



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. Z-22-34

DATE FILED 10/18/22

CJ
ZONING BOARD CLERK

Applicant:

New Hampshire Signs

E-mail: peter.march@nhsigns.com

Phone: 603-437-1200

Applicant Address: 66 Gold Ledge Ave Auburn NH 03032

Property Owner (if different): MJH Rochester LLC

Property Owner Address: 2 Hammond Dr. P.O. Box 500 Belgrade ME 04917

Variance Address: 298 N Main St

Map Lot and Block No: 115-31-0

Description of Property: 2.61 AC lot zoned Highway Commercial with Retail Lumber Sales store

Proposed use or existing use affected: Retail Lumber Sales Signage

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 275.29.14 B1
275.29.14 B2 - 275.29.13 G1

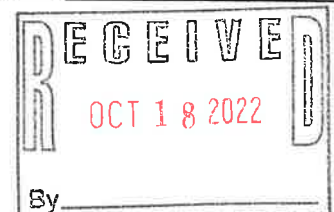
and asks that said terms be waived to permit to allow a second free standing sign where only 1 is allowed, to allow free standing

sign height of 50 feet where only 30 feet is allowed, to allow a sign of 252 sf where only 75sf is allowed and to allow EMC of 180 sf where only 32sf is allowed.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance. **I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.**

Signed: Peter March

Date: 10/17/2022





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

see attached

2) If the variance were granted, the spirit of the ordinance would be observed because:

see attached

3) Granting the variance would do substantial justice because:

see attached

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:
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 an 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:

see attached

And:

ii. The proposed use is a reasonable one because:

see attached

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

see attached

Variance for additional highway sign with an EMC at Hammond Lumber.

This request relates to the new Hammond Lumber location at 298 N Main St, Rochester NH. Hammond Lumber bought Brock lumber in 2022.

We are requesting a new 50' tall highway sign with 180 sq ft EMC and 72 sq ft internally illuminated top cabinet (a total area of 252 sq ft) that will serve traffic on both the East and Westbound portions of the Spaulding Turnpike as it approaches Exit 14.

We are requesting 4 variances from to add a new 55' tall highway sign with 200 sq ft EMC and 72 sq ft internally illuminated top cabinet;

1. One variance (from S275.29.14 (b) 1) relates to the height of this sign- we are requesting 50' where 30' is allowed
2. The second variance (from S275.29.14 (b) 1) relates to the area of the sign; we are requesting 252 sq ft, where 75 sq ft is allowed
3. The third variance (from S275.29.14 (b) 2) relates to number of signs; we are requesting two, where one is allowed.
4. The fourth variance (from S275.29.13 (g) 1) relates to the size of the message center; we are allowed 32 sq ft, we are requesting 180 sq ft

Hammond Lumber is fourth generation, family-owned company, and a leading local lumber and building materials retailer in the northeast with 21 locations and over 800 employees' company wide. The Lumber they sell is sourced locally.

They compete with the Big Box stores, especially Home Depot and Lowes. Home Depot has about 29% and Lowes 18% of the US Market share

Hammond Lumber:

1. Is a locally owned company that sells local products
2. They compete with the Big Box Stores by offering:
 - a. Better quality lumber at competitive prices
 - b. Expertise: They employ store employees that generally have more specialist knowledge than their competitors.

This industry is heavily reliant on homeowners and professional contractors engaged in construction and remodeling projects within the residential sector Hammond, like many others, is highly dependent on advertising. In Hammonds case, especially in Rochester, the proximity to Home Depot and Lowes makes promotion very important. Hammond is unable to match the Big Box stores budgets; Home Depot spent \$1.09 billion on advertising in 2019. This amounts to about \$430,000 per store per year. In 2019, Lowe's spent \$811 million U.S. dollars in 2021 on advertising their products, slightly more per store than Home Depot. Effective communication is key to companies like Hammond.

Prior to 2012, traffic heading North, or South on the Spaulding went in front of the then Brock Lumber property on Ten Rod Road and turned right into the property on the Eastern end of the lot; it was then a clear run to the showroom.

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Prior to 2012, traffic heading North, or South on the Spaulding went in front of the then Brock Lumber property on Ten Rod Road and turned right into the property on the Eastern end of the lot; it was then a clear run to the showroom.

The Hammond Lumber lot comprises 4 lots, used as one- 298 Main St, and 4, 8 and 5 Ten Rod roads.

In 2012, the feeders off exit 14 were re-aligned. As a result, a new Ten Rod Road was created and the old one was turned into a cul-de-sac. The entrance to Brock was changed, and traffic now must enter the site via the Home Depot /Hannaford car park. Brock gained an easement to do this, but this does not extend to adding any signage on the entrance to this lot. Their entrance off Rt 11, the only entrance, is thus unmarked.

The previous owner of Brocks, Scott Brock, applied for a permit to retain the previous entrance, but this was denied.

1) Granting this variance would not be contrary to the Public Interest

The public interest is served by:

- a) Allowing businesses to identify different elements of their offering effectively
- b) Ensuring where possible, viable competition in the same market spaces.
- c) Maintaining the viability of this site.
- d) Attracting people that drive by on the highway and directing them to the site.
- e) The Hammond Lumber sites are on 4 lots; this negates the concern of clutter.

It is not necessarily contingent on the board to promote one company over another, but it is a legitimate goal to allow one company to overcome a disadvantage created by a change in access and visibility, not of its making.

It is also in the public interest allow companies to compete fairly; this proposal ensures that a level playing field is created between local companies. The Lowes sign is approximately 200 sq ft, and its location and height make it very visible to Highway traffic. Home Depot has 2 signs- one on Main, and one facing Rt16. The estimated total of these signs is 220 sq ft.

2) The proposed use will observe the spirit of the ordinance:

The purpose of the Zoning Ordinance is to regulate the type, number, location, size, and illumination of signs on private property in order to maintain and enhance the character of the City's commercial district .. and to protect the public from hazardous and distracting displays.

Some of the general aims in the 2018 Economic Development Strategic Plan include the following goals:

- a) Sustaining and stimulating consumer spending potential and local economic activity
- b) Increasing responsiveness to business and industry needs and foster expansion of the City's established commercial and industrial base.
- c) Strengthening the City's fiscal stability through sustainable growth of the tax base and prosperity of its citizens.
- d) Implement a customized Business Retention and Expansion program to cultivate and strengthen relationships with existing businesses.

Our request:

- a) Allows Highway traffic to identify Hammond Lumber and it's offerings

- b) Ensures the continued success of this business, and thus ensures a variety of suppliers and increased consumer choice
- c) Maintains the tax base
- d) Mitigates some of the disadvantages caused by the change in the exit.
- e) Recognizes that the business is spread over 4 lots, and that not all are suitable for signage

3) Substantial Justice would be done to the Property owner by granting the Variance:

The site suffers from several disadvantages because of the road changes:

- a) It is set some 40 feet below the highway; traffic on the highway cannot see the facility easily
- b) The changes in the exit created the following disadvantages
 - i) There is no reasonable entrance to the Hammond facility, especially the showroom other than through another car park, adjacent to a competitor
 - ii) Hammond cannot identify itself on the actual entrance to its property
 - iii) Traffic, which used to pass by the front of the facility, now has limited visibility of the site, especially as there is a gas station in the way.

There are no other reasonable alternatives to identify the offerings for both commercial and residential construction other than to add the signage we are proposing. It is necessary to identify the retail and commercial for traffic purposes as well as promotional reasons.

4) The proposed use will not diminish the values of surrounding properties:

There are several other signs in the area of the same scale and height as the sign we are requesting. For example, The Ridge is approximately 200 sf, Lilac Mall is 180 sq ft, Washington Place has about 200 sf with a 60 sf Digital Sign.

Home Depot itself has 2 signs totaling about 200 sf.

This new sign that implements branding on the highway, will logically not influence property values.

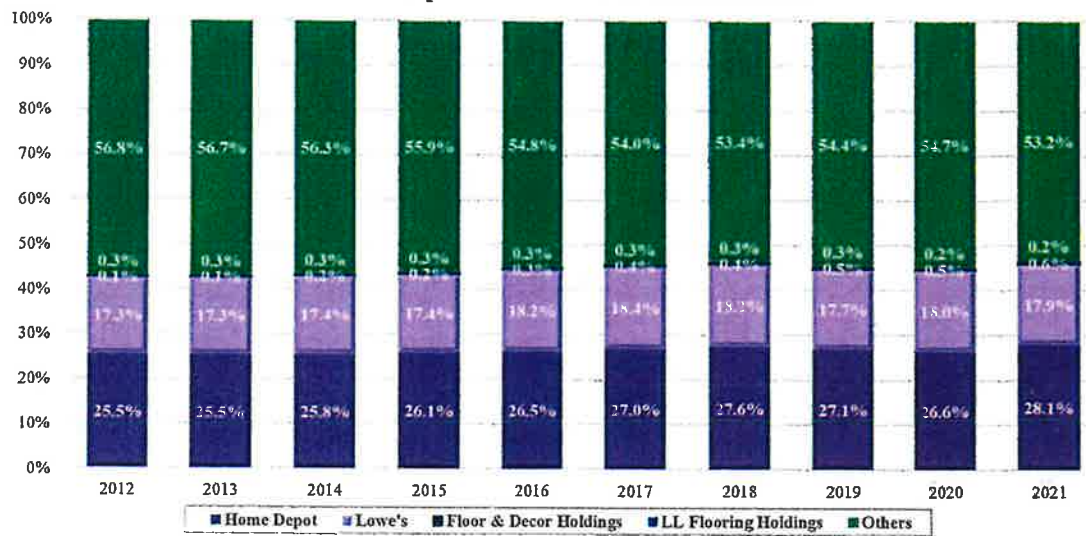
5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

The disadvantages forced on this site are not of it's making. The changes to the exit have created a unique situation where Hammond's clientele must access its facility, essentially adjacent to a competitor. The code cannot have foreseen this situation when it was written.

The code does not take account of 4 lots being operated as an entity.

Granting this variance will be unique to this site in this specific vicinity; no other business in this area has this unique situation. We request the boards favorable attention.

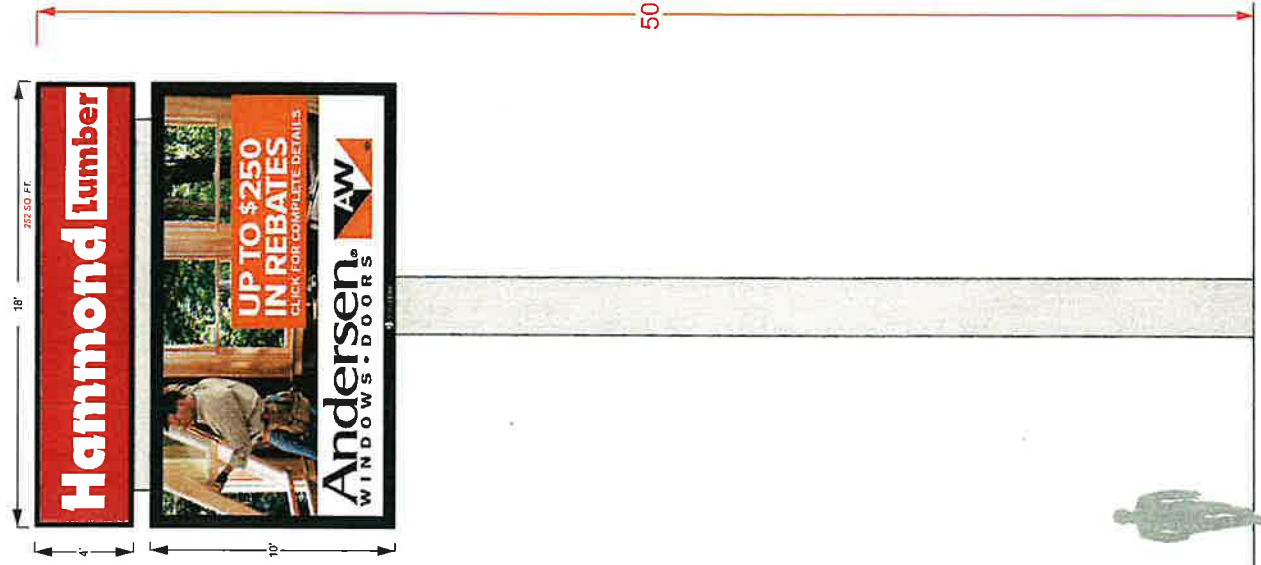
Home Improvement Retail Market Share





ONE NEW D/S INTERNALLY
ILLUMINATED SIGN CABINET.
LED ILLUMINATION.

TWO NEW WATCHFIRE
EMC. ONE PER SIDE.
10MM FULL COLOR
EMC UNITS.



		66 Gold Ledge Avenue, Auburn, NH 03032 603.437.1200 FAX 603.437.1222 www.msigns.com		DESIGN MANUFACTURE INSTALL SERVICE		CLIENT: HAMMOND LUMBER		LOCATION: ROCHESTER, NH		DATE: 7.13.22	
ACCTREP		F. Pineault		DESIGN		J. Sanville		DESIGN TIME		7 HR	
PMS COLORS:		TYPE		TYPE		TYPE		TYPE		TYPE	
FONTS:		TYPE		TYPE		TYPE		TYPE		TYPE	
REVS.		TIME		7.20.22		1.25HR		9.6.22		.25HR	
9.13.22		.75HR		0.0.22		1.5 MIN					
<input type="checkbox"/> MORE INFORMATION <input type="checkbox"/> REQUEST QUOTE <input type="checkbox"/> SUPPLY MATERIALS <input type="checkbox"/> INSTALL SIGNAGE <input type="checkbox"/> FINISH PROJECTS											



Sign

Property Line

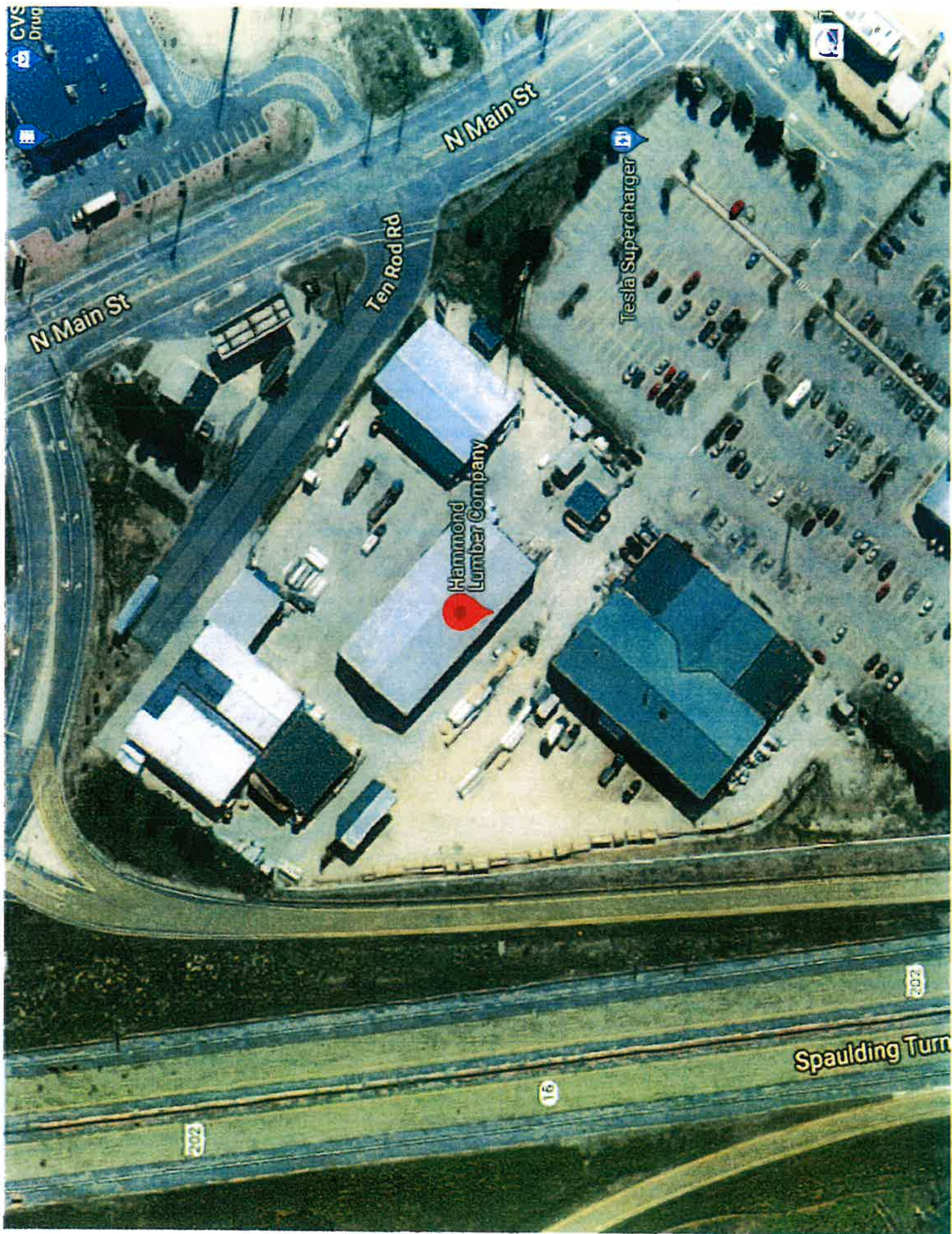
Proposed Sign

Access Rd

Property Line



298 N Main St
Rochester, NH 03867
Scale: 1"=60'



§ 275-29.13 **Specific sign requirements.**

A. Animated signs. Animated signs, except as prohibited in § **275-29.9C**, are permitted in Granite Ridge Development, commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

B. Awning signs.

(1) The copy area of awning signs shall not exceed an area equal to 25% of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.

(2) Neither the background color of an awning nor any graphic treatment or embellishment thereto, such as striping, patterns or valances, shall be included in the computation of sign copy area.

C. Canopy signs.

(1) The permanently affixed copy area of canopy or marquee signs shall not exceed an area equal to 25% of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.

(2) Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

D. Directory signs. For businesses located on secondary streets within the Downtown Commercial District.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(1) Not to exceed four square feet in area.

(2) Permission must be obtained in writing from the property owner on whose premises the sign is to be placed.

(3) These signs shall not obscure any portion of road, intersection, or sidewalk.

E. Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be none in residential zones. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 10 square feet. Not more than 25% of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

F. Development and construction signs; planned unit development signs.

[Amended 9-4-2018]

(1) Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates shall be permitted in all zoning districts, subject to the following limitations:

(a) Such signs on a single residential lot, residential subdivision or multiple residential lots, and nonresidential uses shall be limited to one sign, not greater than 10 feet in height and 32 square feet in area.

(b) Such signs for commercial or industrial projects shall be limited to one sign per street front.

(c) Development and construction signs may not be displayed until after the issuance of building permits by the Building, Zoning, and Licensing Services Department and must be removed not later than 24 hours following issuance of a certificate of occupancy for any or all portions of the project.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(2) Planned unit development signs. These signs shall be used to identify a project and/or inform the public of the name of a development.

(a) Such signs shall only be used for planned unit developments.

(b) Such signs shall be no greater than 16 square feet.

(c) Such signs may not be lit.

(d) Such signs are allowed in open space.

(e) Such signs shall require approval from the Planning Board. The Board may require specific materials, landscaping, or other features.

(f) This subsection shall also apply to previously approved planned unit developments.

G. Electronic message centers. All permitted electronic message centers (EMCs) shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one- or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this article:

(1) Electronic message center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.

§ 275-29.14**Requirements by zoning district.** ⁽¹⁾

The following special requirements shall apply in each respective zoning district:

A. Residential zoning districts.

(1) For permitted nonresidential uses one freestanding sign with a maximum area of six square feet per side plus one attached sign not to exceed 12 square feet is permitted. Signs shall have a maximum height of six feet.

(2) Internally illuminated signs (including neon signs and signage placed in a window) are not permitted.

(3) No sign may be illuminated between the hours of 9:00 p.m. and 7:00 a.m. with the exception of signage:

(a) Showing property addresses;

(b) For residential communities; and

(c) For businesses and organizations during any specific hours in that time period that the businesses are open.

B. Nonresidential zoning districts.

(1) Baseline. The following advertising signage is permitted for one nonresidential use occupying a single building in commercial and industrial zoning districts (except as otherwise indicated in this article). Additional allowances beyond these limitations or other restrictions for various situations are shown in the subsequent subsections. Dimensional standards are as follows:

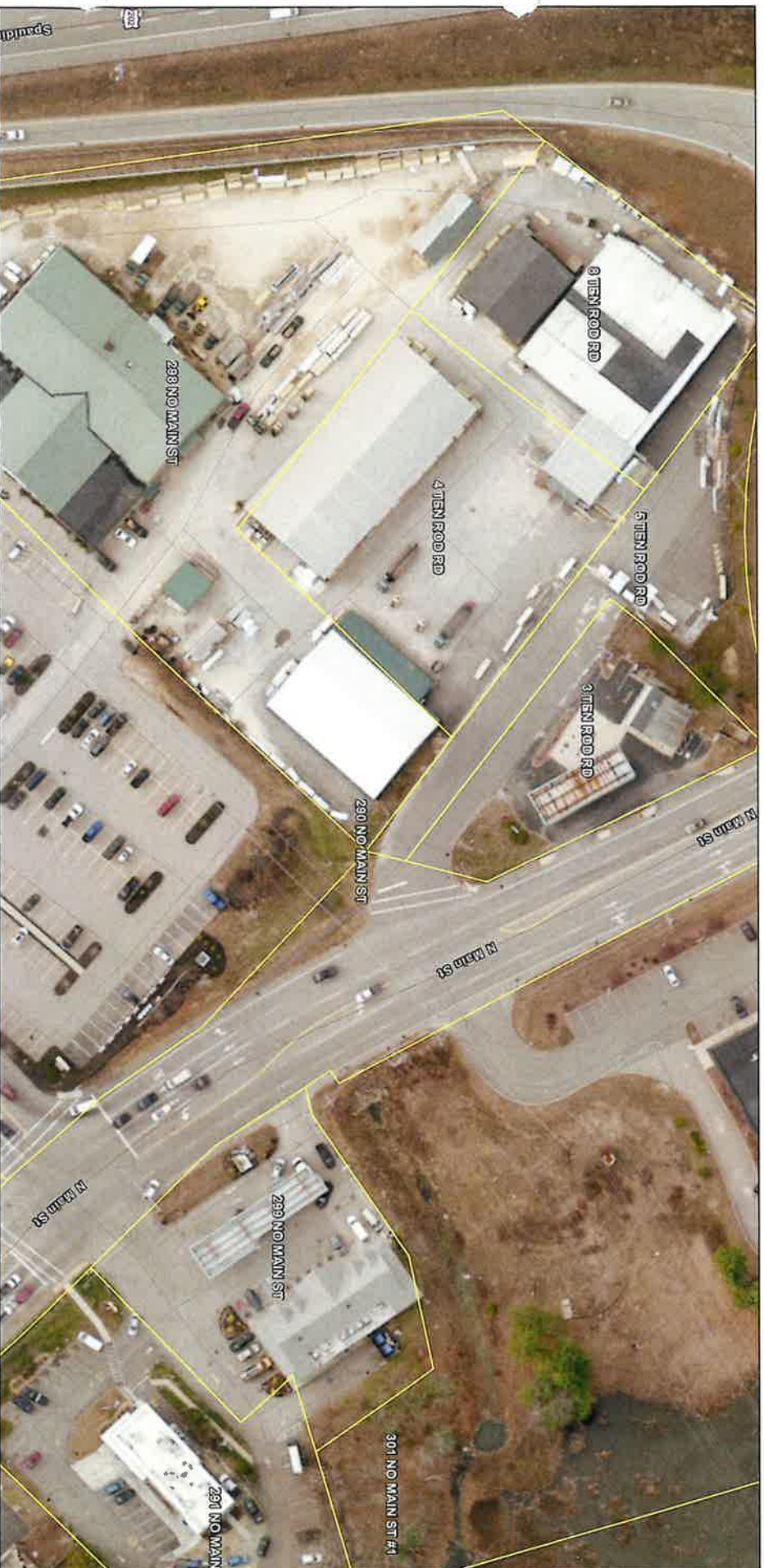
Zoning District	Maximum Area (square feet)	Maximum (feet)
Highway Commercial	75	30
General Industrial		
Hospital		
Granite Ridge Development		
Airport	50	20
Recycling Industrial		
Downtown Commercial	25	15
Neighborhood Mixed-Use	20	8
Office Commercial		

Zoning District	Maximum Area (square feet)	Maximum (feet)
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Note: All signs that are to be located in the Historic District are also subject to the provisions of Article 14, Historic

(2) Freestanding signs. Only one freestanding sign shall be permitted on a lot even if there is more than one building or use on that lot. No part of any freestanding sign shall be located within five feet of any property line.

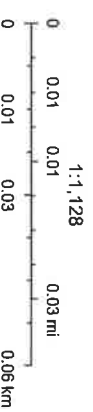
298 North Main Street



10/18/2022, 11:31:09 AM

Tax Parcels

Parcel Info




Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri
Community Maps Contributors, Rochester GIS, © OpenStreetMap,
Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc.,
METI/ASA, USGS, EPA, NPS, US Census Bureau, USDA

Property Location 298 NO MAIN ST
Vision ID 85

Parcel ID 0115/ 0031/ 0000/ 1

Card # 1 of 2 Account # 85
Sec # 1 of 1 Bldg # 1

Land Use 321C
Print Date 11/5/2021 9:09:02 AM

CURRENT OWNER		UTILITIES		TOPO	ZONING	CURRENT ASSESSMENT		VISION	
BROCK PROPERTIES LLC		0 CITY WATER C	0 LEVEL	H HIGHWAY C		Description	LUC Co	Prior Assessed	Current Assesse
		0 GAS		NEIGHBORHOOD	NHBD NAME	BLDG	321	1,304,900	1,307,100
		0 CITY SEWER		3002	COMMERCIAL NORT	LAND	321	422,800	422,800
298 NO MAIN ST		UTL/ST/TRAFF		EXEMPTIONS		OB	321	10,200	11,200
		0 CITY W/ TR PBO	Year	Code	Description				
ROCHESTER NH 03867		0 PAVED							
		0 HEAVY							
LEGAL DESCRIPTION									
AGREEMENT W/ 115-29 BK4011 PG702									
									

RECORD OF OWNERSHIP			BK-VOL/PAGE	SALE DATE	SALE PRICE	SALE CODE	PREVIOUS ASSESSMENTS (HISTORY)							
BROCK PROPERTIES LLC BROCK SCOTT A REV TRUST BROCK ANNE P REV TRUST ROCK MAURICE M REV TRUST & JROCK MAURICE M TRUST	3893	412	12-23-2010	2,500,001	40	Year	Descr	Prior Assesse	Year	Descr	Prior Assess	Year	Descr	Prior Assesse
	3878	86	11-01-2010	0	81	2019	BLDG	1,304,900	2020	BLDG	1,304,900	2020	BLDG	1,304,900
	3878	83	11-01-2010	0	81		LAND	422,800		LAND	422,800		LAND	422,800
	3878	80	11-01-2010	0	81		OB	10,200		OB	10,200		OB	10,200
	1644	313	11-19-1992	0	44									
						Total		1,737,900	Total		1,737,900	Total		1,737,900

BUILDING NOTES										APPRAISED VALUE SUMMARY	
BROCK'S LUMBER										Appraised Building Value (Card)	1,305,000
										Appraised Extra Feature Value (Bldg)	2,100
										Appraised Outbuilding Value (Bldg)	11,200
										Appraised Land Value (Bldg)	422,800
										Total Appraised Parcel Value	1,741,100
										Valuation Method	C

BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY			
Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes	Date		Id		Notes	
05-02-2019	B-18-562	MANUAL	4,700	04-24-2019		C	Perform site work and pour pallet rack pad as shown on	04-24-2019	JR	NO INSP	Purpose/Result	Permit #:	ADDED ACCES
06-28-2018	M-18-268	A/C	28,728			C	gas furnace 2 condensers and one air handler using exi	11-26-2013	TM	EXT ONLY		Permit #: 5229	
06-28-2018	M-18-268	A/C	28,728			C	gas furnace 2 condensers and one air handler using exi	11-26-2013	TM	EXT ONLY		Permit #: 1888	
05-31-2013	5229	SIGN	1,500			C		03-15-2012	TM	EXT ONLY		Permit #: 1868	
05-31-2013	5229	SIGN	1,500	11-26-2013		C		03-15-2012	TM	EXT ONLY		Permit #: 1815	
05-31-2013	1888	ELECTRIC	200			C		12-12-2011	TM	EXT ONLY		Permit #: 11-81	
02-10-2012	1868	ELECTRIC	200	11-26-2013		C							
01-31-2012	1868	ELECTRIC	2,999	03-15-2012		C							
08-02-2011	1815	INT RENOV	3,200	03-15-2012		C							
09-18-2009	09-1006	PLUMBING	1,000	12-12-2011		C							
07-18-2008	08-850	ELECTRIC	999	11-13-2009		C							
		A/C	6,000	12-16-2008		C							

LAND LINE VALUATION SECTION																				
B	LUC	Description	LandU	Land Type	Loc Adj	Unit/Pric	Size Adj	Cond	Nbhd	Nb Adj	Intf1	Intf1 Adj	Intf2	Intf2 Adj	Intf3	Intf3 Adj	Adj Unit/Price	Appraised Value	Assessed Value	Notes
1	321C	HARDWR-B	2.610	PRIMARY	P	1,000	180.00	1.000000	1.00	3002	1.000	A	0.900				162,000	422,800	422,800	

Disclaimer: This information is believed to be correct, but is subject to change and is not warranted.

Land Use 321C
Print Date 11/5/2021 9:09:03 AM

160'

80'

50' 50'

50' 50'

30' 60'

6' 18'

96'

40'

40'

24'

24'

60'

60'

69'

69'

8'

9.9'

9.9'

STP

10' 12' 16' 8' 10'

FFL (6,000 sq')

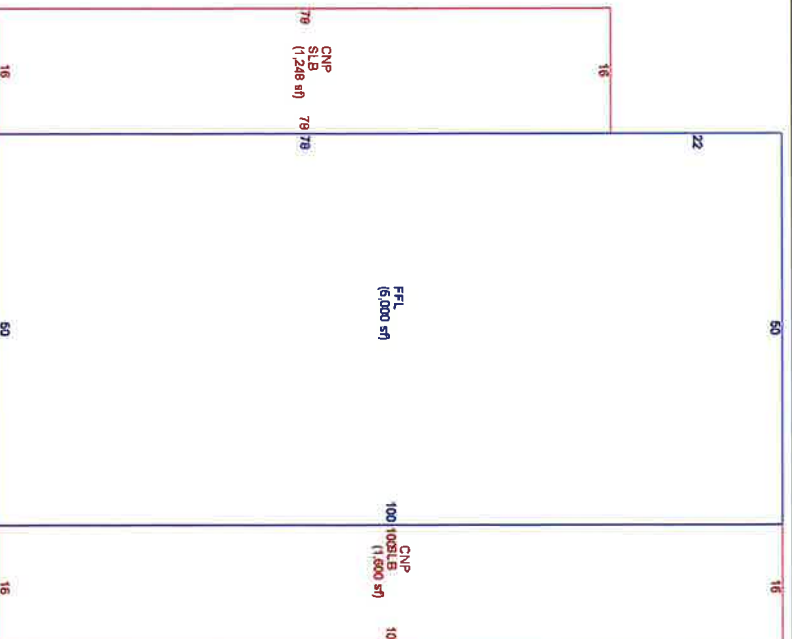
SFL FFL (4,800 sq')

SFL FFL (2,108 sq')

FFL (9,473 sq')

A photograph of a building with a red and white striped roof, likely a gas station or convenience store, with several cars parked in front. The image is oriented vertically on the page.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Model Style	96	Industrial	Half Bath Rating				
Grade	N14	UTILITY	Extra Fixture(s)	0			
Stories	1	Average	Extra Fix Rating				
Units			MIXED USE				
Residential Unit	0		Code	Description	Percentage		
Comm Units	1,00		3210	HARDWR-BLDG	100		
Wall Height	14.00				0		
Exterior Wall 1	01	WD SHINGLES	COST / MARKET VALUATION				
Exterior Wall 2							
2nd Ext Wall %							
Roof Structure	0						
Roof Cover	01	GABLE					
Interior Wall 1	02	RIB/CORR MTL					
Interior Wall 2	06	AVERAGE					
Interior Floor 1							
Interior Floor 2	12	CONCRETE					
Basement Floor							
% Heated							
Heat Fuel	100.00						
Heat Type	02	GAS					
2nd Heat Type	07	SPACE HTRS					
# Heat Systems	0.00						
AC Percent	1.00						
Bedrooms	0.00						
Full Bath(s)	0						
Bath Rating	A	SAME					
3/4 Bath(s)	0						
3/4 Bath Rating							
Half Bath(s)	0						
Half Bath Rating							
Extra Fixture(s)	0						



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd	Unit Price	Grade Adj.	Appt. Value
10	CANOPY	L	1	9	28	C	AV	1990	60	14.80	1.00	2,200
01	SHED FRAME	L	1	11	12	C	FR	1970	45	28.15	1.00	1,700
01	SHED FRAME	L	1	9	10	D	FR	1970	45	28.15	0.87	1,000
01	SHED FRAME	L	1	14	24	D	FR	1970	45	28.15	0.87	3,700
OD	DOOR WDMT	B	2	12	12	C	AV	1970	60	7.18	1.00	1,200
01	SHED FRAME	L	1	5	8	D	FR	1970	45	28.15	0.87	400

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Est Area	Unit Cost	Undeprc Value
CNP	CANOPY	0	2,848	0	18.88	53,770
FFL	1ST FLOOR	5,000	5,000	5,000	22.72	113,592
SLB	CONCRETE SLAB	0	2,848	0	5.82	16,575
TOTAL Gross Liv / Lease Area		5,000	10,696	5,000		183,937





To whom it may concern:

This letter authorizes Indaba Holdings, dba NH Signs of 66 Gold Ledge Ave., Auburn, NH, to act as an authorized agent for 298 N Main St with respect to the submission of applications for sign permits, sign waiver requests, variances, or other permit related documents to the Town of Rochester NH.

As an authorized agent of the owner, NH Signs is allowed to sign and submit all forms necessary for the aforementioned application.

Date: 7-21-22

Regards,


Signature

President & CEO
Title

Mike Hammond
President & CEO
O: (207) 495-1200
C: (207) 242-6666
F: (207) 495-2304
mhammond@hammondlumber.com

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