



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: DJB

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
G5 R.O.W.
(Number and Street)

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

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.

Facts supporting this request:

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

please see attached

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

please see attached

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

please see attached

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

please see attached

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

and;

ii. The proposed use is a reasonable one because:

please see attached

(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

(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

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.

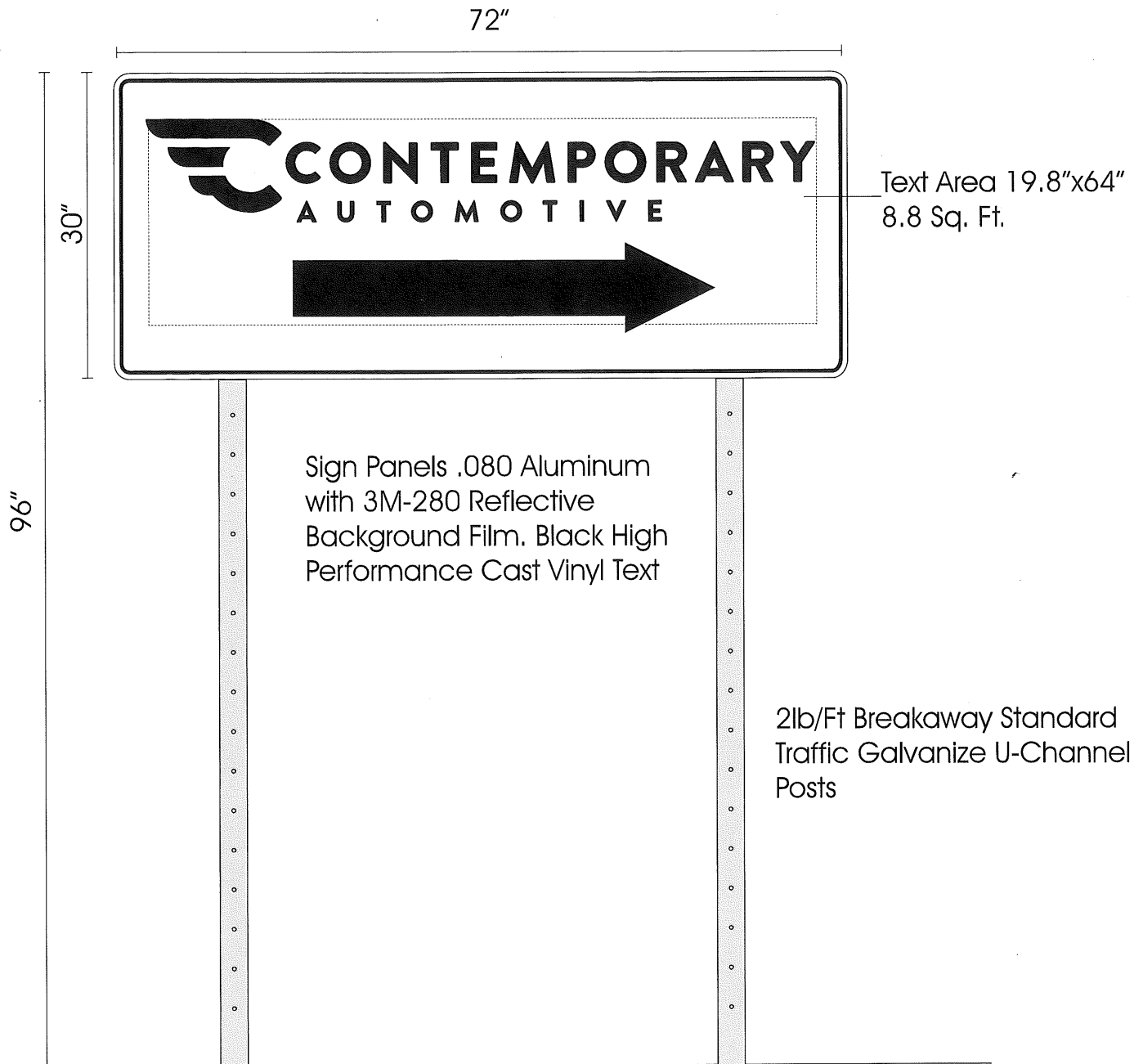
The opposing corner of Hammond Road is a former day care that is currently listed for sale. This property is accessed further along Hammond Road from the intersection with South Street, and is clearly visible from South Street. The proposed sign will not interfere with the ability of current or future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



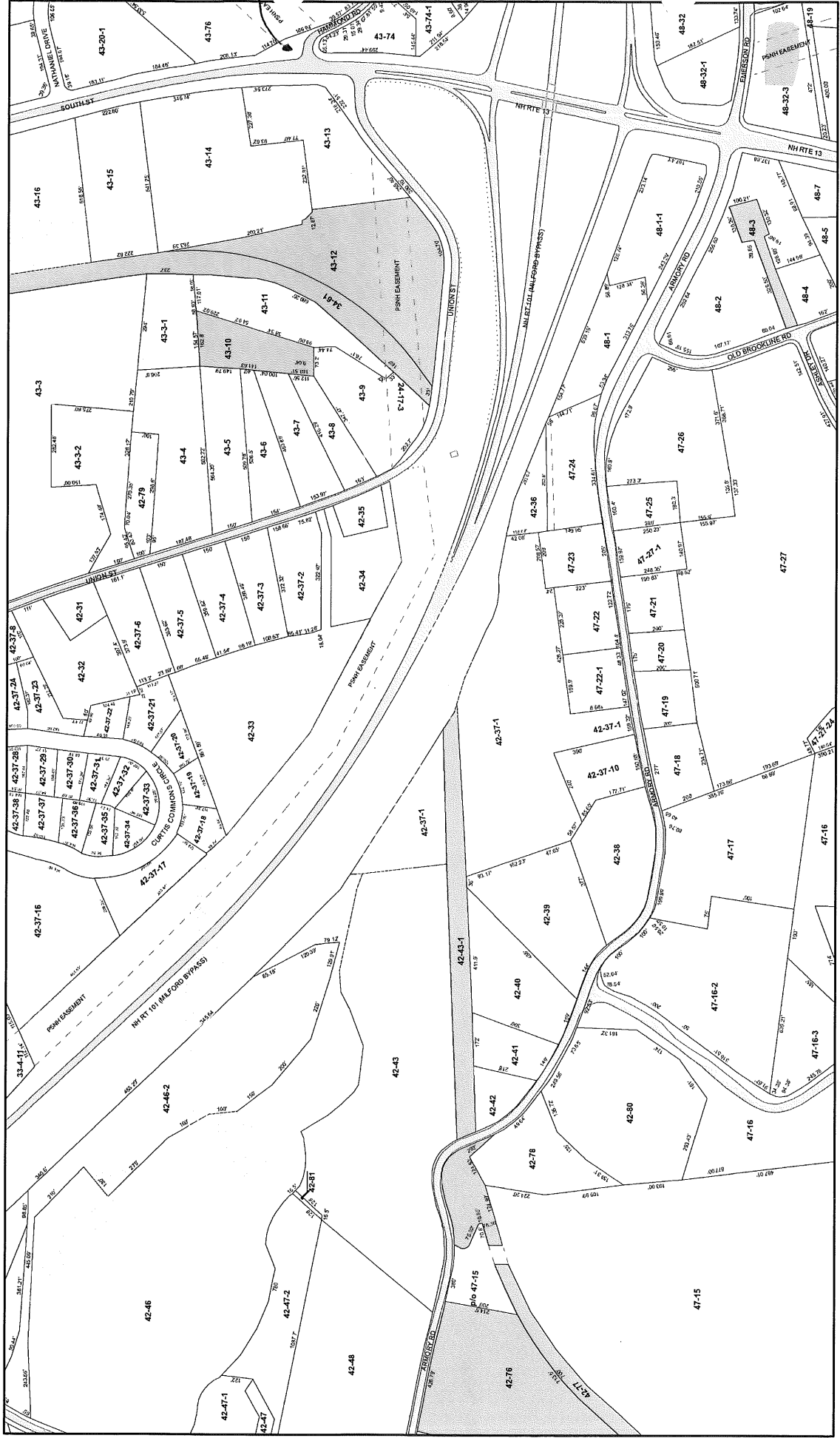
Measurements on this artistic rendering may vary slightly from the actual "AS BUILT" upon final engineering. Color and Resolution in proof are not representative of final project due to individual monitor settings.



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



This document 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 of accuracy. The Department makes no claim to the validity or reliability of any specific data or information shown.

MILFORD, NH

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

- Class VI
- Wetlands
- Water
- Road




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

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

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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									
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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
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TOWN OF MILFORD

Office of Community Development
Planning • Zoning • Building Safety • Code Enforcement • Health
Economic Development • Active Projects



Administrative Review

Date: November 15, 2019
To: Steve Bonczar, Chair, Zoning Board of Adjustment
From: Lincoln Daley, Community Development Director
Subject: **Contemporary Automotive for the property located within the Town of Milford Route 13 South Right of Way at the Corner of Hammond Road and Route 13 South, Milford NH.** Variance Application from the Milford Zoning Ordinance, Article VII, Section 7.06.8.G.3 to locate a permanent 8.8 square foot off-premise sign in a public right-of-way in the Commercial Business Zoning District. (Continued from October 17, 2019)

The applicant is before the Board seeking a Variance from the Milford Zoning Ordinance, Article VII, Section 7.06.8.G.3 to locate a permanent 8.8 square foot off-premise sign in a public right-of-way in the Commercial Business Zoning District. In reviewing the files for this property, I offer the following comments:

1. The proposed location of the off-premise sign lies within the Town of Milford Right of Way at the Corner of Hammond Road and Route 13 South.
2. In accordance with Section 7.06.8.G.3, locating a sign within the Town and or State right-of-way is prohibited.
3. The purpose of the 8.8 square foot off-premise, directional sign is to provide additional guidance for customers and improved vehicular access from Route 101 and South Street to the applicant's operations located on Hammond Road.
4. The sign location is currently being reviewed by the Public Works Department.
5. N.H. DOT Traffic Bureau issued a letter dated 8/8/19 stating their general support of the purpose and intent of sign and location in the right of way.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

August 8, 2019

William Cass, P.E.
Assistant Commissioner

Mr. Lincoln Daley, Director
Community Development
Town of Milford
1 Union Square
Milford, NH 03055



Dear Mr. Daley:

Re: Contemporary Auto trailblazing sign

As per our discussion, Mr. David Hammer has applied for two Tourist Oriented Directional signs for his business located at 30 Hammond Rd, Milford, NH. In order for Mr. Hammer to be approved for these signs, he will need a trailblazing sign on Rte. 13.

The NHDOT does not control the portion of Rte. 13 at the location the trailblazing sign would need to be. If it was under NHDOT control we would approve an additional Tourist Oriented Directional sign for Mr. Hammer to use as his trailblazing. We feel that this trailblazing sign will benefit motorists who see Contemporary Motors while driving on Rte. 101 and need additional signage to locate it once they exit Rte. 101 onto Rte. 13.

If you have any questions, please feel free to contact Shari A. King, Supervisor, Outdoor Advertising Control at 271-8122.

Sincerely,

Shari A. King
Supervisor – Outdoor Advertising
Bureau of Traffic

SAK;sak