

**Town of Milford  
Zoning Board of Adjustment  
December 3, 2020**

Case 2020-29

RICH MANNEY & HAMMOND ROAD LLC (VAILLANCOURT ROOFING SIGN)  
Sign Variance

**Present:** Jason Plourde, Chair  
Rob Costantino, Vice Chair  
Michael Thornton  
Karin Lagro  
Lincoln Daley, Director of Community Development  
Darlene Bouffard, Recording Secretary  
Paul Dargie, BOS Representative

**Excused:** Wade Campbell  
Tracy Steel  
Joan Dargie (Alternate)

Chairman Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure. He stated that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.
- b) Providing public notice of the necessary information for accessing the meeting.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

Chairman Plourde continued by stating that there were two cases to be heard tonight. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants and the general public. J. Plourde asked members if they are in agreement to not review minutes this evening until after the cases are considered. J. Plourde asked if the minutes could be put at the end of the agenda for consideration for all future meetings? L. Daley said to make a motion to that effect and it will carry. R. Costantino moved to review meeting minutes at the end of each meeting instead of at the beginning from now on. K. Lagro seconded. A poll was taken: R. Costantino yes; M. Thornton yes; K. Lagro yes; J. Plourde yes. J. Plourde asked all in attendance to mute themselves unless speaking.

Chairman Plourde stated that all votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law: Rob Costantino at home alone; Karin Lagro at home alone, Mike Thornton at home alone; Jason Plourde at home alone; Lincoln Daley at home alone.

**Case #2020-29**

Rich Manney and Hammond Road, LLC for the property located at 15 Stoneyard Drive, Milford Tax Map 43, Lot 69-1 is seeking a Variance from the Milford Zoning Ordinance, Article VII, Section 7.06.8.D to exceed the maximum allowable 120 square feet area for wall signage on the existing commercial building (Vaillancourt Roofing) located in the Commercial Zoning District.

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1  
2 R. Manney, representing the applicant, was present. J. Plourde asked that R. Manney review the  
3 five criteria that need to be met. R. Manney presented the criteria on behalf of Vaillancourt  
4 Roofing, explaining that they would like to add a second sign on the front of the building that  
5 faces Route 101 West, it would be the same sign that is currently on the side of the building.  
6 When heading west on Route 101, the existing sign cannot be seen, so adding a second sign on  
7 this side would allow the business to be more visible to drivers on 101W. R. Costantino asked if  
8 the existing trees would prevent this sign from being seen or could those trees be cut? R. Man-  
9 ney said there are only certain trees that Vaillancourt Roofing can take down, but that can be  
10 looked at in the spring. R. Costantino said even with another sign, it will be difficult to see a  
11 new sign with those trees.  
12

13 J. Plourde drives that section of 101 every day so he is familiar and he agrees the trees are in the  
14 way. There are trees in the State ROW on that side. R. Manney said this sign not just for cus-  
15 tomers, it is for delivery trucks as well, right now they end up at JP Pest and call to ask how they  
16 can they get to our building. M. Thornton asked if there is any reason why a smaller sign  
17 couldn't be closer to the highway or was that considered? R. Manney said they are not trying to  
18 make it look different from the neighbors, it is just a clear sign right located right against the  
19 building. M. Thornton said it may be better if there was a smaller sign at the lower corner facing  
20 the highway instead of way off on the building where the drivers are not facing that direction. J.  
21 Plourde said he would have an issue with that, since the town does not want the bypass to start  
22 looking like Route 101A. L. Daley said the applicant could put a standalone sign on the site, was  
23 that considered? R. Manney responded that they are not looking at that at this time. R. Costanti-  
24 no much prefers the wall mounted sign for many reasons. J. Plourde agrees. L. Daley said they  
25 are asking for an increase of 72 sf over what is allowed in the district.  
26

27 J. Plourde asked if the sign has to be that big? R. Manney responded that is more visible than a  
28 smaller sign and Vaillancourt Roofing wants to keep consistent with what is there now with JP  
29 Pest in the same neighborhood. R. Costantino said there is a restriction of how big the sign can  
30 be as compared to the building. This is nowhere near big enough to cause problems on the side  
31 of the building. L. Daley said the ordinance for signs has a ratio used for distance from the main  
32 road, because of the proximity to 101, and the building being over 200 feet away, a larger sign  
33 can be calculated. J. Plourde does not think the sign is inappropriate for the size of the building  
34 or for placement from 101 or visibility from 101.  
35

36 K. Lagro asked what is the State buffer on the edge of 101? L. Daley said it is about 113 feet and  
37 then it is another 250 feet to the building. K. Lagro would be reluctant to allow a sign that does  
38 not meet the ordinance, since the trees that are in the ROW still might be in the way for people to  
39 see the sign. R. Costantino said the sign is also for advertising, it is not just for people to find the  
40 business. R. Manney said they also have a lot of foot traffic and deliveries coming to the busi-  
41 ness. L. Daley said the businesses in this area have had to make similar arrangements with the  
42 State for additional way finding signs in the ROW. There is traffic that travels to this business  
43 and the signs are to help that traffic. K. Lagro asked if there are more lots in this subdivision for  
44 businesses to be added to this road? L. Daley answered yes, there are additional lots on Na-  
45 thaniel and Stoneyard Drives. K. Lagro asked if there is a plan to have some kind of signage to  
46 find the businesses in that area like an industrial complex sign? L. Daley said at this time there is  
47 not, but there are also the blue way finding signs on Route 101 that are available through the

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State to find businesses. J. Plourde said for those blue signs it depends on the distance to the business from the highway and that is worked through the State of NH, not through Milford. R. Manney said this sign is just another step forward for the business. J. Plourde moved to review the criteria.

1-This will not change the character of the neighborhood and will be more consistent with surrounding businesses.

2-The spirit of the ordinance would not be affected and the town wants to see businesses in town be successful and this will help.

3-Substantial justice, this will help the people of town by helping residents and deliveries find this business.

4-This will not diminish value, this will be comparable to other buildings in the area.

5-The hardship in this case is when driving on Route 101 west it is difficult to find this business.

There were no further questions from the members of the Board. J. Plourde indicated there are no additional letters to enter into the record. J. Plourde opened the meeting to the public. L. Daley saw no members of the public waiting to speak. R. Manney thanked the ZBA for consideration. J. Plourde closed the public meeting to enter deliberations.

**DELIBERATIONS:**

1&2 - R. Costantino liked that this is a wall sign and allows people to get to the place of business, the sign identifies what they do in Milford and is tasteful and is just for information. M. Thornton said both signs should have come through the ZBA at the same time. K. Lagro said this would not affect the character of the neighborhood, she is a little concerned about the spirit of the ordinance with the speed on Route 101, there is no other way to get to this building and it feels like a sign on Route 13 might be more fair and consistent. K. Lagro is not convinced that there is anything imperative that requires a variance. R. Costantino said this is almost not even a sign, it is flush against the building; this seems to fit in with the other buildings. L. Daley said the sign ordinance was designed for situations like this, there is a built in escalation factor for buildings that are a certain distance from the roadway. The distance from Route 101 needs to be taken into account with the State ROW, the property line and the distance away from the roadway, he would consider this an extenuating circumstance. K. Lagro asked why should businesses along Route 101 be able to have signs on multiple sides of the building? L. Daley indicated that Contemporary Auto had additional signage and way-finding signs, they took additional steps to get those extra signs.

M. Thornton feels that the ZBA is being gamed by having a sign on one side of the building and then they come back and ask for another sign on another side of the building; he feels they should have come in the first time for two signs of equal size and dimension. J. Plourde said the ZBA can only look at what is in front of it tonight. M. Thornton encourages people to come before the ZBA with their sign plan and request the variance at the same time. R. Costantino indicated this is compatible with the district, if this building were in another business park where there are other businesses around and one major road, then only one sign would be appropriate, but this is not that case, for this case it makes sense for two signs. K. Lagro wants that to be clear in the discussion. J. Plourde said the issue is with number 2 for spirit of the ordinance. R. Costantino feels this meets the spirit of the ordinance since it meets most of the criteria. J. Plourde said this is a means of communication to the public. M. Thornton said if we had the two signs brought to the

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ZBA together, we would have had two signs of the same size. L. Daley said the site plan application process had one sign indicated but in the future we can push for a sign package at the beginning to talk about the signs and location. J. Plourde said for item 2 of criteria, this project meets 7 of the 9 items and he feels that satisfies the spirit of the ordinance; if this was a monstrous sign he would not be in favor of it.

3-K. Lagro and R. Costantino feel this does substantial justice; J. Plourde said there could be a loss to the applicant if this were denied.

4-K. Lagro feels this will not diminish the values of surrounding properties, they are similar in character and this would not diminish the value; R. Costantino sees no impact to other properties; M. Thornton thinks there is a beneficial aspect to get more people out there to do business; J. Plourde said the ZBA has approved the sign variance for JP Pest, but he noted that the ZBA takes each case individually, so just because another business has been granted a sign variance does not mean that all sign variances will be approved, each decision stands alone and does not set precedent.

5-R. Costantino said the hardship of the land is its location, if this building were someplace else, he would not be in favor of this but because the main road is Route 101 and it is a significant distance from the roadway, it seems reasonable. M. Thornton said the hardship is the proximity of the building and sign location for the public to see and the speed at which the public is traveling. K. Lagro agrees with the logic of R. Costantino, one cannot access this business from Route 101, it is accessed from Route 13 off Route 101. J. Plourde said the property use is reasonable, he is looking for the same sign on a different side of the building, the sign is trying to capture the people traveling west on Route 101. If this is not granted, there would be a hardship.

Seeing no further deliberations, J. Plourde entered voting:

**VOTING:**

1- K. Lagro yes; M. Thornton yes; R. Costantino yes; J. Plourde yes.

2- M. Thornton yes; R. Costantino yes; K. Lagro yes; J. Plourde yes.

3- K. Lagro yes; M. Thornton yes; R. Costantino yes; J. Plourde yes.

4- R. Costantino yes; M. Thornton yes; K. Lagro yes; J. Plourde yes.

5-K. Lagro no; M. Thornton yes; R. Costantino yes; J. Plourde yes.

R. Costantino moved to approve Case 2020-29. M. Thornton seconded. A poll was taken: K. Lagro no; M. Thornton yes; R. Costantino yes; J. Plourde yes.

J. Plourde stated the criteria for Case 2020-29 has been satisfied, therefore the application is approved. There is a 30-day appeal period which is January 3, 2021.

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**THE MINUTES OF CASE #2020-29 ON 12/3/2020 WERE APPROVED 1/7/2021**