

**TOWN OF DERRY**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**January 2, 2020**

**Members Present**

Lynn Perkins, Chairman  
Heather Evans, Vice Chair @ 8:00 pm  
Randall Kelley, Secretary  
Michelle Navarro  
Craig Corbett

**Members Absent**

**Alternates Present**

Donald Burgess  
Allan Virr

**Alternates Absent**

Crystal Morin

**Code Enforcement**

Robert Mackey, Code Enforcement Director

Mr. Perkins called the meeting to order at 7:03 p.m. with the salute to the flag and notice of fire and handicap exits and that this and all Zoning Board meetings are videotaped.

The Board members introduced themselves.

Mr. Perkins said that the Board would take up the election of secretary at the end of the meeting so as all members could be present.

It was noted for the record that Mr. Burgess would sit for the following case:

**20-101            Stintson Hills, LLC**  
**c/o Robert LaMontagne**

**The applicant is requesting a variance to the terms of Article XII, Section 165-101.A.9 of the Town of Derry Zoning Ordinance to allow signage to be located within 10 feet of the property line and within 10 feet of the future expanded right-of-way line of Folsom Road. 14 Folsom Road PID 35011-001, Zoned GC**

Brian Pratt, Fuss & O'Neill, Inc. said he was also present to represent the case and that Dana Finn of Stintson Hills, LLC was also present to answer any questions for the Board. Mr. Pratt read the application criteria and reviewed the plans submitted of the area for the record.

## **Board Questions**

Mr. Perkins asked if the plan submitted showing the potential widening if the projected 4A comes thru this area. Mr. Pratt said yes.

Mr. Perkins asked if exit 4A comes through would the sign be relocated. Mr. Pratt said yes that the sign will be relocated further back either by Stintson or the State will relocate.

Mr. Kelley said that the State will require the sign to be relocated as the Salvation Army is in the same scenario.

Mr. Perkins asked if the relief was for the side setback if it would be the same distance with the road expansion. Mr. Pratt said yes and that was due to the narrow access of the right-of-way.

Mrs. Navarro asked where the property was located with regard to the Salvation Army building. Mr. Pratt described the area for the record.

Mr. Burgess said that the first plan shows 10' and the other plan shows 11' so what is the discrepancy. Mr. Pratt said that would be to allow for curbing.

## **Code Enforcement**

Mr. Mackey supplied the following information for the record:

- The applicant is requesting a variance to allow the main pylon sign for the proposed project to be located less than 10 feet from the property line and the future expanded right-of-way of Folsom Road.
- The parcel in question was created by virtue of a variance granted in 2004 that allowed for a flag shaped lot with a 50 foot wide access.
- This lot is now going to be developed for 8 separate office use structures with the access coming from Folsom Road.
- The applicants are seeking a variance to Article XII, Section 165-101.A.9, which requires a 10 foot setback of a sign to property lines and public way. This request is due to the narrow width of the access.
- This project is pending site plan review and approval by the Technical Review Committee and the Planning Board.
- There are pictures of the property in the file for review by the Board.

Mr. Perkins asked which side of the driveway would the sign be located. Mr. Pratt said it would be on the right side but possibly on the left when they widen Folsom Road. He said that he was really unsure at this point of actual location but felt that the Planning Board would ultimately decide actual location.

Mr. Burgess asked if the applicant would have to come back to the Board for lighting. Mr. Mackey said that the sign will need to comply with the regulations for the zone in which it is located. He said that this zone allows for both internally or externally illuminated signage.

Mr. Kelley asked if there would be a no left turn sign. Mr. Pratt said that was discussed during the TRC meeting with the Town.

### **Favor**

No one spoke in favor of the request.

### **Opposed**

No one spoke in opposition of the request.

Mrs. Navarro motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess, Mr. Corbett, Mrs. Navarro, Mr. Perkins.

### **Deliberative Session**

Mr. Perkins said that the area has a lot of traffic and understand the position of the lot and its usefulness of the proposed project and he did not find it to be heavily used as proposed. Mr. Perkins said that a conventional driveway was 12' and feel that they have met the hardship burden.

Mr. Burgess said that the proposed sign is proposed to be toward the front until the proposed 4A is built and then will be told to move back later.

Mr. Corbett said he felt that the case was straight forward and that 3 ½ feet is a mild concern.

Mr. Kelley said he agrees with Mr. Corbett and the applicant presented the proposed project well and that they still need to go to the Planning Board

Mr. Perkins reviewed the condition for the record.

Mr. Corbett motioned to come out of deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mr. Burgess, Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

**Mr. Kelley motioned on case #20-101 Stintson Hills, LLC c/o Robert LaMontagne to Grant a variance to the terms of Article XII, Section 165-101.A.9 of the Town of Derry Zoning Ordinance to allow signage to be located within 10 feet of the property line and within 10 feet of the future expanded right-of-way line of Folsom Road. 14 Folsom Road PID 35011-001, Zoned GC as presented with the following conditions:**

- 1. Subject to obtaining all State & Town permits and inspections.**

Seconded by Mrs. Navarro.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

**The application was Granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.**

It was noted for the record that Mr. Burgess would sit for the following case:

**20-101            Stintson Hills, LLC  
                    c/o Robert LaMontagne**

**The applicant is requesting a variance to the terms Article XII, Section 165-101.3.A.4 of the Town of Derry Zoning Ordinance to allow the proposed site signage to exceed 2 square feet of signage for each linear foot of street frontage. 14 Folsom Road PID 35011-001, Zoned GC**

Brian Pratt, Fuss & O'Neill, Inc. said he was also present to represent the case and that Dana Finn of Stintson Hills, LLC was also present to answer any questions for the Board. Mr. Pratt read the application criteria and reviewed the plans submitted of the area for the record.

### **Board Questions**

Mr. Perkins said that the proposal is for 114" x 96" of which is approximately 8-9' of signage. He asked if could define sign relative to specific business was relative for lettering size. Mr. Pratt said that the size was designed to be large enough for panels and described for the record.

Mr. Mackey described what a typical sign consisted of for the record.

Mr. Corbett asked if it was just 14 panels. Mr. Mackey said that it included the upper part and panels.

Mr. Perkins asked how was the proposal perceived. Mr. Pratt said that the front sign was okay and that the proposal was for 55 square feet of signage for buildings.

There was some discussion with regard to locations and sizes.

Mr. Kelley asked what the 15 square feet extra would be used for. Mr. Pratt said it would be utilized for directional signage or 10 tenants. He described for the record.

There was some discussion with regard to lettering.

Mr. Perkins asked if the signs were for on the buildings not the road sign. Mr. Pratt said that was correct.

Mr. Perkins asked if one business could have a larger sign and others smaller signage. Mr. Pratt said yes and it would be managed by the landowner as one tenant could possibly have a 16 square foot sign.

Mr. Perkins said he found it difficult that once in the area you would not be able to find your location. Mr. Pratt said that if the property had 100 feet of frontage they would not need a variance.

Mr. Perkins asked if this this area was not seen from the roadway. Mr. Pratt said no and it would be nice to have directional signs in the parking lot.

Mr. Perkins asked if seeking relief to size recommend to layout variables before so know beforehand what is being requested. Mr. Pratt said that if possible restriction if one tenant that the sign not be greater than

Mr. Kelley said that an 8 foot sign would be okay per tenant. Mr. Pratt said if possible would like to have larger if possible.

### **Code Enforcement**

Mr. Mackey supplied the following information for the record:

- The applicant is requesting a variance to allow the total square footage of signage for the property to exceed 2 square feet of signage for each linear foot of street frontage as specified in Article XII, Section 165-101.3.A.4.
- The parcel in question was created by virtue of a variance granted in 2004 that allowed for a flag shaped lot with a 50 foot wide access on Folsom Road.
- The lot is now going to be developed for 8 separate office use structures.
- Based on the street frontage, the total square footage that would be permitted under the regulations is 100 square feet. Given the number of proposed buildings

and the proposed pylon sign, the developers have determined that the allowed square footage is inadequate. Therefore, they are applying for a variance.

- This project is pending site plan review and approval by the Technical Review Committee and the Planning Board.
- There are pictures of the property in the file for review by the Board.

Mr. Perkins asked what the frontage was at the widest portion of the property. Mr. Pratt said it was approximately 900 square feet if frontage on road.

Mr. Perkins asked how much signage was being requested. Mr. Pratt said 200 square feet.

### **Favor**

Janice Mosby, 9 Folsom Road, said she lives across the street and was in support of the request but has concerns of what sign will look like as across the street is residential.

Mr. Perkins said that this request is for relief for signage on the buildings and not seen from the road.

### **Opposed**

No one spoke in opposition of the request.

Mr. Kelley motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

### **Deliberative Session**

Mr. Kelley said that he felt the request was reasonable but would like to see some uniformity on the buildings as part of the conditions.

Mr. Perkins said that he agrees and that the request is for 200' of total signage but uniformity is a good way to control for Planning Board.

Mr. Corbett said that he liked the roadway signage and as for the inside lot he did not feel that there would be a huge impact. He said that he did not disagree with limit but not lock into set size per building.

Mr. Burgess said that if no restrictions feel will be overdone.

There was some discussion with regard to size limitation of sign per building.

Mr. Kelley motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

### **Board Questions**

Mr. Pratt said it was the intention of probably 2 tenants per building so request was for 8 square feet per tenant so that would be 8 buildings with 2 signs each. He said that the request is for 16 signs of 8 square feet each so the limit of 8 square feet per building is to restrictive.

Mr. Perkins said that if additional square footage was needed for a tenant then had option of coming back before the Board. Mr. Pratt said that they were not looking to come back for additional approvals.

There was some discussion with regard to sizes of signage per building.

Mr. Mackey said that the request is for 200 square foot limit which is going to limit the amount of signage per tenant. He said that he felt that the applicant will portion out to each tenant appropriately.

Mr. Kelley motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

### **Deliberative Session**

Mr. Kelley reviewed the conditions for the record.

Mr. Burgess said that if one person occupied the whole building then they would be limited to a 16 square foot sign.

Mr. Kelley motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

**Mr. Kelley motioned on case #20-101 Stintson Hills, LLC c/o Robert LaMontagne to Grant a variance to the terms Article XII, Section 165-101.3.A.4 of the Town of Derry Zoning Ordinance to allow the proposed site signage to exceed 2 square feet of signage for each linear foot of street frontage. 14 Folsom Road PID 35011-001, Zoned GC as presented with the following conditions:**

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. No signs to exceed 8 square feet per tenant unit and not to exceed total of 16 square feet per building.**
- 3. Total signage for entire property not to exceed 200 square feet.**

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Burgess Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mr. Perkins.

**The application was Granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.**

### **Election of Secretary**

Mr. Perkins said that the Board needed to elect a new secretary due to the step down of Mr. Coppolo. He said that he would like to Thank Mr. Coppolo for his service on the Board and to welcome Mr. Corbett for being appointed full member by Town Council.

Mr. Perkins said that Mr. Kelley has the next seniority on the Board and would entertain a motion from the Board.

Mrs. Navarro nominated Mr. Kelley for the position of Secretary.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Corbett, Mrs. Navarro, Mrs. Evans, Mr. Perkins



### **Approval of Minutes**

Mrs. Evans motioned to approve the minutes of November 21, 2019 as written.

Seconded by Mrs. Navarro.

Vote: Unanimous.

Mr. Virr, Mr. Burgess, Mr. Corbett, Mrs. Navarro, Mr. Kelley, Mrs. Evans, Mr. Perkins

### **Adjourn**

Mr. Virr motioned to adjourn.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Virr, Mrs. Navarro, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Adjourn at 8:40 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk