIAN PRATT: Item three, substantial justice. Given the large distance from the edge of right of way the
199 existing terrain embankment and the existing fence within the right of way substantial justice can be done if
200 the sign is allowed as proposed because it will allow the sign to function as intended. Thus identifying the
201 business clearly and appropriately. Four, values of the surrounding properties are not diminished. The
202 property is in new development area of commercial and industrial uses and is very close to the Manchester
203 Airport. The development of the property will only aid in increasing surrounding property values. The sign
204 location and scale is in proportion of the overall development and will not diminish values of the surrounding
205 properties. Five, no fair and substantial relationship exists between the general public purposes of the
206 ordinance provision and the specific application of that provision of that property. The property's main access
207 is located very far from Pettengill Road. Having a freestanding sign on Raymond Resort Drive is very important
208 to the tenant to ensure people know where the facility is located. The width and scope of the state right of
209 way along with the plateauing contours of the ground surface marginalize the signage specifications otherwise
210 allowed in the district. While the allowed specifications might be sufficient in other settings the resulting
211 signage will be inadequate as applied here. Proposed use is a reasonable one. Having two signs which are on
212 separate right of ways and not visible from each other will not have any adverse impact to the neighborhood.
213 Viewing the sign from a farther distance means the sign will appear smaller to motorists traveling at highway
214 speeds. In addition, the placement of the building on the far southerly side of the parcel causes the building
215 signage to be less visible from Raymond Resort Drive. B, because the property is not allowed a driveway from
216 Raymond Resort Drive their main site entrance must be located off the north spur. No other traffic will be
217 travelling up the north spur so it's important that the facility has adequate signage for its location to be
218 known. Signage that conforms to the ordinance has already been recognized as a reasonable use of private
219 property. In this case, give then ground contours from the setback width from the travelled way the

220 placement of the building and the need to direct motorists travelling at highway speeds a minor deviation
221 from conformity is justified.
222
223 JIM SMITH: Any questions from the Board? Anyone in favor of this wish to speak? Anyone in opposition or
224 having questions wish to speak? We've outlasted the audience, I guess?
225
226 [Laughter]
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228 ARI POLLACK: You've worn them out.
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230 BRIAN PRATT: They've been in bed for an hour.
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232 JIM SMITH: Okay, anything further you want to add to the...?
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234 ARI POLLACK: Happy to take questions, but that's our presentation.
235
236 BRIAN PRATT: That's it.
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238 JIM SMITH: Okay. In that case, we'll close the public hearing and will take it under advisement.
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240 **DELIBERATIONS:**
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242 JIM SMITH: What do you think?
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244 JACKIE BENARD: I'm okay with all of it. We can go through the five points?
245
246 JIM SMITH: Yes, please.
247
248 JACKIE BENARD: Alright, granting this variance would be contrary to the public interest?
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250 ALL: No.
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252 JACKIE BENARD: Do we all agree no?
253
254 JIM TIRABASSI: Yeah.
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256 JACKIE BENARD: Spirit of the ordinance?
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258 JIM SMITH: Yeah...I think because of the distance and where they are trying to locate it makes sense to have
259 the two signs.
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261 JIM TIRABASSI: Just the general size of the property itself?
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263 JIM SMITH: Yeah.

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JACKIE BENARD: All right.

JIM SMITH: And the fact that their adjacent to a major road but not on it. If they had access then that sign would do everything but in this case it doesn't. Granting the variance would do substantial justice? It would help to encourage development of this property.

JACKIE BENARD: Of the property...

JIM SMITH: Yeah.

JACKIE BENARD: ...exactly. Will the values of the surrounding properties be affected?

JIM SMITH: No, because it's in an industrial which allows large signs anyways, much larger than...

JACKIE BENARD: Exactly.

JIM SMITH: ...any other part. Knowing the special conditions of the property...distinguish it? Okay, it's a large property. It doesn't have access to the main road but...it's basically a reasonable use. He was an easy one to finish.

BRIAN PRATT: You're welcome, and thank you.

JACKIE BENARD: Mr. Chairman, I'd like to make one final request?

JIM SMITH: Yeah.

JACKIE BENARD: To grant Case No. 9/16/2015-3 to the City of Manchester for the variance to allow a second freestanding sign where only one sign is allowed by Section 3.11.6.D.5.a, and to allow a sign height of 20 feet where a maximum of 10 feet is allowed by Section 3.11.5.C.1, and to allow a total sign area of 125 square feet where a maximum area of 100 square feet is allowed by Section 3.11.6.D.5.a with no special requirements.

JIM SMITH: No.

JACKIE BENARD: Ahh, with no exceptions.

JIM SMITH: No...yeah, no...

ARI POLLACK: No conditions.

[Overlapping comments]

JACKIE BENARD: Conditions see we're going...blood sugar levels.

308 [Laughter]
309
310 JIM SMITH: Okay.
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312 JIM TIRABASSI: I seconded it.
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314 JIM SMITH: Okay. All those in favor?
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316 ALL: Aye
317
318 ARI POLLACK: Thank you.
319
320 BRIAN PRATT: Thank you very much.

321
322 **RESULTS:**

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324 **THE MOTION TO GRANT CASE NO. 9/16/2015-3 WAS APPROVED, 4-0-0.**

325
326 RESPECTFULLY SUBMITTED,

327
328 *Jim Tirabassi*

329 JIM TIRABASSI, ACTING CLERK

330
331 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
332 SECRETARY.

333
334 **APPROVED (NOVEMBER 18, 2015) WITH A MOTION MADE BY N. DUNN, SECONDED BY J. BERNARD AND**
335 **APPROVED 5-0-0.**

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