

Town of Milford
ZONING BOARD OF ADJUSTMENT



NOTICE OF HEARING

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 249-0620
Fax (603) 673-2273
www.milford.nh.gov
TDD Access:
Relay NH 1-800-735-2964

Notice is hereby given for a Public Hearing to be held on June 7, 2012 at 7:00 PM in the Board of Selectmen's Meeting Room.

The applicant, NH Signs representing Toadstool Bookstore and Lorden S.C., LLC, owner of 586 Nashua St, Map 44, Lot 6, in the Commercial district, are requesting a variance from Article VII, Section 7.06.7:E.2, to install an additional 33 SF of signage to the existing 30 SF wall sign totaling 63SF. The maximum allowed signage, based on 50% of the storefront's linear measurement of 60 ft, is thirty (30SF) square feet.

Case # 2012-12

Dated: May 31, 2012

Kevin Johnson
Kevin Johnson, Chairman

Owner/authorized representative must attend hearing; abutters requested to attend.



Variance

Date Received: 5/9/2012

Case #: 2012-12

Rehearing #: APPL # 20120726

Thurs 6/7/12



Town of Milford
Zoning Board of Adjustment
Application for Variance

Name of Applicant: CLIFF CONTI / NH SIGNS Phone #: 603 437-1200

#7366 Email: CLIFF.CONTI@NHSIGNS.COM X303

Address: 60 OLD DERRY ROAD, LONDONDERRY NH

Owner: TOADSTOOL BOOKSHOP
(If same as applicant, write "Same")

Owner's Address: 586 NASHUA ST
(If same as applicant, write "Same")

Property Location: 586 NASHUA ST Map 44 Lot 6
(Number and Street)

Description of property: LORDEN PLAZA SHOPPING CENTER

17+ ACRES [1636' x 189' x 1,529' x 200']
(Lot dimension, total area, present use)

This application is not considered acceptable unless all required statements have been made and all sections completed. Additional information may be supplied on separate sheets if necessary.

Fees: \$75.00 per case plus abutter fees, including owner and representative (if applicable).

Town of Milford New Hampshire
One Union Square · Milford, NH 03055 · Phone (603) 249-0620 · Fax (603) 673-2273
www.milford.nh.gov

Section 1 - APPLICATION FOR VARIANCE

A variance is requested from Article III Section 206.7.E.2 of the Zoning Ordinance to permit:

ROADSIDE BOOKSHOPS TO INSTALL ADDITIONAL 33 SQ FT. TO
EXISTING ^{30 SQ FT} WALL SIGN. UNDER CODE, 30 SQ FT. IS
ALLOWED

Facts supporting this request:

1. Granting the Variance would not be contrary to the public interest because:

THIS SIGN HAS BEEN ALLOWED AND DISPLAYED IN THIS PLAZA
SINCE 2003, WHEN OWNER INVESTED IN A LARGER SIGN
AS THE SMALLER SIGN WAS INADEQUATE FOR CUSTOMER

2. If the Variance were granted, the spirit of the ordinance would be observed because:

206.1 (A1) ENCOURAGES THE EFFECTIVE USE OF SIGNS FOR
COMMUNICATION (2) TO RETAIN ABILITY TO ATTRACT BUSINESS
GRANTING VARIANCE WILL ALLOW OWNER TO DISPLAY HIS FULL NAME

3. Granting the Variance would do substantial justice because:

THE SIGN WAS PERMITTED AND PURCHASED AS THE REASONABLE
WAY TO IDENTIFY THE STORE. GRANTING WILL ALLOW OWNER
TO CONTINUE THE REASONABLE USE OF HIS PROPERTY

4. Granting the Variance would not diminish the value of surrounding properties because:

OWNER WOULD BE ABLE TO MOVE THE FULL SIGN TO
HIS NEW LOCATION - AND WON'T CHANGE THE
APPEARANCE OF THE PLAZA OR ENCROACH NEIGHBORING
STORES

5. Unnecessary hardship:

A. Owing to special conditions of the property that distinguish it from other properties in the area; denial of the Variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

PUBLIC IS ACCUSTOMED TO THIS SIGN AND THE
FULL NAME OF THE STORE.

and;

ii. The proposed use is a reasonable one because:

THE STORE IS OVER 700' FROM STREET AND
REQUIRES THIS SIGN FOR TRAFFIC DECISION AND
IDENTITY

(B) Explain how, if the criteria in paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:

NAME OF STORE, TO BE READ FROM OVER 700',
AND TO MAINTAIN HIS IDENTITY, REQUIRES THAT HE
BE ALLOWED TO MOVE HIS SIGN TO THIS LOCATION,
SAME PLAZA

(C) Notwithstanding paragraph (B) above, a Variance may be granted without finding a hardship arising from the terms of the Zoning Ordinance when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

i) The Variance requested under this paragraph shall be in harmony with the general purpose and intent of the Zoning Ordinance because:

STATED INTENT IS TO ALLOW A REASONABLE USE
OF SIGNS. THIS SIGN WAS PREVIOUSLY CONSIDERED
REASONABLE AND SHOULD BE ALLOWED TO BE
USED AS IT IS, IN FULL IDENTITY

Section 2 - ABUTTERS

See attached sheet.

Section 3 - ATTACHMENTS

- A. A plan of the property and all buildings, drawn to scale, is required.
- B. A Building Permit Application as needed (to be determined by the building official.)
- C. Additional explanations, justification, abutters' statements, letters, etc.

Section 4 - REPRESENTATION

Owner(s) authorization for the applicant or other agent to represent the owner at the proceedings:

CLIFF CONTI/NH SIGNS
Print the name of the person or party representing the owner(s)

The applicant or agent, as stated hereon, has authorization from the property owner to submit this Zoning Board of Adjustment application and to represent the property owner on matters relative to said process.

SEE ATTACHED
Owner's Signature

5-08-2012
Date

Section 5 - SIGNATURES

Signature of Applicant Cliff Conti Date 5/8/2012

Signature of Owner SEE ATTACHED Date 5-08-2012

Signature of Zoning Official Bill Paulin Date 05/21/12
COMMUNITY DEVELOPMENT DIRECTOR
ZONING ADMINISTRATOR

For office use only

Code Enforcement Officer's decision and comments:

Lorden S.C., LLC

*Mark Wagner
Property Manager
Northeast Region*

*Writer's Direct Dial: 617-933-2823
Writer's Direct Fax: 617-244-1626
Email: mwagner@kimcorealty.com
Website: www.kimcorealty.com*

VIA EMAIL

April 23, 2012

William McKinney
Commercial Building Inspector
Town of Milford Building Department
Town Hall
1 Union Square
Milford, NH 03055

**RE: Building Alterations- Toadstool Bookstore
Lorden Plaza
Milford, NH**

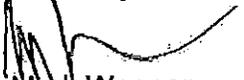
Dear Inspector McKinney:

Lorden S.C., LLC, as property owner, hereby consents to the attached sign alteration proposed for the Toadstool Bookstore located at Lorden Plaza located at 586 Nashua Street in Milford, NH.

Please allow them to pull the required permits.

If you should have any questions, please do not hesitate to contact me at the number above.

Sincerely,


Mark Wagner
As Agent
Lorden S.C., LLC

cc: Lease File
Letter Book

ABUTTER LIST

Abutter – Any person whose property is located in New Hampshire and adjoins or is directly across the street, stream, or active railroad property from the land under consideration by the local land use board. The term “abutter” shall also include the owner and the applicant.

Map	Lot	Property Owner	Mailing Address	P.O. Box	Town	State	Zip Code
44	6	LORDEN S.C. LLC 1/0 KIMCO REHLY	3333 NEW HYDE PARK RD. #100	Box 5020	NEW HYDE PARK	NY	10042
44	2	TOWN OF MILFORD	1 UNION SQ		MILFORD	NH	03055
44	13	BURGER KING CORP	BOX 020783		MIAMI FL	FL	33102-0783
44	13-1	WALGREEN EASTERN CO	P.O. Box 901		DEERFIELD	IL	60015
44	11	SAMONAS, JOHN	P.O. BOX 2		GREENLAND	NH	03840
44	10	COLE MT MILFORD NH LLC	2555 E. CAMELBACK RD		SUITE 400 PHOENIX	AZ	85016
44	9	NH STATE DOT	29 HAZEN DR		CONCORD NH	NH	03301
49	3-9	LOTSTARS, CHRISTOPHER	49 STABLE RD		MILFORD	NH	03055-3539
49	3-10	WOLFE, WILLIAM P TRUSTEE	75 STABLE RD		MILFORD	NH	03055-3539
49	3-11	PERETTI, STEFANO	241 STABLE RD		MILFORD	NH	03055
49	3-12	SHEA, SEAN P. TRICIA A.	235 STABLE RD		MILFORD	NH	03055
49	3-13	BODRE, PAUL + SUE	231 STABLE RD		MILFORD	NH	03055-3546
44	8	NH STATE DOT	29 HAZEN DR		CONCORD	NH	03301
		PANAM RAILWAYS ^{GUILDFORD TRANSPORT.}	1700 Iron Horse Rd		WILLERIE	MA	01862-1681
49	3-9	HOWARD, LISA	251 STABLE RD		MILFORD	MA	03055-3546
		APPLICANT - NH SIGNS	60 OCU DERRY RD		LONDON DERRY	NH	03053

The above abutter listing reflects the most current assessing records and the Milford Zoning Board of Adjustment is released from any responsibility for inaccurate information or incorrect abutter notification.

Debra W/A - SIGNS
Signature of Applicant

5/9/12
Date

Map & Lot

14 ABUTTERS
\$ 81.20
appl \$ 75.00
TOT 156.20



PROPOSED RELOCATE EXISTING CHANNEL LETTERS
TO NEW LOCATION

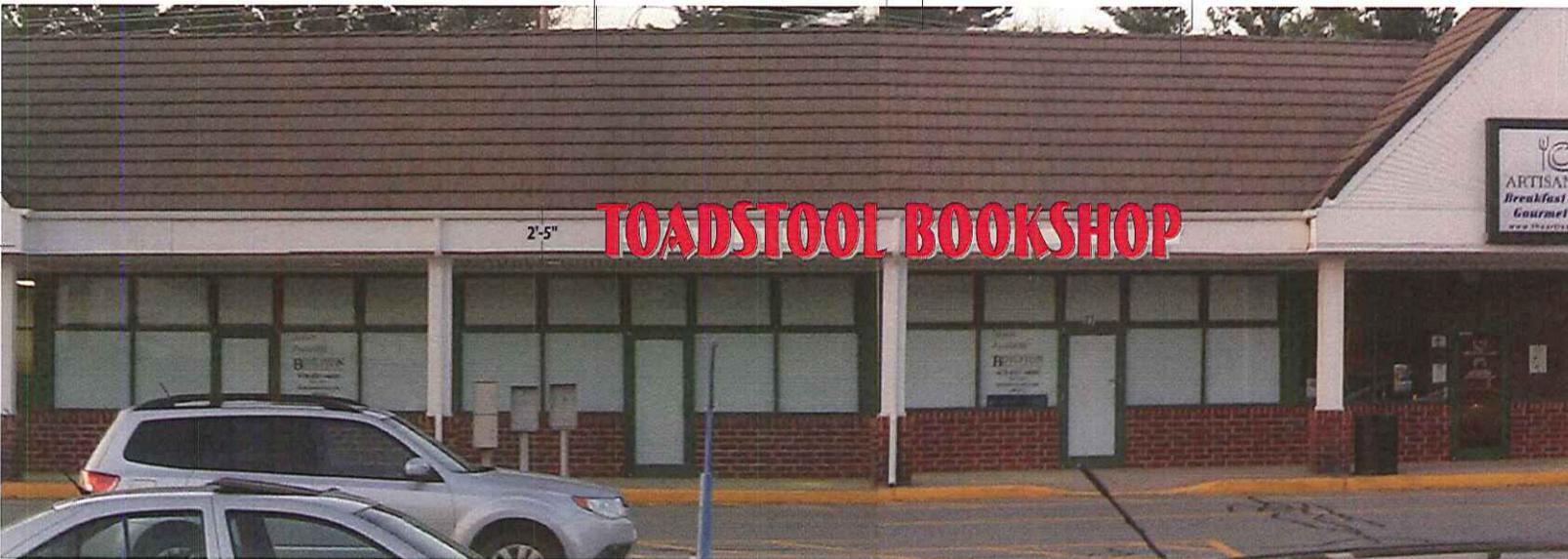
60'-0" O.A.FRONTAGE



30 SQ. FT PERMITTED SIGN

13'-4"

12'-5"



PROPOSED RELOCATE EXISTING CHANNEL LETTERS
TO NEW LOCATION

EXISTING LOCATION 50' FRONTAGE
NEW LOCATION 60' FRONTAGE

29" X 160" = 32.7 SQ. FT.
29" X 149" = 30.0 SQ. FT.

TOTAL = 63.5Q. FT.

SERVING
N.H. SIGNS
NEW ENGLAND

60 OLD DERRY ROAD
LONDONDERRY, NH 03060
PH 603.437.1200
FAX 603.437.1222

www.nhsigns.com

- DESIGN
- MANUFACTURE
- INSTALL
- SERVICE

 Underwriters Laboratories, Inc. ELECTRIC SIGN

NAME

CLIENT: TOADSTOOL BOOKSHOP
LOCATION MILFORD, NH
DATE 03 16 12

DESIGNER CFC
ACCT. REP DAN HUTCHINS

REVISION	NOTES	BY
1 04 09 12 .		
2 04 23 12 .		
3 04 25 12 .		
4 05 08 12		

FILE NAME/
LOCATION

DESIGN APPROVED
BY DATE / / 11

INSTALLATION NOTES

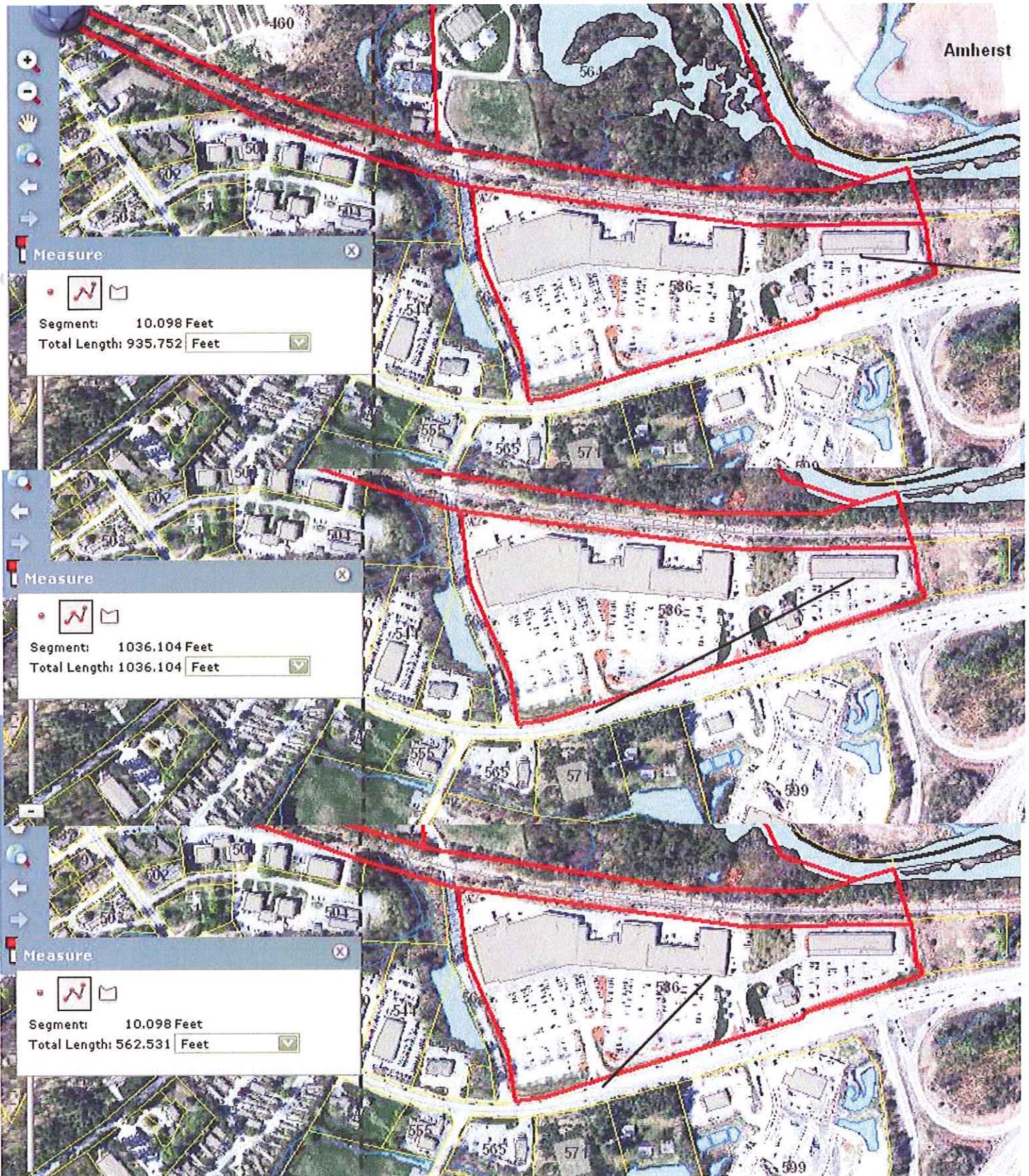
PRODUCTION NOTES

SPECIAL ORDER

Please Note: It is the customers responsibility to provide primary electrical service (including ground wiring) directly from panel box, to within six feet of sign(s). Installation to comply with N.E.C.600

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NH SIGNS OWNS THE COPYRIGHT ON ALL ORIGINAL DESIGNS:
PLEASE CONTACT: <http://www.nhsigns.com> AND REPORT ANY THAT MAY BE INFRINGING ON THE SIGNS.
NH SIGNS RIGOROUSLY PURSUES COPYRIGHT INFRINGEMENTS



MINIMUM VIEW DISTANCES FROM TRAFFIC



NEIGHBORING SIGNS



Amherst



1 inch = 300 feet



This document has been prepared to show approximate lot location only. Information shown is not to be used for deed descriptions.

MILFORD, NH

The Community Development Department maintains a continuing program to identify and correct errors. The Department makes no claims to the validity or reliability, or to any implied uses of this representation.

DATE:
April 1, 2011

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43,44