

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

DATE: JULY 17, 2013

CASE NO.: 7/17/2013-1

APPLICANT: WIRE BELT COMPANY OF AMERICA
154 HARVEY ROAD
LONDONDERRY, NH 03053

LOCATION: 154 HARVEY ROAD; 28-31-30; I-II

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR
LARRY O'SULLIVAN, VOTING MEMBER
JAY HOOLEY, VOTING MEMBER
NEIL DUNN, CLERK
JAMES TOTTEN, VOTING ALTERNATE

REQUEST: VARIANCE TO ALLOW TWO WALL SIGNS FACING ONE RIGHT-OF-WAY,
CONTRARY TO THE INTENT OF SECTION 3.11.6.4.5.2.

PRESENTATION: Case No. 7/17/2013-1 was read into the record with no previous cases listed.

JAMES SMITH: Who will be presenting?

TIM SULLIVAN: Good evening. My name is Tim Sullivan. I'm an employee of Barlo Signs out of Hudson, New Hampshire and I am representing Wire Belt and their property on 154 Harvey Road. If I may approach, I have some photos (see Exhibit "B") of the property which I could give to the Board.

JAMES SMITH: Okay.

TIM SULLIVAN: I also have a site plan (see Exhibit "A"). I don't know if your packages included the site plan or not. If you are familiar with the property, it's located on...it's actually a corner lot. It's on the Harvey Road and Technology Drive corner. By rights, the site is allowed two wall signs because they have two frontages to total 100 square feet. What we're seeking this evening is relief, basically from the sign that would be installed on the Technology Drive side, that's the rear of their property. They have done a nice expansion over there. They've put a nice parking lot in, a nice new vendor/customer/employee entrance. And that side doesn't face a frontage. It's actually perpendicular, if you will, to Harvey Drive. So what we are seeking this evening is relief to take the set of letters that we would be allowed to install on the Technology Drive end and swap them to the other end of the building facing the parking lot and identifying the entrance into the property from the parking lot side. If you approach the building, if you look at the photos that I provided, the top photo is actually approaching the property from the south, from Londonderry towards the Manchester line. And that's the entrance into the building and that's where we're seeking to put this second set of letters; over that

46 doorway that you see to the right of the telephone pole. The other set of letters would be around to the
47 facing Harvey Drive side, which would be viewable as you're coming from Manchester into Londonderry. And
48 our goal is to actually identify that main entrance where you turn into the property. They have a freestanding
49 sign which there is no intention of moving, which is further down the property, which is where it was when
50 the building was smaller. Again, Wire Belt is going to...has been a nice business in town, a good neighbor, and
51 these letters that they are proposing total 62 square feet, each one is 31 in size. So where they would be
52 allowed a 100 square foot sign or two signs totaling 100, they are only reaching 62 square feet with their
53 signage. I can touch briefly on the five points if they Board would like that.

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55 JAMES SMITH: Yes.

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57 TIM SULLIVAN: The variance would not be contrary to the public interest in that the code allows that second
58 wall sign facing Technology Drive; we're just seeking to locate it on the other side of the property, if you will,
59 the south side of the building as opposed to the north side, facing into the parking lot which is now the new
60 entrance into the building. The spirit of the ordinance is observed. The proposal is for the sign placement,
61 not size, not quantity, and we feel the request the minimal to locate it on the second side of the building.
62 Substantial justice is done. Wire Belt will finally complete their updating of the building and their aesthetic
63 enhancement by putting this sign on the proper entrance into the building and help identify that. The value of
64 the surrounding properties will not be diminished. Again, updating the company entrance, visually balancing
65 the identification into that property, the sign is an enhancement to the site and is a positive effect on the
66 surrounding properties in that it's making this property look attractive. No fair and substantial relationship
67 exists between the general public purpose of the ordinance provision. The said property is unique in that
68 while two signs would be allowed if Wire Belt placed signage facing the Technology Drive and Harvey Road,
69 and updated design of the building warrants that both signs be located at the building entrance. And again, if
70 you look at the site plan, Harvey Drive has a turn there. It's not coming straight at the building. It's basically a
71 long, sweeping turn, thus making that sign on that end even more noticeable as you come around that corner,
72 which is what we are looking for. The proposed use is a reasonable one. Again, rather than one sign facing
73 Technology Drive and one facing Harvey Road, or one large sign at 100 square feet, Wire Belt asks only that
74 they be allowed their by-right signs for the Technology Drive frontage be placed on the parking lot side of the
75 building. And I would be happy to answer any questions if the Board has any.

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77 JAMES SMITH: Okay. Anybody on the Board with questions?

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79 NEIL DUNN: Are these going to be lit signs?

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81 TIM SULLIVAN: Yes, they will. There will be...it's a halo lighting technique that we use where they are not face
82 lit. There's a wash-like that comes out of the back of the letter and basically puts a subtle glow on the building
83 and the letters themselves are actually opaque at night.

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85 LARRY O'SULLIVAN: Is that the blue glow?

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87 TIM SULLIVAN: It's not blue. It's going to be white. I believe it was white. Let me check my notes before I
88 jump to that.

90 NEIL DUNN: Richard, do we have a luminance or anything, regulation on how bright a white light can be
91 shining off?
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93 RICHARD CANUEL: We do have lumen requirements for parking lot lighting and lighting on the building, but
94 not necessarily for signage itself. Usually because signage...it's not usually a glaring problem, so...
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96 NEIL DUNN: I'm kind of thinking of down the road a bit when you come around a corner and there's a big LED
97 sign there that can blind you if they go at the right way. So I was trying to get a sense if this was going to be
98 something that, driving in from the south, sitting up there on the sign, is it going to be this bright...?
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100 TIM SULLIVAN: No, in fact, the halo lighting is a very subtle form of illumination. And what happens is that
101 the actual face of the letters are opaque, so the letters themselves don't light. What happens is, the light
102 comes out of the back of the letter and just puts a wash, basically, around the outside of the letter. A lot of
103 businesses tend to do that when they want that more upscale, subtle...I mean, it's not a retail establishment
104 and they don't want to portray a retail establishment with a face lit type of sign. It's similar to what they do
105 on their ground sign. It's that halo lighting effect.
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107 LARRY O'SULLIVAN: So in lieu of the sign on the Technology Drive side of the building...
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109 TIM SULLIVAN: Correct.
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111 LARRY O'SULLIVAN: ...you're requesting a smaller sign than you're allowed, only you're going to put it closer
112 to the front entrance of the building...
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114 TIM SULLIVAN: Correct.
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116 LARRY O'SULLIVAN: ...on a different wall.
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118 TIM SULLIVAN: Correct.
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120 LARRY O'SULLIVAN: So you already have one above the stairway, or plan on having one above the stairway...
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122 TIM SULLIVAN: Correct.
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124 LARRY O'SULLIVAN: ...that leads you into that building...
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126 TIM SULLIVAN: From the Harvey Drive side, yes.
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128 LARRY O'SULLIVAN: Right. And so this one will be above trees?
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130 TIM SULLIVAN: No, it would be on the other side. Well, the entrance has been moved down to the right of
131 the building. And there is one on Harvey Drive which will be viewed as you're coming from Manchester into
132 the property. And this sign is located around the corner, facing the new parking lot side, to identify the
133 entrance from that side.

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LARRY O'SULLIVAN: Okay, so will there be a sign facing, directly facing Harvey Road?

TIM SULLIVAN: Yes.

LARRY O'SULLIVAN: Okay. Is this, the sign that you are proposing here, above the stairway or is there going to be bushes underneath that or...? I see there's two windows...

TIM SULLIVAN: Yeah, you're right. The one on Harvey Drive is in and around the existing trees that are there. And then this sign is around the corner at the entrance. But the purpose of the one on Harvey Drive is to basically identify that that's where your entrance is coming into the parking lot, which is right there.

LARRY O'SULLIVAN: I'm good, just as long as he has agreed to the 'in lieu of' business, so...

JAY HOOLEY: A question for Richard, if I might. Richard, when it says "when a building is facing two rights-of-way," does that mean the property would actually have to abut? Because the south side of this is certainly facing Akira, looking at it in the GIS from above.

RICHARD CANUEL: Right. Right.

JAY HOOLEY: It appears the property at 148 Harvey is actually Wire Belt as well, so this second sign, the one on the right side of the building, for lack of a better term, looking at the front, is facing Akira Way.

RICHARD CANUEL: Yeah, you can make that stretch. There's actually a separate lot there, so...

JAY HOOLEY: There is a separate lot.

RICHARD CANUEL: Right. Right.

JAY HOOLEY: And that was my question. So in order...is "facing" meant to mean the lot abuts?

RICHARD CANUEL: Yeah, that's the way I would interpret it. Sure. Yes.

JAY HOOLEY: Okay. But if they merged the properties, then there would be no variance; the sign would be allowed.

RICHARD CANUEL: I can't see why not because the building does in fact face those two rights-of-way, sure.

JAY HOOLEY: Right, it's just the particular parcel that that building is on, and I think there's nothing on the other parcel. I don't know if there's anybody...

TIM SULLIVAN: Basically it's just the parking lot has kind of expanded into that other parcel.

JAY HOOLEY: Right.

179 TIM SULLIVAN: However, there might be...the reason they purchased that parcel was there might be some
180 future expansion into there...
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182 JAY HOOLEY: Okay.
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184 TIM SULLIVAN: ...which is why they really don't want to include that as a frontage at this time.
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186 JAY HOOLEY: Okay.
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188 JAMES SMITH: My question would be, is there any other signs on the building?
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190 TIM SULLIVAN: No. Just the two signs would be on the building.
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192 JAMES SMITH: When I say "signs," I'm going by the definition. Are there any banners?
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194 TIM SULLIVAN: No.
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196 JAMES SMITH: Okay. Any other questions?
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198 JAY HOOLEY: One more for Richard, if I might. If we looked at both of these pieces of sign, which we are
199 saying both face Harvey, if we included the space in between them, tip to tip, coming around the 90 degree,
200 would it exceed the 100 square feet?
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202 RICHARD CANUEL: That's a good question.
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204 JAY HOOLEY: Because if we're going to call it one face, then maybe it's one sign, despite having a 90 degree
205 turn in it, if it's less than 100 square feet, do they really need a variance?
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207 RICHARD CANUEL: Well you're really making a stretch now.
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209 JAY HOOLEY: Well I was just going to try both ways before...The only reason, it brings to mind the Ford of
210 Londonderry case. It was two pieces of one sign that if you measured it from end to end, exceeded the 100
211 square feet.
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213 RICHARD CANUEL: Yeah, that's true. That's true.
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215 JAY HOOLEY: In this case, if we measure this from left end, around the 90 degree turn to right end, would it
216 exceed the 100 square feet?
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218 RICHARD CANUEL: Well...
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220 JAY HOOLEY: I've got to believe it would be close.
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222 RICHARD CANUEL: It would be close, yeah.
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224 TIM SULLIVAN: If I'm just doing it quickly, you know, trying to scale some sizes, I would think...
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226 LARRY O'SULLIVAN: I think that's kind of [indistinct].
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228 [Overlapping comments].
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230 RICHARD CANUEL: I mean, the signs themselves are only 31 square feet each.
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232 LARRY O'SULLIVAN: That really [indistinct].
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234 RICHARD CANUEL: So...
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236 LARRY O'SULLIVAN: That's not what the intention of it...
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238 RICHARD CANUEL: ...they're relatively small than what's allowed by the ordinance, so there is that possibility,
239 sure.
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241 LARRY O'SULLIVAN: I don't think that's at all what the intent of the sign ordinance is.
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243 JAY HOOLEY: But they would be allowed one 100 square feet foot sign, correct?
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245 RICHARD CANUEL: That's true. Yes.
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247 JAY HOOLEY: So, in theory, if they took both pieces and put it all out on the front...
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249 JAMES SMITH: Yeah.
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251 JAY HOOLEY: ...what we're calling the front, they could do it.
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253 LARRY O'SULLIVAN: That's not what they're requesting.
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255 JAY HOOLEY: No. But...
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257 LARRY O'SULLIVAN: If they were requesting 100 square feet, it would be the same argument versus 61 square
258 feet, right? It's still a variance to our existing ordinances, so...
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260 JAY HOOLEY: Well, I guess what I was viewing this as, Larry, is if we're saying both sides are facing the same
261 frontage, then my question is if they are both on the same frontage and you measure them end to end, is it in
262 fact one sign?
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264 LARRY O'SULLIVAN: Are we calling it on the same frontage because there's a 90 degree turn there? How
265 could it be on the same frontage then?
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267 JAY HOOLEY: Isn't that what we're saying? That both signs are on the...? Maybe I'm misunder...
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269 LARRY O'SULLIVAN: That's why I was asking the question, what's actually facing...
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271 JAMES TOTTEN: I view it as two signs.
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273 RICHARD CANUEL: How this came to, to begin with, is when I looked at the sign application and looking at the
274 requirements in the ordinance compared to where this building sits on the lot, and Tim had touched on that, is
275 that one side of the building actually faces Technology Drive. That's another frontage for that lot. The other
276 frontage would be Harvey Road. So technically, by the requirements of our ordinance, the intent is is that
277 those two signs be split up to the sides of the building that face those two rights of way.
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279 JAY HOOLEY: Okay. Gotcha.
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281 RICHARD CANUEL: So simply because the applicant, or I should say the property owner, is not willing to put
282 that sign on Technology Drive because it wouldn't do them any good there anyway, so we're putting two signs
283 on one corner of the building facing only one right of way, basically. So that's what it comes down to.
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285 JAMES SMITH: Now you're getting into a debate between the front and the side, too.
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287 RICHARD CANUEL: Right. And...
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289 LARRY O'SULLIVAN: I don't think there's a need for a debate on it.
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291 JAY HOOLEY: No.
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293 LARRY O'SULLIVAN: [Indistinct].
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295 JAMES SMITH: Okay. Any other questions? Comments? Anybody who would like to speak in support of this?
296 Anyone on opposition? Seeing none, the applicant; do you have anything further you would like to add?
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298 TIM SULLIVAN: No, I don't. Thank you.
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300 JAMES SMITH: Okay, we'll close the...
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302 NEIL DUNN: Just before you close, Richard, if I may...?
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304 JAMES SMITH: Okay.
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306 NEIL DUNN: Section 3.11.7.2.3, "Construction and Maintenance; Dark backgrounds with lighted colored
307 lettering are encouraged. Fluorescent or glowing colors are prohibited." And I'm just trying to get back to
308 the...
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310 TIM SULLIVAN: The illumination?
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312 NEIL DUNN: Yeah, how bright it's going to be and is it...I knew we had something in here with the color and
313 the background. Maybe Richard, how do we rule on that if it...so as long as it's not fluorescent, but it's
314 glowing, does a backlit thing...?
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316 RICHARD CANUEL: Usually with a backlit sign, because you've got an opaque face there, you know, the glare
317 of the sign really is not an issue. Unless they are putting extremely bright lighting inside the signs and if they
318 were to do that, then it would obscure the lettering of the sign anyway and the sign wouldn't be visible, so...
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320 NEIL DUNN: So, I guess based on what you're seeing on the proposal, you wouldn't call it glowing?
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322 RICHARD CANUEL: No.
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324 LARRY O'SULLIVAN: Reflecting?
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326 RICHARD CANUEL: I would call it "lit," but not glowing.
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328 TIM SULLIVAN: Yeah, I would consider that if it was a face lit sign, if you will.
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330 NEIL DUNN: And again, I think that what a lot of the intent of the ordinance is is to keep things from popping
331 out on you, so I was just looking for the clause and the verbiage there, so I could get kind of a feedback on
332 that.
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334 LARRY O'SULLIVAN: That's a pretty good description there.
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336 JAMES SMITH: As a follow up to that, Richard, has this sign been reviewed by the Planning Board?
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338 RICHARD CANUEL: As a matter of fact, it was not. It was not discussed by the Planning Board during the site
339 plan review process. There was a comment during the Design Review stage to the Planning Board that said
340 the proposed signs will need to be dimensioned and detailed and then reviewed by the Zoning Administrator
341 to determine compliance. And, of course, that didn't happen until the permit application was submitted for
342 the sign, so...yeah, there was no comment by the Planning Board addressing that sign whatsoever.
343

344 NEIL DUNN: Illumination of the sign is going to be all through the night? Do you know?
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346 TIM SULLIVAN: (to Basil Panos of Wire Belt in the audience) Yes? You have other shifts there at night?
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348 BASIL PANOS: That is correct.
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350 TIM SULLIVAN: Yeah, they have a three shift operation going there, so the signs will be illuminated while the
351 shifts are operating.
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353 JAMES SMITH: So this is the second time we've had a site plan with the sign involved which the Planning
354 Board didn't exercise their prerogative?
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356 RICHARD CANUEL: Yeah, that's correct.

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JAMES SMITH: Okay. Interesting. So if there are no other comments or questions, we'll close the public hearing at this point and we'll take this under deliberation.

DELIBERATIONS:

JAMES SMITH: Comments, Larry?

LARRY O'SULLIVAN: I don't have any issues with the sign, provided we do the variance the way that it is worded so that this is in lieu of a sign that would be on Technology Drive. It would be allowed on Technology Drive. Because the variance is for this second sign, right? Well, in effect it is.

JAMES SMITH: Well, I don't think that would be a real issue because even if you're facing two rights-of-way, you're only allowed two signs.

LARRY O'SULLIVAN: Right.

JAMES SMITH: So we're not giving a variance on more than two signs.

LARRY O'SULLIVAN: Correct. We're allowing this second sign here in this location...

JAY HOOLEY: As opposed to...

LARRY O'SULLIVAN: ...as opposed to on...

JAY HOOLEY: You could phrase it that way.

LARRY O'SULLIVAN: ...that...around the corner on the other side of the building.

JAMES SMITH: Okay, yeah. Well...

LARRY O'SULLIVAN: So...

JAMES SMITH: But again, I...

LARRY O'SULLIVAN: ...that would prevent an allowed sign from popping up on that corner without having to come to the Board for a variance. Isn't that right?

RICHARD CANUEL: No, because they're only allowed two signs.

JAY HOOLEY: That would constitute...?

RICHARD CANUEL: That's it.

LARRY O'SULLIVAN: Okay, even if they had a variance for this second sign in the location...

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RICHARD CANUEL: That's their two signs on the building. That's it. That's all they get.

LARRY O'SULLIVAN: So I don't need a [indistinct]? Very good. I have no issue with the...

JAMES SMITH: We're only giving a variance on...they're only asking for a variance on that location.

LARRY O'SULLIVAN: Right.

JAMES SMITH: Not to have an additional sign.

LARRY O'SULLIVAN: An additional sign. Gotcha.

JAMES SMITH: So we're taking the allowed second sign and relocating it. That's what the variance is about.

LARRY O'SULLIVAN: Alright.

JAMES SMITH: Any other comments?

LARRY O'SULLIVAN: As long as we're very specific in our wording then, so that's my [indistinct]. I also have no issues with the public interest, spirit of the ordinance, I feel that it is substantial justice, simply for evening things out or equaling things out anyway, for the allowables. I find that the surrounding properties would have no value diminution and it is an unusual location of the building on the lot. It gives it a rather unique instance, I'd say. So with that said, I have no issues with the variance as requested.

JAMES SMITH: Anyone else?

JAY HOOLEY: What he said.

JAMES TOTTEN: Ditto.

JAMES SMITH: Okay, if we have no other comments, I would accept a motion.

JAY HOOLEY: Motion to approve case 7/17/2013-1 to allow the second sign in a location other than facing the second right-of-way.

LARRY O'SULLIVAN: Second.

JAMES SMITH: All those in favor?

LARRY O'SULLIVAN: Aye.

NEIL DUNN: Aye.

JAY HOOLEY: Aye.

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JAMES TOTTEN: Aye.

JAMES SMITH: Aye.

RESULT: THE MOTION TO GRANT CASE NO. 7/17/2013-1 WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED.



NEIL DUNN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, ASSOCIATE PLANNER

APPROVED AUGUST 21, 2013 WITH A MOTION MADE BY LARRY O’SULLIVAN, SECONDED BY NEIL DUNN AND APPROVED 4-0-0.