



TOWN OF MILFORD RECEIVED  
SEP 19 2019  
PB ZBA Office

Town of Milford  
Zoning Board of Adjustment

Date Received: 9-19-19  
Case #: 20925  
Application #: 20191097  
Payment amount: \$99,00  
Date: 9-19-19 By: OJB

### Application for Variance

Name of Applicant: Contemporary Automotive Phone #: 603-673-5511

Email: dhammer@contemporarycdj.com

Address: 30 Hammond Road, PO Box 238, Milford NH 03055

Owner: David Hammer  
(If same as applicant, write "Same")

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

Property Location: NE CNR Hammond Rd & South St Map 43 Lot 71  
(Number and Street) G5 R.O.W.

Description of property: A variance is requested to install a permanent off-premise directional sign located in the Town of Milford R.O.W. at the NE Corner of Hammond Road and South Street intersection.

(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](http://www.milford.nh.gov)

**Section 1 - APPLICATION FOR VARIANCE**

A variance is requested from Article 7.06.8 Section G(3) of the Zoning Ordinance to permit:

**A variance is requested to install a permanent off-premise directional sign in the Town of Milford R.O.W. at the NE corner of Hammond Rd and South St intersection.**

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Facts supporting this request:

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

**please see attached**

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

**please see attached**

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3. Granting the Variance would do **substantial justice** because:

**please see attached**

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

**please see attached**

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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:

**please see attached**

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and;

ii. The proposed use is a reasonable one because:

**please see attached**

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(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:

**not applicable**

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(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:

**not applicable**

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In addition, Variances may have extra criteria that must be met. This includes, but is not limited to:

**6.03.5 Floodplain Management:** The criteria for evaluation is listed in 6.03.5:B General Conditions and the applicable conditions are listed in 6.03.5:C.

If your project is covered by the above situation, include your answers to the required criteria as specified in the referenced Section of the Milford Zoning Ordinance as an attachment under Section 3 C. of this application.

Contemporary Automotive  
Permanent Off-Premise Directional Sign Variance Application  
Proposed Location: Hammond Rd & South St – NE Corner

General Criteria – Section 10.01

1. Granting the variance would not be contrary to the public interest because its granting would improve vehicle traffic safety on South Street, both north and south bound, near the intersection with Hammond Road. Providing a clear directional sign at this intersection improves the ability of all traffic to identify how to find Contemporary Automotive at its new Hammond Road location. South Street is the only access to Hammond Road, while the dealership is visible from Route 101 and seasonally visible from South Street, many customers comment on the difficulty in identifying how to find access to the location. Hesitating or slowing on South Street to find Hammond Road using current signage creates potential traffic hazards for all traffic.

Locating the sign in the Public Right of Way will not impede pedestrian or vehicle traffic nor create a public safety hazard in any area that is regularly traveled by the public on foot or by vehicle. This location will not obstruct the view of any authorized traffic sign, nor will its position allow it to be confused with any authorized traffic signal. It will not impede any line of site or visibility.

2. If the variance were granted the spirit of the ordinance would be observed because it would improve communication in the Town of Milford while improving public safety – both pedestrian and vehicular - without negatively impacting the appearance of the Town of Milford or the environment. The proposed sign location is in a Commercial Zone District, it would not harm the character of this zoning district.
3. Granting the Variance would do substantial justice because Contemporary Automotive is the first high-volume retail establishment on Hammond Road. Hammond Road is not a thru street, the destination of a large portion of traffic turning onto Hammond Road from South Street is Contemporary Automotive. Improving the ability to identify where to turn from South Street onto Hammond Road will substantially benefit all traffic on South Street.
4. Granting the Variance would not diminish the value of the surrounding properties because the location is directly adjacent to an Eversource substation. The sign will not be located on Eversource property nor will it impede visibility of traffic to/from the substation.

The opposing corner of Hammond Road is a former day care that is currently listed for sale. This property is accessed further along Hammond Road from the intersection with South Street, and is clearly visible from South Street. The proposed sign will not interfere with the ability of current or future occupants of this property from identifying or accessing the property.

Across South Street is another day care along with an OHRV dealership, neither of these locations will be impacted by the proposed sign.

Finally, the district is zoned for commercial use. The proposed sign is reasonable in dimension, location, appearance, and purpose for a commercial district.

5. Unnecessary Hardship exists because:

- a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and this application because Contemporary Automotive is only accessible from the intersection of Hammond Road and South Street. It is not visible to traffic attempting to locate the dealership, and as a result negatively impacts the public safety on South Street as customers attempt to locate Contemporary Automotive. The proposed off-premise directional sign will significantly improve the ability of traffic to identify where to turn off South Street when seeking Contemporary Automotive, thereby improving the overall public safety at the intersection of Hammond Road and South Street, and keeping with the general public purpose of the ordinance.
- b. Locating the sign in the Town of Milford R.O.W. is the best reasonable option given the alternatives. It would be sufficiently setback from South Street to minimize the possibility of being struck by a moving vehicle. The sign foundation would be constructed using standard 2 lbs/ft break-away galvanized u-channel posts. The proposed sign is sufficiently large to be visible from a 200 – 300' distance by vehicles traveling at the posted speed limit. A logical alternative location would be the former "Willette Furniture" sign located on the former day care parcel at the SE corner of Hammond Road and South Street intersection; however, the property is currently for sale, its owner is not interested in renting or leasing this sign. Consequently, the desired location is in the Town R.O.W. on the NE corner of this intersection.

**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:

DAVID HAMMEL

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.

  
Owner's Signature

9/18/19  
Date

**Section 5 - SIGNATURES**

Signature of Applicant 

Date 9/18/19

Signature of Owner 

Date 9/18/19

Signature of Zoning Official \_\_\_\_\_

Date \_\_\_\_\_

**For office use only**

Code Enforcement Officer's decision and comments:

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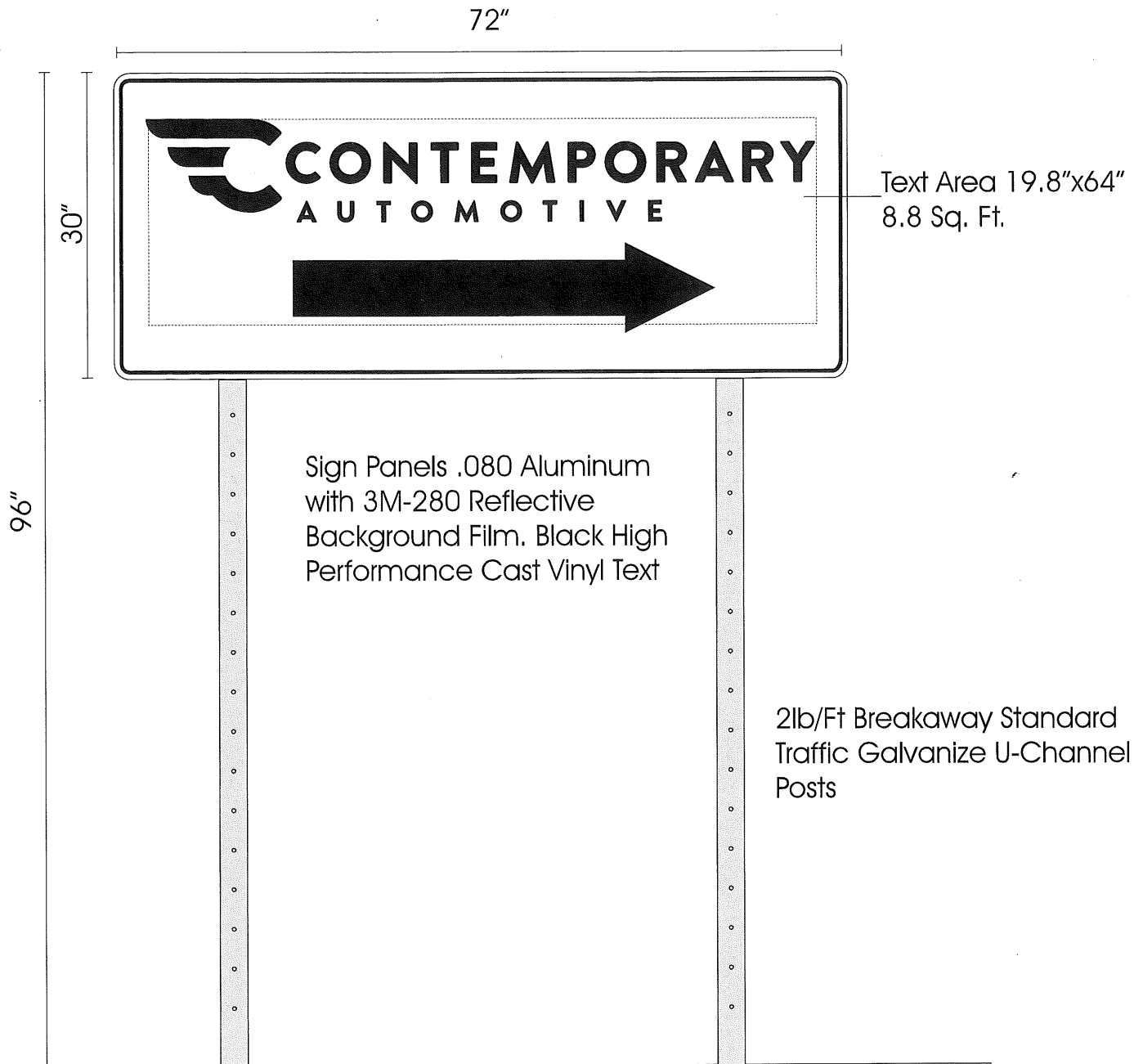
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Measurements on this artistic rendering may vary slightly from the actual "AS BUILT" upon final engineering. Color and Resolution in proof are not representative of final project due to individual monitor settings.

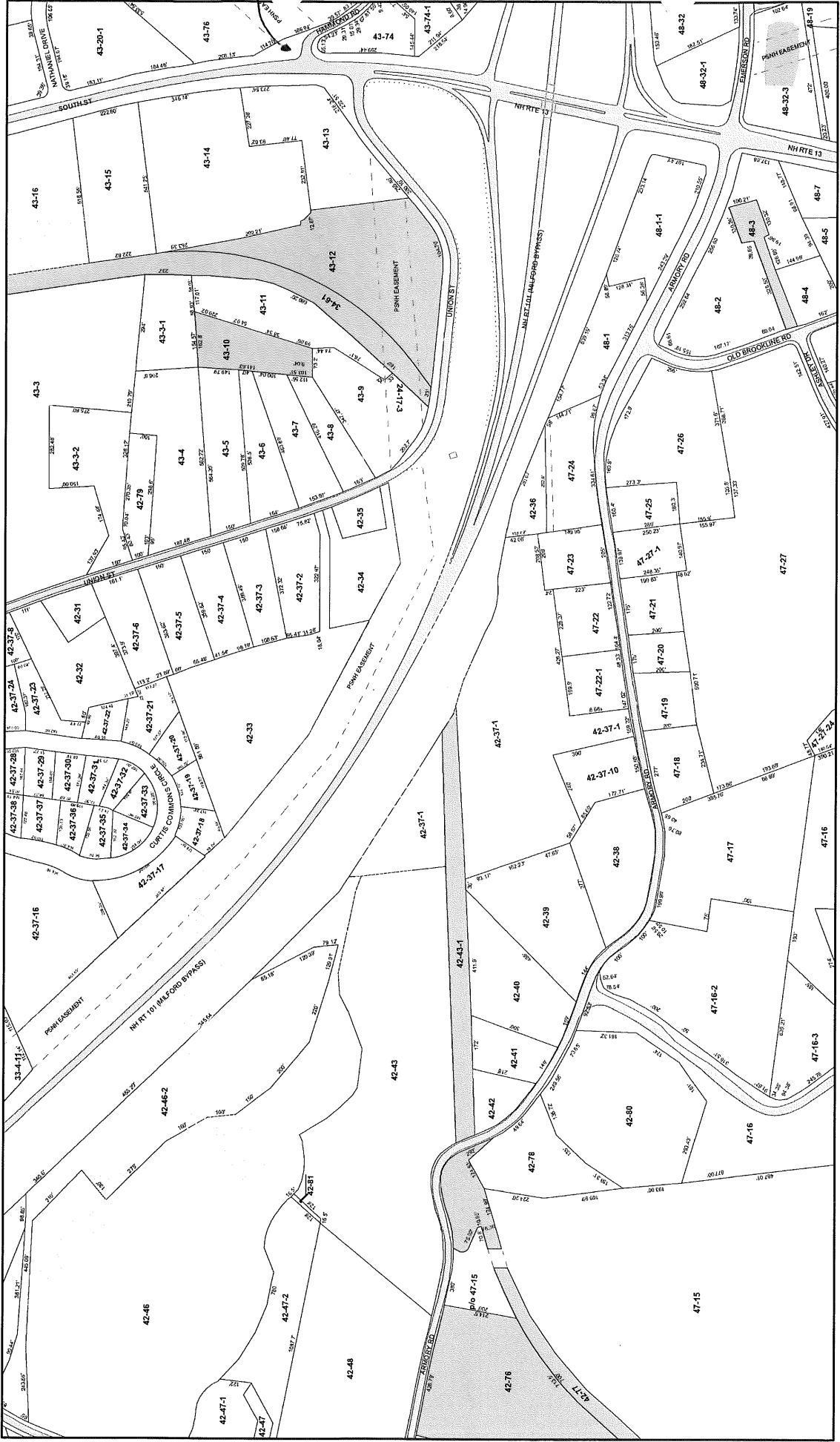


Measurements on this artistic rendering may vary slightly from the actual "AS BUILT" upon final engineering. Color and Resolution in proof are not representative of final project due to individual monitor settings.

This drawing protected by U.S. copyright laws. Any use, reproduction, copying or exhibiting this drawing without the express written consent of Classic Signs is illegal.



PROPOSED SIGN



**G5**

Date: April 2018  
1 inch approx. = 300 feet



The information has been prepared for the Government of the location only. Information shown on this map is for informational purposes only and does not constitute a warranty. The Department makes no claim to the validity or reliability of any specific data or representation.

# MILFORD, NH

- Abandoned/Discontinued Rd
- Conservation Easement
- Easement
- Private

- Class VI
- Wetlands
- Water
- Road
- Parcel
- Town Owned Land
- Cemetery
- State

REVISED & REPRINTED BY

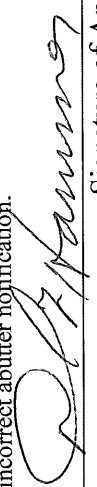
**CAI Technologies**  
Precision Mapping. Geospatial Solutions.  
11 Pleasant Street, Littleton, NH 03571  
603.332.7600 - www.cai-tech.com

**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	Town	State	Zip Code
G-5	43-74	JENNIFER KUTSCHMAN	15 HAMMOND ROAD	MILFORD	NH	03055-4903
G-5	43-76	PUBLIC SERVICE CO. OF NH TAX ACCOUNTING	P.O. BOX 330, 1000 Elm St.	MANCHESTER	NH	03105-0330
G-5	43-13	LITTLE ARENAS CHILD CARE	365 SOUTH STREET	MILFORD	NH	03055-3738
G-5	43-14	EDA REAL ESTATE CORP	355 SOUTH STREET	MILFORD	NH	03055-
		Town of Milf				
		Contemp				

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



 Signature of Applicant \_\_\_\_\_ Date 9/18/19 \_\_\_\_\_ Map & Lot G-5 - Town R.O.W. NE CORNER HAMMOND ROAD SOUTH ST.

Name & Address of Sender  
**TOWN OF MILFORD**  
**CONTEMPORARY VARIANCE**  
 One Union Sq  
 Milford, NH 03055  
 CASE #2019-25

Check type of mail or service:  
 Certified  
 COD  
 Delivery Confirmation  
 Express Mail  
 Insured  
 Recorded Delivery (International)  
 Registered  
 Return Receipt for Merchandise  
 Signature Confirmation

Affix stamp here (if issued as a certificate of mailing, or for additional copies of this bill)  
 Postmark and date of Receipt  
 MILFORD NH  
 OCT - 4 2019

Line	Article number	Addressee (Name, Street, City, State & Zip Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
2290	0000 3284 4842	ENNIFER KUTSCHMAN, 15 HAMMOND ROAD, MILFORD NH 03055	0.50	3.50									
2290	0000 3284 4859	UBLIC SERVICE CO OF NH - TAX ACCOUNTING, PO BOX 330, 100 ELM STREET, JANCHESTER NH 03105	0.50	3.50									
2290	0000 3284 4866	LITTLE ARROWS CHILD CARE, 365 SOUTH STREET, MILFORD NH 03055	0.50	3.50									
2290	0000 3284 4873	IA REAL ESTATE CORP, 365 SOUTH STREET, MILFORD NH 03055	0.50	3.50									
2290	0000 3284 4880	CONTEMPORARY AUTOMOTIVE, 30 HAMMOND ROAD, PO BOX 238, MILFORD NH 03055	0.50	3.50									
2290	0000 3284 4897	TOWN OF MILFORD, 1 UNION SQUARE, MILFORD NH 03055	0.50	3.50									
7	7018		0.50	3.50									
8	7018		0.50	3.50									
9	7018		0.50	3.50									
10	7018		0.50	3.50									
11	7018		0.50	3.50									
12	7018		0.50	3.50									
13	7018		0.50	3.50									
14			0.50	3.50									
15			0.50	3.50									
16			0.50	3.50									
17			0.50	3.50									

Total number of pieces Listed by sender: SIX  
 Total number of pieces Received at Post Office: 6  
 Postmaster, Per (Name of receiving employee): 

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.