



TOWN OF LONDONDERRY
ZONING BOARD OF ADJUSTMENT

268B Mammoth Road, Londonderry, New Hampshire 03053
Phone: 432-1100, ext.134 Fax: 432-1142

November 18, 2020

Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 18, 2020:

Case No.: 10/21/2020-1

Applicant: STG Realty Associates, LLC
18 Orchard View Drive – Unit 2
Londonderry, NH 03053

Location of Property: 18 Orchard View Drive, Map 7 Lot 40-12, Zoned AR-1

Request: Request for three variances from LZO: (1) 7.5.C.1 to allow a sign 20 feet in height where only 10 are allowed; 7.6.D.3.a to allow a 120 SF free standing sign where only 65 SF are allowed; and 7.6.D.3.a.i to allow a free standing sign to be located five feet from the property line where 15 feet are required

Result: Member J. Bernard made a motion to continue the application in **CASE NO. 10/21/2020-1**: Request for three variances from LZO: (1) 7.5.C.1 to allow a sign 20 feet in height where only 10 are allowed; 7.6.D.3.a to allow a 120 SF free standing sign where only 65 SF are allowed; and 7.6.D.3.a.i to allow a free standing sign to be located five feet from the property line where 15 feet are required, 18 Orchard View Drive, Map 7 Lot 40-12, Zoned C-I, STG Realty Associates, LLC (Owner & Applicant) to December 16, 2020 so that the applicant can provide the Board with sign renderings to include the sign dimensions and materials.

M. Feig seconded the motion.

The motion to continue passed, 4-0-0. The application is continued to December 16, 2020.

Neil Dunn, Chair

NOTE: Actions of the ZBA, granted or denied, are subject to the right of interested parties to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 18, 2020:

Case No.: 10/21/2020-2

Applicant: NH Signs
66 Gold Ledge Avenue
Auburn, NH 03032

Location of Property: Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-1

Request: Request for a variance from LZO 7.6.D.3.b.i to allow a 164.8 SF wall sign where only 40 SF are allowed

Result: Member M. Feig made a motion to **GRANT** the applicant's request for a variance in **CASE NO. 10/21/2020-2**: request a variance from LZO 7.6.D.3.b.i to allow a 164.8 SF wall sign where only 40 SF are allowed, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-1, NH Signs (Applicant) and Vernco Apple, LLC (Owner) with the condition that the sign material and sign illumination will be as presented by NH Signs.

Member I. Macarelli seconded the motion.

The motion passed, 3-0-0. The applicant's request for a variance was **GRANTED** with conditions.

Neil Dunn, Chair

NOTE: Actions of the ZBA, granted or denied, are subject to the right of interested parties to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.

- (1) The granting of the variance is not contrary to the public interest: because it does not change the essential character of the neighborhood nor threaten the health, safety or welfare of the general community.
- (2) The spirit of the ordinance is observed: because it will not change the essential character of the neighborhood by having a larger sign, as sign visibility is key for a business.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the public.
- (4) Values of surrounding properties are not diminished: because it will not have any adverse effect on any neighboring property values.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is one of the largest properties in town with large linear frontage, it is in the corner and has poor visibility and is a subscription-based business that relies heavily on continual promotion. He said that the proposed use is a reasonable one.

Vice Chair Benard asked for questions from the Board. She asked for specs of what the sign would be made of. P. March replied that the sign letters are comprised of aluminum and are bent in the shape of letters that are attached to the hard back, the faces are plastic and the illumination is LED. He said these signs use very little power. J. Benard asked if it was the insignia and letters that are illuminated. P. March replied that was correct noting there was no halo. M. Feig asked if they had a temporary sign up there now. P. March said that was correct noting it is 40 SF.

Vice Chair Benard asked for public input.

Deb Paul, 118 Hardy Road, addressed the Board in favor of granting the variance.

Vice Chair Benard brought the discussion back to the Board.

The Board closed public input and began deliberation:

- (1) The variance would not be contrary to the public interest: because there is no threat to public health or safety or alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because the essential character of the neighborhood is not altered.
- (3) Substantial justice would be done: because the loss to the applicant is greater following the guidelines of 40 SF and there is a greater gain to the public in being able to identify the storefront.
- (4) Values of the surrounding properties would not be diminished: because the essential character would not be changed.
- (5) There is not a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the



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Following are the results of the Zoning Board of Adjustment hearing held Wednesday, November 18, 2020:

Case No.: 09/16/2020-2

Applicant: NH Signs
66 Gold Ledge Avenue
Auburn, NH 03032

Location of Property: 11 Nashua Road, Map 10 Lot 51-1, Zoned C-II

Request: Request for a variance from LZO 7.7.E.3 for a changeable electronic message board sign which is otherwise prohibited for a motion for a rehearing

Result: Member S. Brunelle made a motion to **GRANT** the applicant's request for Variance in **CASE NO. 09/16/2020-2** request for a variance from LZO 7.7.E.3 for a changeable electronic message board sign which is otherwise prohibited, 11 Nashua Road, Map 10 Lot 51-1, Zoned C-II, Asaba Realty, LLC (Owner) and NH Signs (Applicant) with the condition that the electronic message board contain only two colors (red and green).

Member B. O'Brien seconded the motion.

The motion passed, 5-0-0. The applicant's request for a variance was **GRANTED** with conditions.

Neil Dunn, Chair

NOTE: Actions of the ZBA, granted or denied, are subject to the right of interested parties to request a rehearing within thirty calendar days following a hearing and to the Superior Court in accordance with RSA 677:1-14. Variance shall be valid if exercised within two years from the date of final approval. See RSA 674:33, I-a (a) for further explanation and conditions.