

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

DATE: MAY 21, 2008

CASE NO.: 3/19/2008-2 (CONTINUED)

APPLICANT: JT REALTY ASSOCIATES, LLC
41 BUTTRICK ROAD
LONDONDERRY, NH 03053

LOCATION: 41 BUTTRICK ROAD, 6-32C, C-I

BOARD MEMBERS PRESENT: MARK OFFICER, CHAIR
BARBARA DILORENZO, VOTING MEMBER
YVES STEGER, ACTING CLERK

REQUEST: AREA VARIANCE TO ALLOW A SECOND FREESTANDING SIGN WITH A HEIGHT OF 12 FEET TO BE LOCATED 5 FEET FROM A PROPERTY LINE WHERE ONLY ONE FREESTANDING SIGN IS ALLOWED PER DEVELOPED PARCEL AT A MAXIMUM HEIGHT OF 10 FEET AND AT A MINIMUM DISTANCE OF 15 FEET FROM A PROPERTY LINE.

Before the presentation of the agenda items, Mark Officer explained to all applicants the following regarding the number of members present:

MARK OFFICER: Tonight, we only have three (3) voting members of the Board. A full Board is made up of at least five (5) members. Due to some sickness and business related issues, we weren't able to field a full Board. So what this means is that typically, with a full Board of five (5), you require of three (3) or more for the decision to pass. Since there's only three (3) of us, you would require a unanimous vote of three (3) to zero (0) to pass. So, typically, what we do in these situations, to be fair to the applicant, is you have the opportunity to hear your case tonight, in which case, if it were to pass, it would require a unanimous vote, or you could continue your case to the next meeting, which will be the third Wednesday of June. So it's your choice. And then hopefully, we'll have a full Board in June. We have a full Board of eight (8) members, we're down two (2) members right now and then two (2) members are sick or on business, which brings us down to three (3). We're a volunteer Board and we try to get a full Board. Typically, we do. There's no guarantee we'll have one for June but typically, we do have a full Board. This is unfortunate that it happened tonight. So, prior to hearing your case, I'll give you an opportunity as to whether you decide if you want to hear it tonight or continue the case to June.

PRESENTATION: CASE NO. 3/19/2008-2 WAS READ INTO THE RECORD WITH FIVE PREVIOUS CASES LISTED.

MARK OFFICER: Who will be presenting for the applicant?

MARSHA IVES: That would be us. This is my first time.

MARK OFFICER: Okay.

MARSHA IVES: I'm Marsha from Signature Signs.

MARK OFFICER: Just, before we get started, do you have any questions regarding the number of votes required for...?

MARSHA IVES: Nope.

MARK OFFICER: Okay. And you would like to continue tonight?

MARSHA IVES: Yes.

MARK OFFICER: Okay. Alright.

MARSHA IVES: I really don't have much of a presentation. I don't know if you guys have a copy of what was being proposed for signage. If not, I brought extra copies.

MARK OFFICER: We do. Could you just state your name for the record, please?

MARSHA IVES: Marsha Ives from Signature Signs.

MARK OFFICER: Okay.

MARSHA IVES: Basically, off of Buttrick Road, they do have a sign set way back off the building and they're having problems with the patients not being able to see that sign, so that's why we want to move it closer, make it obvious. There is one (1) other sign but that's off of Route 102, which they have no driveway entrance. So that's why they're aiming to move it closer and make it a little bit bigger for people to be able to find it off the street.

MARK OFFICER: Mm-hmm.

MARSHA IVES: Height, they just wanna make it a little bit more noticeable. Same thing with the setback, they wanted to bring it up closer to the road, so as the patient's are trying to pull in, they know where they're pulling into 'cause it's a very confusing street when you pull down that way.

MARK OFFICER: Okay. Alright, we're just looking here at the...signs, so just give us a moment. Is this building, is it currently not occupied?

MARSHA IVES: No, it's got everything that's basically on that sign, right? It's got all those tenants that are on that sign.

PAUL BURNS: It's fully occupied.

MARK OFFICER: Okay. So there's no change in occupants?

MARSHA IVES: Nope.

PAUL BURNS: No.

MARK OFFICER: Okay. Alright, typically, what we ask you to do is just to talk through the five (5) points of law. You can read what you have as part of your application or just talk to the points.

MARSHA IVES: As in what we answered for questions, you mean?

MARK OFFICER: Yes.

MARSHA IVES: Okay, 'cause I didn't fill out the application, the guy that did isn't here tonight.

MARK OFFICER: Okay.

MARSHA IVES: The reason why we think we should supported for the request is that the proposed signage is keeping with all others in use in this zoning district in that area. If you drive down that area, there's a lot of other signs the same size in sticking that close to the street. We would like to be granted because clear and clean signage will help serve the public interest and help make them find their way into the area a lot closer. Special conditions exist...it's needed because the facilities, the footprint of the building as it's placed, its access road creates a visibility hardship for their clients and patients trying to locate it. They're having a lot of clients and patients trying to find the driveway off of Route 102 versus Buttrick Road and then when you turn onto Buttrick Road, there's only a small thing telling you where to go and then you basically pass it and you're back on 102. The benefit sought by the applicant, it's just to relief for the clean, clear, effective signage to show where their building is and how to get to it and how to find each tenant that's in their building. This would just simply allow identification and be consistent with the signage other in this area that we've gone through in the area. When we drive through that area, we looked at all the other signs down in that area and everybody else seems to have bigger, closer signage to be readable. So that's why we're looking for some kind of variance where we can do that for our client.

MARK OFFICER: Okay.

BARBARA DILORENZO: Could I ask...?

MARK OFFICER: Sure, go ahead.

BARBARA DILORENZO: Do you have a sample of what type of sign that you intend to...?

MARSHA IVES: Like a picture of it?

BARBARA DILORENZO: Yeah.

MARSHA IVES: Yup. It's actually a picture of the setback and then a bigger picture of the sign itself.

MARK OFFICER: How many copies do you have of that?

BARBARA DILORENZO: Oh, this is what's on there already. Alright, so...

MARK OFFICER: It's just we have to turn our head sideways to see this on our pdf.

BARBARA DILORENZO: Okay, this is the same thing we're looking at then.

PAUL BURNS: Oh, it's on the screen up there?

UNIDENTIFIED: Oh, yeah.

BARBARA DILORENZO: Yeah.

MARK OFFICER: It's in a...yeah, Jaye...

PAUL BURNS: [inaudible].

MARSHA IVES: Here's another one.

BARBARA DILORENZO: So this is what you intend the sign to look like. It's not...

MARSHA IVES: Yes. That's exactly what we're proposing. So we showed you where we were proposing to set it back and then we're also showing on the second page is an up closer look of how big it would be. And right now you can see it's got only that 'enter only' sign...

BARBARA DILORENZO: Mm-hmm.

MARSHA IVES: ...there.

MARK OFFICER: Okay. And where is the other freestanding sign?

MARSHA IVES: If you look all the way back, there's...it's right there.

MARK OFFICER: Oh, right.

BARBARA DILORENZO: Yeah, it's a little teeny one.

YVES STEGER: So it's not clear to me. Are you gonna replace those two (2) by...

MARSHA IVES: Yes, we would get...yes.

YVES STEGER: ...two (2) times the one (1) you show here? Two (2) times sixty four (64)?

MARSHA IVES: We would...we would get rid of this and this and just put that right there. Just that one (1) sign. We'd get rid of those two (2), those two (2) wouldn't be there, and just that one (1) sign would be there.

YVES STEGER: So that's not what you have in your request.

MARK OFFICER: Yeah, 'cause it says "to allow a second freestanding sign."

MARSHA IVES: Oh, out on 102 there's a second...there's a freestanding sign. As you're coming up 102, if you're heading by the fire station, there's no entrance to this parkway but there is a freestanding sign for Londonderry Medical Park II off of 102.

YVES STEGER: And what is the size of that...

MARSHA IVES: ...second freestanding sign.

YVES STEGER: ...of that one?

PAUL BURNS: It's three (3) by eight (8) and it's five (5) feet tall.

MARK OFFICER: Is that on your property?

MARSHA IVES: I honestly...it's not our property, we're representing this for our client.

PAUL BURNS: MEG Companies.

MARSHA IVES: For MEG Properties. I'm not sure if it's on their property or not.

MARK OFFICER: Okay.

MARSHA IVES: I didn't have anything to do with that sign.

PAUL BURNS: It's right before you get, like, to the old fire station building.

MARSHA IVES: The fire station.

MARK OFFICER: Yeah.

PAUL BURNS: It's on that lawn but they just have no access there.

MARK OFFICER: Okay.

YVES STEGER: It would help if we saw where it is located.

MARSHA IVES: I think we have a picture of the...

MARK OFFICER: Google Earth? Okay.

MARSHA IVES: No, we don't have a picture of that first one.

MARK OFFICER: So, in other words, you're looking for two (2)...

MARSHA IVES: Well, the first one's already there. We don't plan on doing anything with the one off of 102.

MARK OFFICER: Mm-hmm.

MARSHA IVES: We're just planning on taking down that one little 'exit' or 'enter only' sign and that other sign...

MARK OFFICER: Mm-hmm.

MARSHA IVES: ...just to replace it with that one, so, this would be the second one, technically, for Londonderry Medical Park, but these two (2) would not be there, so we're only...

MARK OFFICER: Right.

MARSHA IVES: ...the other one's not getting touched...

MARK OFFICER: Yeah.

MARSHA IVES: ...or the other way.

MARK OFFICER: Now, you're looking for two (2) variances. One (1), to have the sign within the setback.

MARSHA IVES: Yup. And one (1) to have the sign.

MARK OFFICER: And what?

MARSHA IVES: And one (1) to have the sign 'cause it said that we were only allowed to have one (1) freestanding sign.

MARK OFFICER: Okay. So, the sizes are all proper.

JAYE TROTTIER: Well, it...

MARK OFFICER: It's the setback and having two (2) as opposed to one (1).

JAYE TROTTIER: They're requesting twelve (12) feet instead of what's allowed is ten (10) feet. So, there's really three (3) issues.

MARK OFFICER: Oh, the height?

JAYE TROTTIER: Yup.

BARBARA DILORENZO: Yeah.

MARK OFFICER: Oh, right, okay. Height, twelve (12) instead of ten (10), two (2) freestanding signs instead of one (1) and the setback, within the setback. Okay. This is a one (1) way street, right?

YVES STEGER: No.

BARBARA DILORENZO: No.

MARSHA IVES: No, it's two (2) way.

MARK OFFICER: It's two (2) way?

MARSHA IVES: You can go... 'cause it's like a...

YVES STEGER: Buttrick Road? Yes, you can go all the way to...

MARK OFFICER: Oh, no...but, no, the...

MARSHA IVES: Well, it is Buttrick Road but it goes down behind...

BARBARA DILORENZO: You go off of Buttrick. It's not really...

MARSHA IVES: ...the fire station. In between the fire station and the Homestead, so, I think that's a two (2)...

MARK OFFICER: No, that's the street I meant. I wasn't specific.

MARSHA IVES: Yeah.

MARK OFFICER: So that street that connects 102 to Buttrick...

MARSHA IVES: I think that's two (2) way, isn't it?

RICHARD CANUEL: It is a two (2) way street but it has a restricted entrance. But it is basically a two (2) way street.

MARSHA IVES: Yeah.

MARK OFFICER: Yeah.

MARSHA IVES: 'Cause I saw cars going both ways when I was down there earlier today.

MARK OFFICER: Yeah. Okay.

BARBARA DILORENZO: Yeah.

YVES STEGER: So, this sign here...

MARSHA IVES: Yup.

YVES STEGER: This is Buttrick Road?

BARBARA DILORENZO: No.

YVES STEGER: That's Buttrick Road?

MARSHA IVES: Well it's address is Buttrick Road but really, it's not Buttrick Road. There's like an access road that turns down. Yeah, we've got a map there...

BARBARA DILORENZO: It's really on the corner of Buttrick. It kind of takes a turn...

MARSHA IVES: But it's street address is Buttrick Road.

PAUL BURNS: This little pass through right here.

MARSHA IVES: Yes.

YVES STEGER: Yeah?

PAUL BURNS: And their other sign is right there.

YVES STEGER: Okay, so...

MARK OFFICER: Could you just put a little 'x'? That might help us.

PAUL BURNS: Sure.

YVES STEGER: So, you're saying the current sign is here?

PAUL BURNS: Just up just a touch. It's...

MARSHA IVES: Well, he's got the bigger map.

RICHARD CANUEL: Perhaps the site plan...

MARK OFFICER: Right. And the...oh, okay.

[overlapping comments]

PAUL BURNS: Let's try this.

YVES STEGER: Now we're getting help.

RICHARD CANUEL: If you don't mind me bringing this up to the Board, here. As you're looking in those photographs, they show the proposed sign is right here as you're looking towards the building.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: This is what is known, or what used to be known as Old Buttrick Road, where the building faces.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: This being Route 102, there's an existing sign...

YVES STEGER: Okay...

RICHARD CANUEL: ...the freestanding sign...

YVES STEGER: He said about here.

MARK OFFICER: This is the fire station.

RICHARD CANUEL: Yeah, somewhere right about midway there.

YVES STEGER: Okay.

RICHARD CANUEL: At the existing location.

MARK OFFICER: Okay, so that informs them that they can turn here.

BARBARA DILORENZO: No.

RICHARD CANUEL: Not necessarily. There's no direction there.

MARK OFFICER: No? Oh.

RICHARD CANUEL: That's just a smaller version of the sign shown here, if I may.

PAUL BURNS: It's essentially the blue section.

RICHARD CANUEL: Yeah, it's pretty much just that little portion of that sign that exists there.

MARK OFFICER: Oh, okay.

BARBARA DILORENZO: Yeah, that's...

RICHARD CANUEL: And there's really no direction.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: It's just identifying that as the medical park.

MARK OFFICER: Can you enter this street from 102?

RICHARD CANUEL: You can.

MARK OFFICER: You can? Okay.

BARBARA DILORENZO: Most people don't.

MARK OFFICER: Right. Okay. So, this is really...it's really facing Old Buttrick Road, even though the address is Buttrick Road.

RICHARD CANUEL: That's right.

MARK OFFICER: Yeah. Okay.

MARSHA IVES: Yeah, but, like, the address is Buttrick.

MARK OFFICER: Alright.

RICHARD CANUEL: Do you want me to leave this here for the...?

MARK OFFICER: Yeah, sure. Let me just put it over here. Do you wanna see this, Yves?

YVES STEGER: No, thank you, I've seen it.

MARK OFFICER: Okay. I'm gonna get this out of the way. We can come back with more questions. I'm gonna open this up to the public for the moment. I have to do this for the record, sorry. Anybody in favor of this request? Alright, seeing none, anyone opposed or with questions? Seeing none, okay, I'll bring it back to the Board. So, what's the purpose of the sign on 102?

PAUL BURNS: I would say just to give, you know...

MARSHA IVES: From the...

PAUL BURNS: ...people an idea that that's what that building is, right?

MARSHA IVES: From the main road.

PAUL BURNS: Exactly. Just to know that's, you know, an identification that this is...you're in the right area.

MARK OFFICER: Mm-hmm.

PAUL BURNS: And I think if they didn't have that, they would really be at a loss, you know? There's no sign. When we were driving by the site, there's no sign that says 'Old Buttrick Road' or anything. You turn on Buttrick Road and if these folks were just to give the address, 'yes, we're on Buttrick Road,' people could ride around in a circle there and come out by, what is it, the Sovereign Bank? Or whatever, the Buttrick Road where it connects, and you can go around in a loop and never see it.

MARK OFFICER: Mm-hmm.

PAUL BURNS: So, I think...

MARSHA IVES: I drove up and down Buttrick Road the other day trying to find it. I kept going from Boutin-Solomon to Homestead and I'm like, 'it's gotta be on here,' and then I realized it was a turn off of Buttrick Road 'cause of being on the corner and there's no sign for them.

BARBARA DILORENZO: I did the same thing today.

MARSHA IVES: I drove around and around and around on Sunday and I'm like, 'how am I missing it?'

MARK OFFICER: Okay. And you want this to be five (5) feet from the property line where it's supposed to be fifteen (15).

MARSHA IVES: If we can.

MARK OFFICER: Okay.

MARSHA IVES: That's what they asked me to try to come and get, so...

MARK OFFICER: So...so, it's five (5) feet in. So it looks like, obviously, the property line goes literally right up to the pavement.

MARSHA IVES: Yeah.

YVES STEGER: Actually, have you reviewed the exact location because the pictures...

RICHARD CANUEL: Well, that's what...That's one of my concerns, actually, because if you look at the photograph...

YVES STEGER: What they show is probably outside their property line.

RICHARD CANUEL: Absolutely.

YVES STEGER: Okay.

RICHARD CANUEL: You can see that on the site plan. I had it marked on there. That's really my only concern is that the applicant and the property owner is mindful of where that property line occurs and...

YVES STEGER: Yeah. You have to be careful...

MARSHA IVES: Yup.

YVES STEGER: Where the road stops is not where the property starts. It's usually at least five (5) feet, probably sometimes ten (10) feet from the actual road, the pavement itself. So, the way you present here, in my opinion, but we need to check, is probably outside the property line...

MARSHA IVES: Okay.

YVES STEGER: ...which would be totally illegal...

MARSHA IVES: Right.

YVES STEGER: ...and we wouldn't be able to approve anything.

RICHARD CANUEL: Yeah, I showed the measurement there on that site plan. I think it ends up being about thirteen (13) feet from the edge of pavement...

MARK OFFICER: Right.

RICHARD CANUEL: ...which [inaudible] get that five (5) foot setback.

BARBARA DILORENZO: So that...

MARSHA IVES: Right.

BARBARA DILORENZO: ...would be, if they set it back to where those bushes are there, would that be fifteen (15)...the fifteen (15) feet back?

MARSHA IVES: That'd be right around there 'cause we were gonna do fifteen (15) feet...

BARBARA DILORENZO: ...picture is here. See how they've got the picture?

MARK OFFICER: From the crown of the road, what is it to the property line? Isn't there a standard...?

RICHARD CANUEL: It varies.

MARK OFFICER: It varies?

RICHARD CANUEL: It depends where the actual pavement layout occurs within that right of way.

MARK OFFICER: Mm-hmm.

RICHARD CANUEL: Yeah, you see, it's very...

BARBARA DILORENZO: So...

YVES STEGER: Mm-hmm.

RICHARD CANUEL: ...even here, it looks like the sign would end up just on the very edge of the roadway.

BARBARA DILORENZO: Yeah.

MARK OFFICER: Mm-hmm.

BARBARA DILORENZO: But it...is there enough here, if they brought it back this way and then another, would that be the fifteen (15) feet?

RICHARD CANUEL: That's possible. Like I said, if you measure a total of thirteen (13) feet, that's what the measurement would end up being from the edge of pavement. So that would put that sign back in here somewhere.

MARK OFFICER: Where's the pavement? Is it...?

RICHARD CANUEL: It's actually this line right here.

MARK OFFICER: Okay.

RICHARD CANUEL: You see that green space actually comes right out to edge of pavement.

MARK OFFICER: Mm-hmm. Okay.

RICHARD CANUEL: So their green space is actually in the right of way.

MARK OFFICER: Alright, so that's the pavement and that's the property line. And we figure that's how many feet?

RICHARD CANUEL: Well, eight (8) feet from the property...edge of pavement to the property line and then...

MARK OFFICER: Okay. So eight (8)...

RICHARD CANUEL: ...and then an additional five (5) feet to meet the setback request.

MARK OFFICER: Okay.

RICHARD CANUEL: You know, a total of thirteen (13) feet from the edge of pavement, so...

MARK OFFICER: Alright. Okay.

BARBARA DILORENZO: So this...is this the drive area here, this...? What is that green...?

RICHARD CANUEL: That's the green space. That represents this...

BARBARA DILORENZO: That's...is this part there. Right. Okay.

MARK OFFICER: Realistically, this sign would be there.

BARBARA DILORENZO: Yeah.

MARK OFFICER: Yeah.

BARBARA DILORENZO: Back here. Yeah. Which is possible to do.

MARK OFFICER: Mm-hmm.

BARBARA DILORENZO: Take this out...

MARK OFFICER: Particularly since they have that foundation.

BARBARA DILORENZO: 'Cause that would serve the same purpose, really.

MARK OFFICER: Okay.

BARBARA DILORENZO: [inaudible]. But I agree, there is no [inaudible] identifying that building. I've been there. It's like your all over the place 'cause there's nothing.

MARK OFFICER: Yeah, it's...

BARBARA DILORENZO: You can't even see, unless you have glasses on. Even with glasses, you can't even see the other little stupid signs that are there.

MARK OFFICER: Yeah.

BARBARA DILORENZO: Anyway, okay.

MARK OFFICER: Okay.

RICHARD CANUEL: Just to mention, the design of this sign matches the existing sign for the Medical Park I building, which is...

MARK OFFICER: Okay.

BARBARA DILORENZO: Mm-hmm.

RICHARD CANUEL: ...right on Buttrick Road.

BARBARA DILORENZO: Right.

MARK OFFICER: Okay. Alright. Richard, do you have any other additional comments or...?

RICHARD CANUEL: No, my only concern was that actual setback.

MARK OFFICER: Okay. Alright. So, Yves, it would be more like in here, the sign.

YVES STEGER: Yes, okay.

MARK OFFICER: Yeah. Okay. Just give us a moment here. Sometimes these signs can be...take a while to...figure out. Okay, so I'm going back to your points of law. The special conditions that exist. You state that the facility's footprint of the building as it relates to its access road creates a visibility hardship. So, the access road is what you would be referring to...

MARSHA IVES: 'Cause I guess Old Buttrick Road...

MARK OFFICER: ...quote, unquote, "Old Buttrick Road"? Okay. So, it's a hardship because it's a small road. It's not properly...

MARSHA IVES: And you turn on it and you really just don't see that driveway until your up, on top, on it and that's why people...and that driveway is a one way driveway so they go past it and they're missing it.

MARK OFFICER: Mm-hmm. Okay.

MARSHA IVES: So, if the sign was there, it would basically help them get into the parking spot better .

MARK OFFICER: Yeah.

MARSHA IVES: Or the parking lot.

MARK OFFICER: Do you feel that the property, since it abuts both 102, Buttrick Road and Old Buttrick Road, creates confusion?

MARSHA IVES: It did to me.

PAUL BURNS: When we just drove by it before we came up to the meeting, I don't believe there's any sign for Old Buttrick Road.

MARK OFFICER: Mm-hmm.

PAUL BURNS: I mean, I hadn't heard the phrase 'Old Buttrick Road' until we saw it on the plan there.

MARK OFFICER: Mm-hmm.

PAUL BURNS: So, I think that's really, essentially, that's what the people at the medical park are saying, is that folks are coming in, looking for Buttrick Road, and they're sticking on that one and they're just doing loops and they're not finding it at all.

MARSHA IVES: Because they're not seeing the sign from the street. They're just lost...

MARK OFFICER: Okay.

MARSHA IVES: ...looking for it.

PAUL BURNS: And their hope is that when folks drive by Buttrick Road and they look down Old Buttrick Road, this sign would be visible from that intersection so that they'll know that they to turn down there.

MARK OFFICER: Okay.

YVES STEGER: So, people would be looking at this sign...is the sign visible when you're driving on Buttrick Road such that you could turn into Old Buttrick Road?

PAUL BURNS: From the Buttrick Road...

MARSHA IVES: As you turn on Buttrick?

PAUL BURNS: Old Buttrick?

MARSHA IVES: Yeah.

PAUL BURNS: Oh, absolutely. You certainly can't see the one at the...I mean, you can't see the one at the building, even if you're standing right where we're proposing to put the sign. You don't see

that until you're walking in the door. But if you're on regular Buttrick Road and you're about to take a right, if you were to just glance down, you would see...

MARSHA IVES: You'd see it.

PAUL BURNS: ...this sign. That's their intention.

YVES STEGER: What if you go Buttrick Road, going down, before turning a left? Would you see it?

MARSHA IVES: No. I don't think so. I think you'd have to turn onto that street, like you would have...because Londonderry Medical Park I's right there on the corner and there's actually like a directional sign that says "Londonderry Medical Park II," like a little tiny thing, and I think that's the only way that they would see that.

YVES STEGER: So, it's only for people coming from Mammoth Road, turning into Buttrick Road, to turn then left?

MARSHA IVES: Well, I think it's just for anybody that is going down...

PAUL BURNS: Oh, true.

MARSHA IVES: Yeah.

PAUL BURNS: I mean, you can see it, depending...oh, I see what you're saying. No matter which direction you're going, you'll be able to see this sign.

MARSHA IVES: As you turn onto Old Buttrick.

YVES STEGER: It is two (2) faces?

PAUL BURNS: No, it's single faced.

MARSHA IVES: No.

PAUL BURNS: But there's only one (1) access road. Otherwise, you'd have to come in through the Fire Department...

YVES STEGER: No, I understand. So, there is Buttrick Road...

MARSHA IVES: Yup.

YVES STEGER: ...and then there is a little stump which is Old Buttrick Road.

PAUL BURNS: Right.

YVES STEGER: You can be on Buttrick Road, coming from two (2) sides.

PAUL BURNS: Either direction.

MARSHA IVES: Yup.

YVES STEGER: From the east or the west. If you're coming from Mammoth Road, you're turning east on Buttrick Road...

PAUL BURNS: Correct.

YVES STEGER: ...and then you have...the Old Buttrick Road would actually...is turning back onto you.

MARSHA IVES: Right.

YVES STEGER: When you are on normal Buttrick Road, going east, would you see this sign?

MARSHA IVES: Yeah, I think if you turned your head.

PAUL BURNS: If you turned your head and looked for it, you would.

MARSHA IVES: Like if you were looking for the location and you turned and looked, yes. But it's not gonna be...it's not on Buttrick Road corner. It's more on their parking lot corner, so...

MARK OFFICER: Yup.

YVES STEGER: Mm-hmm. I'm trying to look at the...

MARSHA IVES: Right.

YVES STEGER: ...usability of the sign for its justification and if you're coming west or actually, essentially south, coming on Buttrick Road and you have that little stump of a road going now to your left, would you see this sign or not?

PAUL BURNS: If you look to your left, you would.

MARSHA IVES: I think what...

PAUL BURNS: I mean, if you're looking for a building, I mean...as it is now, all the signs are invisible from Buttrick Road.

YVES STEGER: No, I...that's not the point. I'm trying to say...

MARSHA IVES: But I think what they're working for is 'cause they know most people come down 102 to turn that way 'cause that's how they give the directions. So they know people see that one (1) sign out on the thing and then nobody knows where to go from there. So that's why they're trying to

get the visibility and get the knowledge of where their parking lot is and where that building is.

YVES STEGER: Actually, it took me a very long time. I've been here in Londonderry fifteen (15) years, it took me a long time to discover that actually, that was not just the entrance to the Fire Department, that actually it was a road that would keep going on. I didn't even know that for a long, long while.

PAUL BURNS: Right. I think folks are afraid to turn into that Fire Department 'cause they'll be...

YVES STEGER: Mm-hmm.

PAUL BURNS: ...in the Fire Department's way.

YVES STEGER: Yes.

MARSHA IVES: Yeah.

PAUL BURNS: You know, I don't know if...

MARK OFFICER: Yeah, I always thought it was one way for that reason, yeah.

YVES STEGER: Yeah, me too.

MARK OFFICER: Yeah, it is a confusing area. So your concern is that you wanna make sure that people going in either direction on Buttrick Road can see this sign as an indication that, 'oh, this is where the building is,' right? Okay. Alright.

MARSHA IVES: That's also where we were...that's where the landlord tried to get us to go five (5) feet from that pavement because he thought the same thing, so he was trying to get as close out for people to glance down and see it, versus...

MARK OFFICER: Mm-hmm.

MARSHA IVES: 'Cause originally, we did propose further back...

MARK OFFICER: Mm-hmm.

MARSHA IVES: ...and he said 'try to get us closer' because people won't see that way if they're coming that way.

MARK OFFICER: Okay. So, one of the reasons why we have setbacks, obviously, is for safety.

MARSHA IVES: Yup.

MARK OFFICER: In your opinion, since you will be inside the setback on Old Buttrick Road, in your opinion, what would be the reasons justifying that? Would it be the fact that there's less traffic on Old Buttrick Road? It's a small road, traffic doesn't go as fast...

MARSHA IVES: I think probably just because it's a very low traffic road. There's not a lot of people that go up and down that road and, well, I didn't even know, to tell you the truth, like you guys just said, I didn't know it [inaudible]. It's unmarked, I didn't even know the name of the street. When they told me it was Buttrick Road, I drove up and down Buttrick Road the other day forever, trying to find the place, so, I don't think a lot of people use this road. So I don't think it would be safety issue.

MARK OFFICER: Mm-hmm. Okay. Yeah, I mean, I can certainly see where it's confusing. I think the three (3) of us were confused as to where this building was. I know I was and once again, we were confused if this was a driveway, a road, was it one way or two way? I'm a little concerned about...if it is in the best position for visibility in terms of...but, I mean, I would have to assume that these people know their business and understand what they're customers need to some degree. So, the one thing we haven't discussed is the height. So you're asking for two (2) feet above the limit.

MARSHA IVES: The allowance.

MARK OFFICER: Yeah, twelve (12) feet where ten (10) feet is allowed.

BARBARA DILORENZO: Is that...do you think that's because of, on that corner that other two (2) feet would make a difference that, you know, whether you were going north, south or whatever, that you would actually be able to see this? You know, with that extra height?

MARK OFFICER: I don't know but you can ask them.

BARBARA DILORENZO: I mean, is that...you know?

MARK OFFICER: Yeah.

PAUL BURNS: Exactly, I had designed it just for the clearance to be four (4) feet because it's an easier read from a car, essentially. You know, you can look left and your line of sight's gonna be approximately four (4) to five (5) feet from your eyes, I mean, depending on what type of vehicle your driving but we're afraid if we put it down with only two (2) feet of, you know, clearance until you see the names, from the road, you'll be looking down or if you're driving up on it, you're looking down at some of the names. We're just trying to keep people from craning their necks when they're looking to read the names on there.

MARSHA IVES: They'll be able to see it better.

MARK OFFICER: Okay. Alright, do you have any more questions?

YVES STEGER: I wish we had pictures taken that show the view from Buttrick Road, to show that, really, what you're doing is going to justify the exception. Because at this time, given the position

that you have indicated, it's already pretty far into Old Buttrick Road and it may not even achieve the goals that you want it to achieve.

MARSHA IVES: I think if they went...they can't go up further 'cause it's not their property up further on the other side of this driveway.

PAUL BURNS: I don't think so. That lot's empty.

MARSHA IVES: I think they had to go...that was their property that they have to stay on in that area and that's why we focused on that area.

PAUL BURNS: Yeah, I don't think they have any property closer to Buttrick Road.

MARSHA IVES: No, 'cause you turn into the driveway and the other side, I don't think, was theirs.

YVES STEGER: So...

MARSHA IVES: [inaudible] told me.

YVES STEGER: So the signs that I see here are much further around this turn here than shown, isn't it? I mean, this is the driveway, correct? Or it is not? Where is the drive?

MARK OFFICER: Yeah, could...?

PAUL BURNS: Sure.

BARBARA DILORENZO: It would be right here.

YVES STEGER: So you see, this is here, there is that driveway here. Where is that driveway on the plan?

MARK OFFICER: This one here you mean?

YVES STEGER: Yes.

MARK OFFICER: Yeah.

BARBARA DILORENZO: Is that...?

PAUL BURNS: Let me get my bearings here. Okay, this is Old Buttrick.

BARBARA DILORENZO: Here's the fire station, yeah. So it would be...

PAUL BURNS: You're coming...

YVES STEGER: North is that way. So, this is the fire station here.

BARBARA DILORENZO: This is the fire station. Buttrick Road is up here.

YVES STEGER: So you would be coming down...

PAUL BURNS: Coming right here, exactly. It's right here...

BARBARA DILORENZO: Yeah.

PAUL BURNS: ...on that.

BARBARA DILORENZO: So it would be coming this...

PAUL BURNS: Exactly.

BARBARA DILORENZO: ...in through here.

PAUL BURNS: And that's going in, and that's a one way into the parking lot.

BARBARA DILORENZO: Mm-hmm.

PAUL BURNS: And people turn around...

BARBARA DILORENZO: You have to come out this way.

PAUL BURNS: ...this way. So that's why we've only done it...

YVES STEGER: Oh, that's where it is, here?

BARBARA DILORENZO: Yeah.

PAUL BURNS: Yes.

YVES STEGER: Okay. So, this way is...

MARK OFFICER: Oh, I see.

BARBARA DILORENZO: You see, Buttrick is up here.

YVES STEGER: Mm-hmm.

PAUL BURNS: Exactly...

MARK OFFICER: Oh, they couldn't put it closer, is what...

YVES STEGER: Yeah, well, actually, they could put it here.

PAUL BURNS: They're out of...yeah, as far as the landlord was concerned, he's like, 'we're out of land.' He thought they were off their property. If we went beyond this, he didn't feel we were even gonna be on their lot anymore.

YVES STEGER: 'Cause you...if you put it here...

MARK OFFICER: Well, where's the line, though?

YVES STEGER: The line is here.

MARK OFFICER: The property line?

YVES STEGER: I don't know.

MARK OFFICER: Maybe the stone wall?

YVES STEGER: Yes.

BARBARA DILORENZO: Yeah, it must be. Yeah.

MARK OFFICER: Must be the stone wall.

YVES STEGER: Mm-hmm.

BARBARA DILORENZO: Yeah. Yeah, 'cause that would be...yeah, this way, right?

YVES STEGER: Yup.

BARBARA DILORENZO: Right, Rich? The stone wall in the front? Yeah.

RICHARD CANUEL: Yeah, the stone wall on this edge of the property represents the property line on that side.

BARBARA DILORENZO: And then the stone wall here on this side, yeah.

PAUL BURNS: Yup.

YVES STEGER: So if there is no obstacle here, it may be more visible from here. I don't know. I mean, I'm not the expert but if we have...

MARK OFFICER: Of course, I suppose that this might help if you're on Buttrick Road, telling you to turn onto Old Buttrick but it may not help...once you turn, they may just drive right past it and forget...not see this. Whereas if they are on here and see the sign here, they'll say, 'turn here.'

YVES STEGER: Well, they have two opportunities, one here, one there.

PAUL BURNS: Right. Well...

MARK OFFICER: Well, I thought this was one way.

BARBARA DILORENZO: Well, this is an out. This is in and this out.

MARK OFFICER: Yeah, that's...this is in and out.

PAUL BURNS: ...had told us not to even bother doing it as a second...a double faced sign because no one ever comes the other way.

YVES STEGER: The other way, correct.

BARBARA DILORENZO: Yeah.

PAUL BURNS: So they said don't even bother doing it.

RICHARD CANUEL: And just for the Board's information, out on the end of Old Buttrick Road where it joins Buttrick Road, there is a small directional sign there that identifies that as the Park II...

MARK OFFICER: Oh, okay.

RICHARD CANUEL: ...building, so...

MARK OFFICER: Alright, well, that helps.

RICHARD CANUEL: I mean, it's a little, you know, arrow sign...

YVES STEGER: Okay.

RICHARD CANUEL: ...you know, it doesn't list any tenants or anything.

MARK OFFICER: Mm-hmm.

YVES STEGER: Alright.

MARK OFFICER: Okay. Alright, thank you. Okay, I don't think I have any other questions. Barbara? Yves? You guys all set?

YVES STEGER: No, I...I'm okay.

MARK OFFICER: All set, Barbara?

BARBARA DILORENZO: No, I have no more questions, no.

MARK OFFICER: Okay, and Richard, you're all set?

RICHARD CANUEL: Yes.

MARK OFFICER: Alright.

JAYE TROTTIER: I just have one question.

MARK OFFICER: Sure.

JAYE TROTTIER: Could I just get your name for the record?

PAUL BURNS: Sure. Paul Burns.

JAYE TROTTIER: Thank you.

MARK OFFICER: If the Clerk was here, he would have caught that.

MARSHA IVES: I forgot to introduce you.

YVES STEGER: Sorry, I'm learning.

MARK OFFICER: Okay. Alright, well, you have no further testimony?

MARSHA IVES: Nope.

MARK OFFICER: Alright, we'll take it under advisement right now.

MARSHA IVES: Okay.

MARK OFFICER: Thank you.

DELIBERATIONS:

MARK OFFICER: Alright. Let's see. I wanna make sure they hit the five (5) points and there's three (3) pieces to the variance, so, why don't we just, in general, talk about each of the three (3) individually.

YVES STEGER: Mm-hmm.

MARK OFFICER: And then we'll go through the five (5) points, okay? So, the first one, being a two (2) freestanding signs as opposed to one (1). Any questions or...?

YVES STEGER: I think given the special circumstances, that road that doesn't even appear like a road...

MARK OFFICER: Mm-hmm.

YVES STEGER: ...an additional one to the 102 one seems pretty reasonable. And it meets...I mean, no impact on property value, no problem. No contrary to public interest, probably no problem. I think the special conditions and no other reasonable methods are a little bit light, I would say.

MARK OFFICER: Mm-hmm. Yeah.

YVES STEGER: That's my opinion but...substantial justice, yes, probably. I would say for two (2) versus one (1)...I mean, essentially, we have some kind of a phobia against signs in Londonderry, let's face it. We don't wanna have too many and this one, actually, is a pretty nice sign.

MARK OFFICER: Mm-hmm.

YVES STEGER: And it is in a place where, actually, almost nobody goes. That's the problem. That's why they are putting a sign there, so...

MARK OFFICER: Mm-hmm.

YVES STEGER: ...it seems to make pretty good sense to me. I don't know about...

BARBARA DILORENZO: I've gotta bring something up. I work for Parkland Medical Center and they own this building.

MARK OFFICER: Say this again?

BARBARA DILORENZO: I work for Parkland Medical Center.

MARK OFFICER: Mm-hmm.

BARBARA DILORENZO: And Parkland Medical Center owns these buildings. So I just want you to know that.

YVES STEGER: Oh, no.

MARK OFFICER: So you work for Parkland Medical Center?

BARBARA DILORENZO: I work for Parkland Medical Center. Their cooperation that owns Parkland Medical Center also owns these buildings. So I just need to tell you that.

MARK OFFICER: See, it's up to you...

BARBARA DILORENZO: I don't think it has anything to do with how I would feel about it. All I can tell you is that...I wanted you to know that in case something came up and said, 'oh, well, she works for Parkland,' and da-da-da, you know, whatever.

MARK OFFICER: Well it's up to you as an individual member whether you recuse yourself if you see a conflict of interest.

BARBARA DILORENZO: I don't feel that there is a conflict of interest...

MARK OFFICER: Mm-hmm.

BARBARA DILORENZO: ...because to me, I would make a decision based on what the facts are. I would be able to do that.

MARK OFFICER: You're just an employee.

BARBARA DILORENZO: But I just want, right, I just want you to know that.

MARK OFFICER: Yeah. No, that's fine.

BARBARA DILORENZO: Okay.

MARK OFFICER: As a matter of fact, I don't even think I can make you recuse yourself. You have to recuse yourself, so, if you feel there's no conflict, then there's no conflict.

BARBARA DILORENZO: I don't feel that there is a conflict.

MARK OFFICER: If you owned a Parkland Medical Center, then...

BARBARA DILORENZO: Right. But I just wanted...

[laughter/overlapping comments]

MARK OFFICER: In fact, that's what I thought you said at first.

BARBARA DILORENZO: Well, I, no...I wanted that out there because...

MARK OFFICER: Yeah.

BARBARA DILORENZO: ...if somebody's watching and they say, 'oh, well, but she works at Parkland,' you know what I mean?

MARK OFFICER: Right. No.

BARBARA DILORENZO: So, that's out there. Okay.

MARK OFFICER: No, that's fine. Okay. Alright, so, do you have any comments on the...?

BARBARA DILORENZO: No, well, the comments that I do have is I have had, myself, a personal

issue and I have said to them, 'you know, you can't even...you get in there and you don't even know who's here because the signs are so horrible.'

YVES STEGER: Mm-hmm.

BARBARA DILORENZO: I, one day, went in there, I got totally lost. I mean, I had to find my glasses, put my glasses on and then I'm still like, 'what does that sign say?' You know? So, that's my personal feeling on this, that it has happened to me.

MARK OFFICER: Mm-hmm.

YVES STEGER: Mm-hmm.

BARBARA DILORENZO: I'm glad they're doing something.

MARK OFFICER: Okay.

BARBARA DILORENZO: Or attempting to do something, anyway. You know?

MARK OFFICER: Yeah. Yeah, the thing that I keep...the thing that I think of is with a pure commercial enterprise, applicants come wanting bigger, better, brighter to attract more business. Yeah, this is a medical building, it's not necessarily to attract more business.

BARBARA DILORENZO: Mm-hmm.

MARK OFFICER: People aren't gonna be driving down and saying, 'oh, hey, I gotta go to the doctor,' or, you know, 'therapy services, yeah, I just thought of that.' So, you know, typically, the intent is not for financial reasons as such.

BARBARA DILORENZO: Mm-hmm.

MARK OFFICER: Certainly, I think the intent was to provide better safety.

YVES STEGER: Mm-hmm.

MARK OFFICER: And to provide a better service for the public. I think the three (3) of us have seen that this is a difficult area, a confusing area....

YVES STEGER: Mm-hmm.

MARK OFFICER: ...since Old Buttrick is not even identified as Old Buttrick. I've been in the town since '93, I didn't even know that was called Old Buttrick Road. I thought it was a one way street.

BARBARA DILORENZO: Well, I've been here since '71 and I didn't know that either, so...

MARK OFFICER: Yeah. So, I mean, I always look at signs cautiously. As you said, Yves, we do seem to have a phobia, somewhat more than others, about signs, so...and I don't have an issue with the freestanding sign, which is why I addressed my questions to the fact that given the nature of the lot, the fact that it fronts 102, Old Buttrick and Buttrick, I think that's justified, the two (2) freestanding signs. The height, I think makes sense, because once you do turn from Mammoth onto Old Buttrick Road, you don't have much time before you have to see this sign, so, I don't have an issue with that. And then...

YVES STEGER: I think it definitely needs to be inside the property.

MARK OFFICER: Yeah.

YVES STEGER: And I don't know how much we would put it but...I would say, they requested five (5), it must be absolutely five (5), but inside the property, not the way they have shown on the documentation with the case. That's what I would say.

RICHARD CANUEL: That would be a permitting issue with...

YVES STEGER: Yeah, I understand.

MARK OFFICER: Right.

RICHARD CANUEL: ...at that point, anyway, so...

MARK OFFICER: Yeah, I mean, you're not gonna base it on this, right? Yeah.

RICHARD CANUEL: Not at all, no.

YVES STEGER: Well, because this was submitted with the case...

MARK OFFICER: Mm-hmm.

YVES STEGER: ...they could argue that that's what we're approving and we're gonna have to be very clear...

MARK OFFICER: If we said, 'as presented,' maybe...

YVES STEGER: Yes.

MARK OFFICER: But we won't say 'as presented.'

YVES STEGER: Exactly. That's what I meant.

MARK OFFICER: Yeah.

YVES STEGER: Mm-hmm. Yup.

MARK OFFICER: So, yeah, I mean, anything would be an improvement and you have to believe that these people have heard complaints, comments and suggestions from their clientele through the years.

YVES STEGER: I agree.

MARK OFFICER: Which is why they came up with this solution. We could try to come up with a better one but it probably wouldn't be the better one than what their own...I'm sure...I have to assume that they listen to their customers. So...

BARBARA DILORENZO: Could I ask one question, though?

MARK OFFICER: Well, we're in deliberations.

BARBARA DILORENZO: I'm sorry. Okay, never mind.

MARK OFFICER: Is it for a point of clarification? I can...

BARBARA DILORENZO: Yeah, I just...did they mention how many spaces there were gonna be on these signs?

MARK OFFICER: I can open it up for further testimony for that single point of clarification, okay? So...

MARSHA IVES: Just as it's shown.

PAUL BURNS: As shown.

MARK OFFICER: As shown, okay.

BARBARA DILORENZO: As shown, okay.

MARSHA IVES: So the only thing that might change is if a third person moves in that ground level, they would need to...

PAUL BURNS: They'll fill that slot.

MARSHA IVES: They'd fill that slot.

BARBARA DILORENZO: Yeah.

PAUL BURNS: They won't add slots.

BARBARA DILORENZO: Yeah, as they leave, someone else comes in and it's just the same place?

MARSHA IVES: They just fill up the...yeah.

BARBARA DILORENZO: Okay. I'm sorry.

MARK OFFICER: So, I do agree with Yves. The criteria for the area variance was...yeah, it wasn't strong but it was enough, I think, so...

YVES STEGER: I agree.

MARK OFFICER: Alright, so, I guess there are no restrictions. I think, as Richard pointed out, it's a permitting issue to make sure that it's within the setback at the required distance from the property line and not the pavement level. So, with that, is there a motion to approve or disapprove?

YVES STEGER: I would like to make a motion to approve case 5/21/2008-2 [sic], which is an area variance, based on the fact that granting the variance would not be contrary to the public interest, on the contrary, it will allow better service. There are special conditions of the property in that they are in a road which is usually not used and appears like the entrance to a fire station and that the overall area is extremely confusing, which is a negative in terms of the use of a medical building. It definitely would be granting and do substantial justice and for that reason, I would like to grant, as requested, which is a second sign, twelve (12) feet tall and five (5) feet from the property limits.

MARK OFFICER: Okay, do I have a second?

BARBARA DILORENZO: I'll second that motion.

MARK OFFICER: Alright, the motion's made by Yves, seconded by Barbara. Those in favor say 'aye.' Aye.

YVES STEGER: Aye.

BARBARA DILORENZO: Aye.

MARK OFFICER: Those opposed? Alright, the motion carries, three (3), zero (0).

MARSHA IVES: Thank you.

RESULT: THE MOTION TO GRANT THE AREA VARIANCE WAS APPROVED, 3-0-0.

RESPECTFULLY SUBMITTED,

YVES STEGER, ACTING CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED JUNE 18, 2008 WITH A MOTION MADE BY BARBARA DILORENZO, SECONDED BY YVES STEGER AND APPROVED 3-0-2 (LARRY O'SULLIVAN & VICKI KEENAN ABSTAINED AS THEY HAD NOT ATTENDED THE MAY 21, 2008 MEETING).