

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, February 15, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. ELECTION OF OFFICERS

3. APPROVAL OF MEETING MINUTES OF DECEMBER 21, 2017

4. HEARINGS

- A. Z18-01 Applicants Little Bay Marina & Development, LLC and Owners Little Bay Marina & Development, LLC and Richard & Victoria Benn, 421, 423, 425 & 427 Dover Point Road (Tax Map 8, Lots 11, 9, 12, and 10 respectively), request a variance to from **Section 170-11** to permit multi-family dwellings where multi-family dwellings are not a permitted use in the Little Bay Waterfront (LBW) Zoning District.
- B. Z18-02 Applicant Personal Best Dover, LLC and Owner 851 Central Ave, LLC request a variance from **Section 170-32.A and 170-12** to permit a wall sign of 71.35 square feet, where wall signs are limited to one square foot per linear foot of business frontage and the subject tenant space has 35 feet, 7 inches (35.58 feet) of business frontage.

5. OTHER BUSINESS

6. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, December 21, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Anthony Sillitta (Alternate), Frank Landford, Otis Perry, George Reagan, Nicholas Couturier (Alternate)

Members Absent: George Reagan, Otis Perry

Staff Present: Elena Piekut (Assistant City Planner), Christopher Parker (Assistant City Manager)

The Chair called the meeting to order at 7:03 p.m. He introduced the Board and staff members to the audience and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 16, 2017

Motion: F. Landford moved to approve the meeting minutes of November 16, 2017, as amended. A. Sillitta seconded. Vote: U/A.

Chairperson made the following modifications:

- Second page, third bullet point: answer needs to be "we would have to acquire another 30' of frontage or acquire a variance"
- Second page, bottom: when vote was taken, it was a (4-1) rather than a (5-1) vote.

3. HEARINGS

- A. Z17-23 Applicant Mark G. Phillips/Storage Barn, LLC, 387 Sixth Street (Tax Map D, Lot 16-G), appeals a November 8, 2017 administrative decision regarding **Section 170-12.A and 170-6** of the Zoning Ordinance. The Zoning Administrator determined that recreational vehicle storage does not constitute a permitted use in the Hotel/Retail (B-4) Zoning District.

M. Phillips, of Newington, presented the Application to the Board. He requested guidance from the Board as to defining commercial parking facility.

The Board asked the following questions and made the following comments:

- What is the duration of time that the vehicles would be on the premises?
 - We have month-to-month leases, but typically people spend more than a month there, in the winter months.
- Realistically some could be there in the winter months?
 - That could be a possibility.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, December 21, 2017**
Meeting Time: **7:00 pm**

- You seem to want to call it a parking facility, but in your Application you call it a storage facility. It seems like a storage facility for vehicles.
- If you were able to find a buyer, would you still want to sell the other part of this lot, a couple acres of it?
 - This is already subdivided to its maximum. So by the transfer of developer rights, we're able to take this 27-acre parcel and make it into 3 lots. This 3.8-acre lot upfront cannot be further subdivided.
- That was part of our agreement when it was done 3 years ago?
 - That was the Planning Board's.
- I'm assuming you've had this lot for sale, but it's just not sold?
 - That's true. There's been a number of people that want a piece of it.
- You have kind of a knoll there. Are you going to flatten that?
 - No. The idea would be to have a two-step plateau.
- You're going to level it out on that upper part?
 - The upper part is maybe 10' or 12' higher than the front piece. Not too much leveling is to be done.

Public Hearing opened. Nobody spoke.

STAFF RECOMMENDATION:

E. Piekut explained how she reached her determination as Zoning Administrator. Chairperson inquired whether duration of time that the vehicles would be on the premises was a factor considered. E. Piekut responded that it was the primary factor. C. Parker distinguished the difference between parking and storage.

Public Hearing closed.

The Board made the following comments:

- Permitted uses are commercial parking facilities for this area. Section 170-7.B(2)(c) talks about the purpose of the District. Commercial parking facility means an off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary daily, weekly, or overnight off-street parking. In comparing that definition to the submitted Application, where it's called a storage facility, there is a big difference in the two.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, December 21, 2017**
Meeting Time: **7:00 pm**

Motion: B. Hall made a motion to uphold the Zoning Administrator's decision, as the Applicant has not met the necessary criteria, and that the appeal be denied. A. Sillitta seconded. Vote: (4-1) with F. Landford dissenting.

F. Landlord stated that he has no problem with what he wants to do. But the way he's going about it is probably not the way it should be done.

B. Z17-24 Applicant/Owner Margaret M. Gabriel Revocable Trust, Dover Point Road (Tax Map L, Lot 99), located in the Low Density Residential (R-20) Zoning District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of approximately 95 feet where a build-to line of 20 feet minimum, 35 feet maximum is required.

Kevin McEneaney, represented the Applicant, and presented the Application to the Board.

Public Hearing opened. Nobody spoke.

STAFF RECOMMENDATION:

E. Piekut indicated that Staff does support this request, reiterating everything that the Applicant has presented. She explained the rationale of Staff's decision.

Public Hearing closed.

Motion: B. Hall made a motion to grant the variance, as it meets the criteria, and that it be granted for setbacks as is defined in the submitted Variance Application Plan dated 10/24/17. F. Landford seconded. Vote: U/A

4. OTHER BUSINESS

Chairperson and E. Piekut reminded the Board that on Tuesday, January 9th, 2018, is the Annual Land Use Board Meet & Greet, where the focus will be presenting the Climate Adaptation Chapter of the Master Plan.

B. Hall suggested that there be a session in 2018 with the City Attorney about the variance criteria and "Right to Know" law.

C. Parker thanked the Board Members for their service. He also noted that there has been no rezoning on 6th Street for a very long period of time.

5. ADJOURN

Motion: B. Hall moved to adjourn. N. Couturier seconded. Vote: U/A. Adjourned: 7:39 p.m.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, February 15, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit multi-family dwellings where multi-family dwellings are not a permitted use.

UNITS PROPOSED: 16 residential, 1 commercial

AGENDA ITEM #: 4-A

ZONING DISTRICT: Little Bay Waterfront (LBW)

FILE: Z18-01

APPLICANT/OWNER: Little Bay Marina & Development, LLC/Little Bay Marina & Development, LLC and Richard & Victoria Benn

LOCATION: 421, 423, 425, 427 Dover Point Road (Tax Map 8, Lots 11, 9, 12, 10)

ACREAGE: 3.45 acres (150,275 sq. ft.)

EXISTING LAND USE: Little Bay Marina, Single family dwellings

PROPOSED LAND USE: 16 multi-family dwellings units and marina

SURROUNDING LAND USE: Single-family dwellings, two family dwelling, restaurant

PREVIOUS ZBA ACTION:

H80-33 variance granted for Lot 9 to subdivide a lot without street frontage

H87-3/H87-4 unclear decision regarding boat storage and boat slips

H87-14/H87-15 denied variance to expand non-conforming use (marina)

H88-8 variance granted to expand non-conforming use

PLANNING BOARD APPROVAL REQUIRED:

Yes, site plan review

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION: Staff supports the request.

SUMMARY OF APPEAL AND BACKGROUND

The Applicant seeks to combine four lots to redevelop Little Bay Marina with the addition of an accessory apartment and 15 condominium units in buildings of three and four units each. The marina will remain, but boat storage will be eliminated.

While three-to-four family dwellings are a use permitted by right in the LBW Zoning District with a minimum of one unit per 10,000 square feet of land area, the Applicant seeks to put all of the three-to-four family structures on one lot. When they are all located on one lot, the use is considered to be a multi-family dwelling development. Multi-family dwellings require site plan review, while three-to-four family dwellings generally do not. The proposal represents a significant improvement over the existing condition by removing boat storage and fuel stations and providing for proper stormwater management.

REASON FOR STAFF RECOMMENDATION

Staff's opinion is that property values will not be reduced by this project and granting the variance would do substantial justice. Because the proposal would not require relief from the zoning ordinance if a lot line adjustment were completed and each building were on its own lot, the proposal meets the spirit and intent of the ordinance. It is not contrary to the public interest; permitting multifamily redevelopment as proposed will result in very important improvements to the site's environmental effects. Denying the variance would result in a multi-lot development with the same number of units, likely with a less unified overall plan.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, make findings on each of the five variance criteria, and grant the variance.

**Property Information**

Property ID 08010-000000
Location 427 DOVER POINT RD
Owner LITTLE BAY MARINA & DEVELOPMENT LLC

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 6/13/2017
Properties updated 02/08/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED
Planning Office

Office Use Only

Case #:

Z18-01

Date Received:

JAN 25 2018

Amount Paid: \$

CK# 9627

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: **Little Bay Marina & Development, LLC** Phone # **(603)749-9282**

Address of Applicant: **111 Loudon Road, Concord, NH 03301**

E-Mail Address: _____

(A) Map 8, Lots 9, 10 & 12: Little Bay Marina & Development, LLC

PROPERTY OWNER (if different from applicant): (B) Map 8, Lot 11: Richard & Victoria Benn

Address: (B) **421 Dover Point Road, Dover, NH 03820** Phone # **(603)**

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: **421, 423, 425 & 427 Dover Point Road, Dover, NH**

Brief Directions: **The four lots are on the south side of Dover Point Road, one of which is currently the Little Bay Marina.**

Zoning District: **LBW** Assessor's Map # **8** Lot(s) # **9, 10, 11 & 12**

TYPE OF APPEAL: (Please check one)

☒ Variance

☐ Physical Disability Variance (RSA 674:33-V)

☐ Special Exception

☐ Appeal of Administrative Decision

☐ Equitable Waiver

Article IV, Section 170-11(D)

from Section _____ of the Zoning Ordinance

from Section _____ of the Zoning Ordinance

per Section _____ of the Zoning Ordinance

regarding Section _____ of the Zoning Ordinance

per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The Applicant intends to merge the four lots into one, remove all existing structures, and construct 4 new structures containing 15 multi-family condominium units, and a structure to support the marina facilities with an accessory dwelling unit.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** X
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). X
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application.
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # 4 of x \$8.00 = \$ 32.00
 2. Certified letters fee: # of abutters 11 X \$8.00 = \$ 88.00
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters X \$1.00 = \$
 4. Creating/Printing Abutter Labels in triplicate per sheet x \$10.00 = \$
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 - \$100.00 VARIANCE (per Section requested) \$ 100.00
 - \$100.00 SPECIAL EXCEPTION \$
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$
 - \$100.00 EQUITABLE WAIVER \$
 2. Foster's newspaper public notice \$ 80.00
- TOTAL FEE** \$ 300.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

Article IV, Section 170-11(D)

A variance is requested from Section(s) _____ of the Zoning Ordinance to permit:

the merging of four lots into one lot for the construction of four structures containing 15 multi-family units and a structure for the marina facilities with an accessory dwelling unit, where only four units per lot is permitted.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See attached.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See attached.

3. Granting the variance would do substantial justice because:

See attached.

4. The value of surrounding property will not be diminished because:

See attached.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See attached.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See attached.

and

(iii) The proposed use is a reasonable one because:

See attached.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

Not applicable.

1. Does the request involve a dimension requirement, not a use restriction? yes no

Not applicable.

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

Not applicable.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

Not applicable.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

Not applicable.

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

Not applicable.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

Not applicable.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

Not applicable.

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A. **Not applicable.**

B.

C.

D.

E.

F.

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.

Little Bay Marina & Development, LLC

By: Anthony J. Owens 1-24-18

Signature of Applicant*

Little Bay Marina & Development, LLC

By: Anthony J. Owens 1-24-18

Signature of Owner*

*Both Signatures Required

Richard Benn & Victoria Benn 1-24-18
Richard Benn & Victoria Benn, Owners

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Little Bay Marina & Development, LLC

Signature of Property Owner: By: Anthony J. Owens

Date: 1-24-18

Richard Benn & Victoria Benn
Richard Benn & Victoria Benn, Owners

Date: 1-24-18

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC
ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

January 25, 2018

VIA HAND DELIVERED

Christopher G. Parker,
Director of Planning and Community Development
City of Dover
288 Central Avenue
Dover, New Hampshire 03820

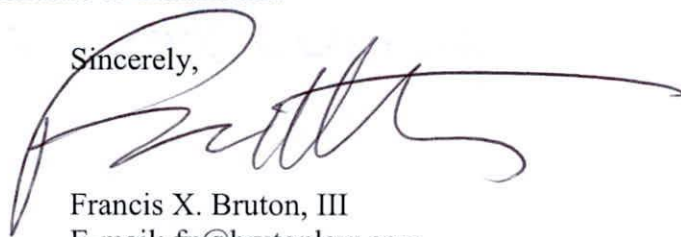
**RE: Little Bay Marina & Development, LLC
421, 423, 425 & 427 Dover Point Road, Dover, NH
Map 8, Lots 9, 10, 11 & 12**

Dear Mr. Parker:

Enclosed please find an original and ten (10) copies of an Application for Variance together with a check in the amount of \$300.00 for the application fee, legal notice fee and abutter fees.

We understand that this matter will be placed on the agenda of the Zoning Board of Adjustment for its meeting of February 15, 2018. As such, should there be any questions regarding the enclosed application, please do not hesitate to contact me.

Sincerely,



Francis X. Bruton, III
E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: Little Bay Marina & Development, LLC
Richard & Victoria Benn
McEneaney Survey Associates, Inc.

RECEIVED
Planning Office

JAN 25 2018

Dover, New Hampshire

**Little Bay Marina & Development, LLC
Dover Point Road & Little Bay
Tax Map 8, Lot Nos. 9, 10, 11 & 12
Dover, NH
BOARD OF ADJUSTMENT APPLICATION**

INTRODUCTION

Little Bay Marina & Development, LLC, the Applicant, is the owner of three (3) parcels, and is under agreement to purchase an additional parcel of property located on Dover Point Road, Dover, New Hampshire. The properties are depicted on the city of Dover's tax maps at Map 8, Lot No. 9, 10, 11 & 12. The Applicant owns Lot Nos. 9, 10 & 12, and will purchase Lot 11. Lot 9 contains a marina facility, with retail sales of marine supplies, bait and gasoline, and includes an apartment above the retail store. Lots 10, 11 & 12 each contain one single-family residential dwelling. The property is located in the Little Bay Waterfront (LBW) zoning district.

The Applicant intends to merge the four properties resulting in 150,275 +/- square feet of land and intends to remove all existing structures on the property. Subsequent to the merger of the four lots, the Applicant intends construct fifteen (15) multi-family dwelling units within the four structures and a structure to support the marina facilities, with an accessory dwelling unit, as depicted on the enclosed plan. Please note that the building locations are for illustration purposes, with the exact locations of the buildings and other developed areas such as the retail store, access ways, parking areas, etc. being subject to further engineering and approval by the Dover Planning Board. The units are currently intended to be declared as condominium units, resulting in one lot with unified drainage and access with the common areas to be subject to control of one condominium association rather than four separate associations. The development plan includes removing the existing gasoline sales and associated tank from the property; providing significant improvements to existing drainage, removing the structure on Lot 10 which is currently in the 100' Tidal Conservation District setback, reducing the impervious area located just adjacent to Little Bay, utilizing pervious asphalt throughout the project and relocating the marina office and retail sales further from Little Bay and just adjacent to Dover Point Road.

In the LBW zone it is permitted to construct 3-4 dwellings per lot with mixed uses to the extent 10,000 square feet of land exists for each unit. The LBW zone, however, does not permit dwellings that exceed 4 units per lot. In this instance, the Applicant could submit the four parcels to a lot line adjustment plan, creating four lots that would provide enough area to permit the construction of 15 dwelling units (see plan attached for the potential lot line adjustment plan). Rather than pursue the lot line revision, and maintain the autonomy of the four separate lots, the Applicant would like to merge the four lots and create a more unified lot that is subject to a master plan of development where drainage and access can be unified and to provide for more orderly placement of the structures. The Applicant believes that this unified approach will provide for the opportunity to significantly enhance the existing environmental aspects of the parcel and relocate the retail sales portion of the marina closer to Dover Point Road.

In order to proceed, the Applicant seeks a variance from the provision that limits the number of dwellings on one lot to 4 units, in order to be permitted to locate the 15 units on one parcel and to permit the 15 units to be separate from the proposed commercial structure, as depicted on the plan. To be clear, the Applicant is not seeking to locate any more units on the parcels than already permitted within the LBW zone, to the extent the parcels were kept separate. The Applicant has discussed the unified planned approach with the Dover Planning Department, and understands that this approach may be preferred by staff given the environmental benefits outlined above. Thus, the Applicant is seeking a variance from Article IV, Section 170-11 (D) which prohibits uses unless permitted by the referenced zoning provision.

The property is unique given its location, being just along Little Bay, and in the aggregate, being a large lot with existing residential, recreational and commercial uses. The property is also unique as it contains the only marina operating in the area. To the extent the property is to be developed, the most appropriate use for the property, given the surrounding properties and exiting uses, would be to develop the lot as one lot, as opposed to retaining the parcels as four separate lots. The Applicant respectfully submits that the proposal represents the best course in order to provide a unified development with enhanced drainage and that the grant of the variance requested is reasonable for the following reasons:

APPLICANT'S REQUEST FOR VARIANCE **FACTS SUPPORTING THIS REQUEST**

1. The Variance Will Not Be Contrary to the Public Interest.

In Chester Rod & Gun Club, Inc. v. Town of Chester, 152 N.H. 577, 581 (2005), the Supreme Court held that to be contrary to the public interest or injurious to public rights of others, the variance must unduly, and in a marked degree, conflict with the ordinance such that it violates the ordinance's basic zoning objectives. The Court went on to note that to determine whether a variance would violate the basic zoning objectives, it was appropriate to examine whether the granting of the variance would alter the essential character of the locality or threaten the public health, safety or welfare. In this case, developing the property as one unified lot, as opposed to four separate lots will result on a unified system of drainage which is currently lacking; result in the removal of retail gasoline sales just adjacent to the Little Bay; result in the removal of the existing dwelling on Lot 10, which is located within the 100' Tidal Conservation District and will result in the reduction of impervious surface with the use of pervious asphalt that is adjacent to Little Bay. The uses proposed will be similar to the existing residential, recreational and commercial uses already existing on the separate parcels. Thus, granting the variance will not change or alter the essential character of the area and will not be contrary to the public interest.

2. The spirit of the ordinance is observed.

The Applicant respectfully submits that if the variance is granted, the spirit of the ordinance would be observed as the use in question is suitable, considering existing uses of the property and considering the significant environmental benefits that will be obtained with one

unified lot under a condominium declaration and association. Within its general purpose and intent clause, the Dover Zoning Ordinance indicates that its intent is to promote the health, safety and general welfare of Dover. This clause further regulates the preservation and enhancement of the aesthetic environment. The Applicant respectfully submits that the general purposes and intent of the Zoning Ordinance will be maintained, to the extent that the variance is granted.

3. Substantial justice is done.

In Malachy Glen Associates v. Town of Chester, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that "the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." The Court also noted that it would look at whether a proposed development was consistent with the area's present use. The grant of the variance in this instance would result in substantial justice as it would allow the Applicant's property to be utilized in a unified fashion not only as to drainage and other environmental concerns but as to management of the parcel by one condominium association, as opposed to 4 separate associations. The loss that would be experienced by the Applicant if the use was denied is not outweighed by any gain to the general public, as there is none to be gained by the public, and thus denial of the requested relief would be an injustice.

4. Value of Surrounding Properties Will Not Be Diminished.

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing buildings and uses located upon the subject property and surrounding properties. The proposal does not change the residential, recreational or commercial uses of the parcels. Further, the Applicant is not seeking to increase the permitted density as to the number of units, but only seeks to locate the permitted number of units on one parcel, which can be more appropriately developed and maintained in the future by one association. Thus granting the variance will not result in a diminution of surrounding property values.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

The general purposes of the ordinance are to promote the health, safety and general welfare and to thus encourage the most appropriate land uses in various parts of the City. The general purpose of the LBW zone is to provide an environment that is suitable for a mixture of residential and commercial uses on waterfront parcels along the shores of the Little Bay. The property is unique as it currently operates the only marina in the area, with residential, recreational and commercial existing uses, and once merged, will result in one of the larger parcels in the neighborhood. For the reasons set forth above, the Applicant respectfully submits that the restriction as to the number of units on one lot would result in an unnecessary hardship and denial of the variance would prohibit a unified development plan and the control of the subject parcels, and associated common areas, by one condominium associations, rather than by four separate associations.

Denial of the variance is not necessary to enforce in order to protect the purpose of the ordinance. Thus, if unnecessary, there is no conflict between the general public purpose of the ordinance and the granting of the variance sought by the Applicant, and denial of the variance would result in an unnecessary hardship to the Applicant.

Z18-01

421,423,425,427 Dover Point Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
08013-A00001	431 DOVER POINT RD	NEWICK JOHN F REVOCABLE TRUST 2001	NEWICK JOHN F TRUSTEE	431 DOVER POINT ROAD	DOVER	NH	03820
08008-000000	419 DOVER POINT RD	SHINE ANN		419 DOVER POINT ROAD	DOVER	NH	03820
08038-A00000	420 DOVER POINT RD	ROBERGE MILES C &	ROBERGE COURTNEY E	420 DOVER POINT RD	DOVER	NH	03820
08039-000000	416 DOVER POINT RD	WHITE ERIC J &	MONNAT-WHITE DEBORAH J	118 OLD CONCORD RD	SULLIVAN	NH	03445
08038-D00000	418 DOVER POINT RD	LONG PAUL G JR		418 DOVER POINT RD	DOVER	NH	03820-4638
08038-C00000	424 DOVER POINT RD	CRAGIN PATRICK J		PO BOX 250	DOVER	NH	03820
08008-A00000	417 DOVER POINT RD	PUIDOKAS ERIC BAILO		417 DOVER POINT RD	DOVER	NH	03820
08038-B00000	1 WIGGIN DR	STATE OF NEW HAMPSHIRE		PO BOX 483	CONCORD	NH	03302-0483
08029-000000	430 DOVER POINT RD	STATE OF NEW HAMPSHIRE		PO BOX 483	CONCORD	NH	03302-0483
08038-000000	422 DOVER POINT RD	DESJARDINS SETH C		422 DOVER POINT RD	DOVER	NH	03820
08008-B00000	419 A DOVER POINT RD	ANASTAS JOHN &	ESPOSITO-ANASTAS GLORIA	419A DOVER POINT RD	DOVER	NH	03820
			LITTLE BAY MARINA & DEVELOP	111 LOUDON ROAD	CONCORD	NH	03301
			RICHARD JC BENN & VICTORIA	421 DOVER POINT ROAD	DOVER	NH	03820
		MCENEANY SURVEY ASSOCIATES, INC.	KEVIN MSENEANEY	24 CHESTNUT STREET	DOVER	NH	03820
		FRANCIS X. BRUTON, III, ESQUIRE	BRUTON & BERUBE, PLLC	601 CENTRAL AVENUE	DOVER	NH	03820

**ABUTTERS LIST (DIRECT)
FOR
LITTLE BAY MARINA & DEVELOPMENT, LLC
421, 423, 425 & 427 DOVER POINT ROAD, DOVER, NH
(MAP 8, LOTS 9, 10, 11 & 12)
JANUARY 25, 2018**

OWNER OF RECORD/ APPLICANT:

TAX MAP 8/ LOTS 9, 10 & 12
LITTLE BAY MARINA & DEVELOPMENT, LLC
111 LOUDON ROAD
CONCORD, NH 03301

OWNER:

TAX MAP 8/ LOT 11
RICHARD JC BENN
VICTORIA BENN
421 DOVER POINT ROAD
DOVER, NH 03820

ABUTTERS:

TAX MAP 8/ LOT 8
ANN SHINE
419 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 8A
ERIC BAILO PUIDOKAS
417 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 8B
JOHN ANASTAS
GLORIA ESPOSITO- ANASTAS
419A DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 13A
JOHN F NEWICK, TRUSTEE
JOHN F NEWICK REVOCABLE TRUST 2001
431 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 29
STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
PO BOX 483
CONCORD, NH 03302-0483

TAX MAP 8/ LOT 38
SETH C. DESJARDINS
422 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 38A
MILES C ROBERGE
COURTNEY E. ROBERGE
420 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 38B
STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
PO BOX 483
CONCORD, NH 03302-0483

TAX MAP 8/ LOT 38C
PATRICK J. CRAGIN
PO BOX 250
DOVER, NH 03821-0250

TAX MAP 8/ LOT 38D
PAUL G. LONG
418 DOVER POINT ROAD
DOVER, NH 03820

TAX MAP 8/ LOT 39
ERIC J. WHITE
DEBORAH J. MONNAT-WHITE
118 OLD CONCORD ROAD
SULLIVAN, NH 03445

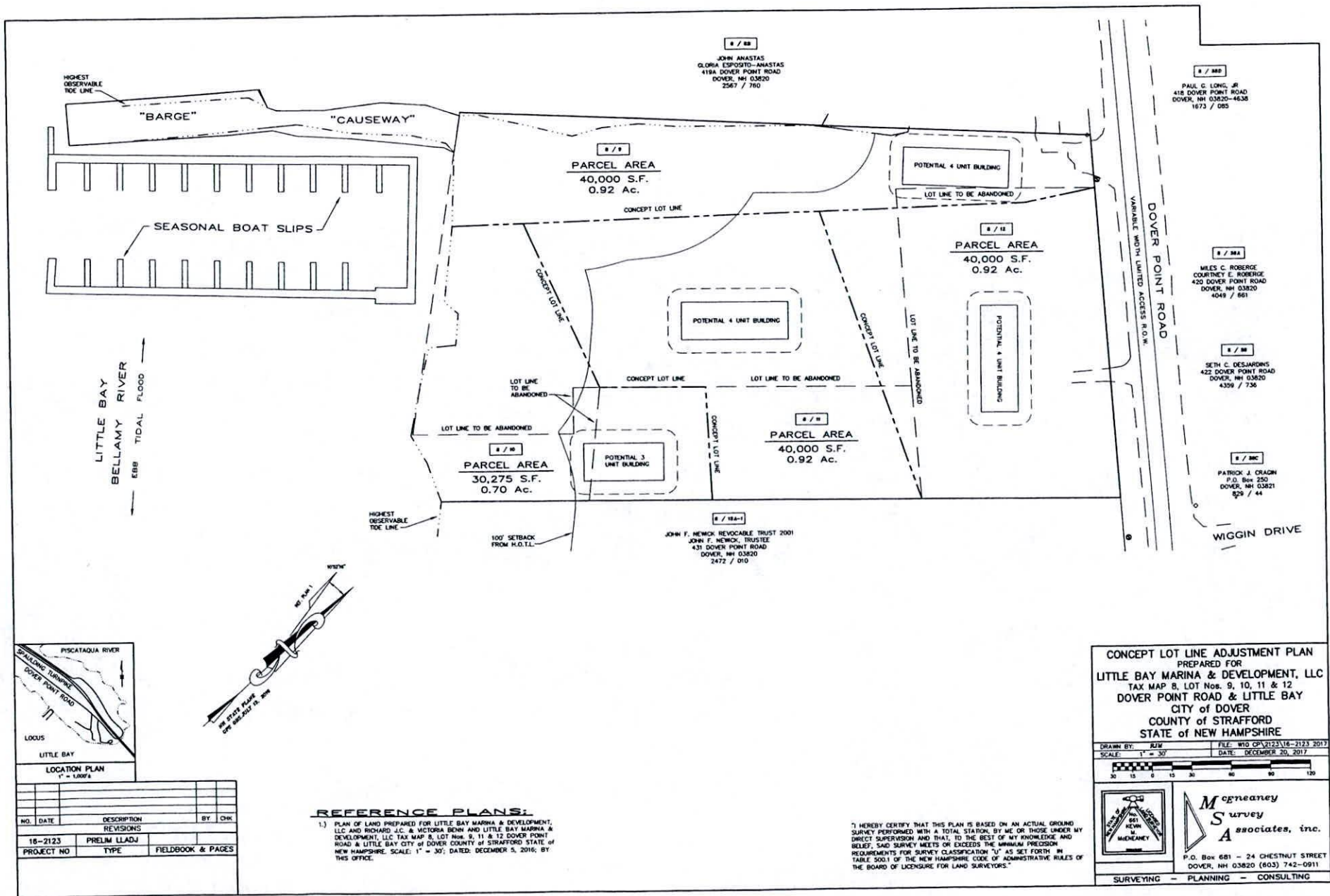
NEWINGTON ABUTTER:

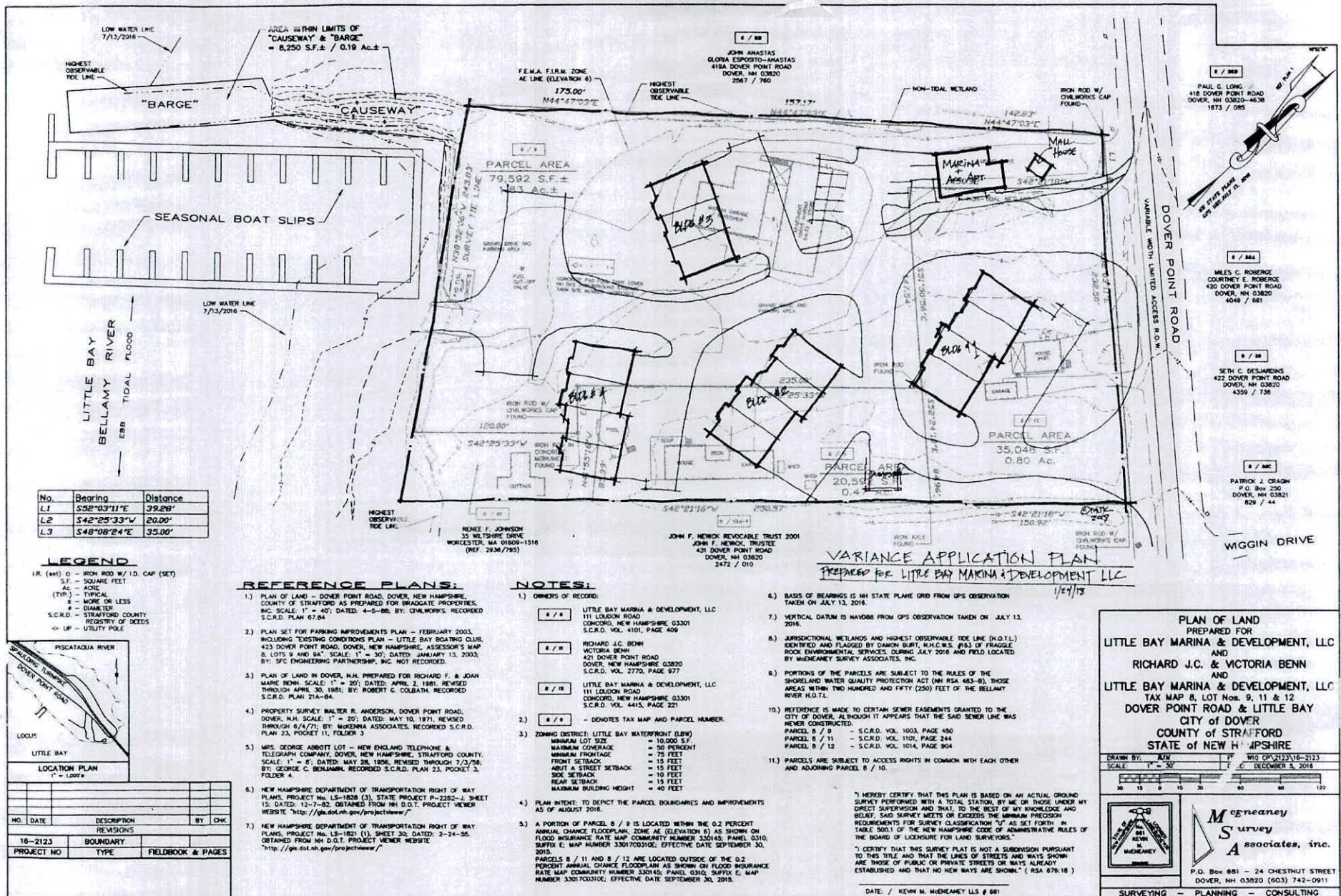
TAX MAP 1, LOT 1
TOWN OF NEWINGTON
205 NIMBLE HILL ROAD
NEWINGTON, NH 03801

PROFESSIONALS:

MCENEANY SURVEY ASSOCIATES, INC.
ATTN: KEVIN MCENEANEY
24 CHESTNUT STREET
DOVER, NH 03820

FRANCIS X. BRUTON, III, ESQUIRE
BRUTON & BERUBE, PLLC
601 CENTRAL AVENUE
DOVER, NH 03820







CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, February 15, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a 71.35-square-foot wall sign where sign area is limited to 35.58 square feet based on the Applicant's business frontage.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: Thoroughfare Business (B-3)

FILE: Z18-02

APPLICANT/OWNER: Personal Best Dover, LLC/851 Central Ave, LLC

LOCATION: 865A Central Avenue (Tax Map 38, Lot 6A)

ACREAGE: 9.77 acres (425,581 sq. ft.)

EXISTING LAND USE: Commercial (Shaw's Plaza)

PROPOSED LAND USE: Same

SURROUNDING LAND USE: Commercial, vacant land, single family dwellings

PREVIOUS ZBA ACTION: H92-13 denied variance for freestanding sign

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, sign permit application

STAFF RECOMMENDATION: Staff does not support the request.

SUMMARY OF APPEAL AND BACKGROUND

The Applicant seeks a variance to permit a wall sign exceeding the maximum square footage allowed for a wall sign. In the B-3 Zoning District, the amount of sign area permitted is a function of the building's or tenant's "business frontage," or the length of their façade facing the public way. This is consistent with the method in many other zoning districts that permit commercial uses.

A wall sign is limited to one square foot of sign area per one linear foot of business frontage. The Applicant has 35 feet, 7 inches (35.58 feet) of business frontage and proposes a sign of 71.35 square feet in area, twice the amount permitted.

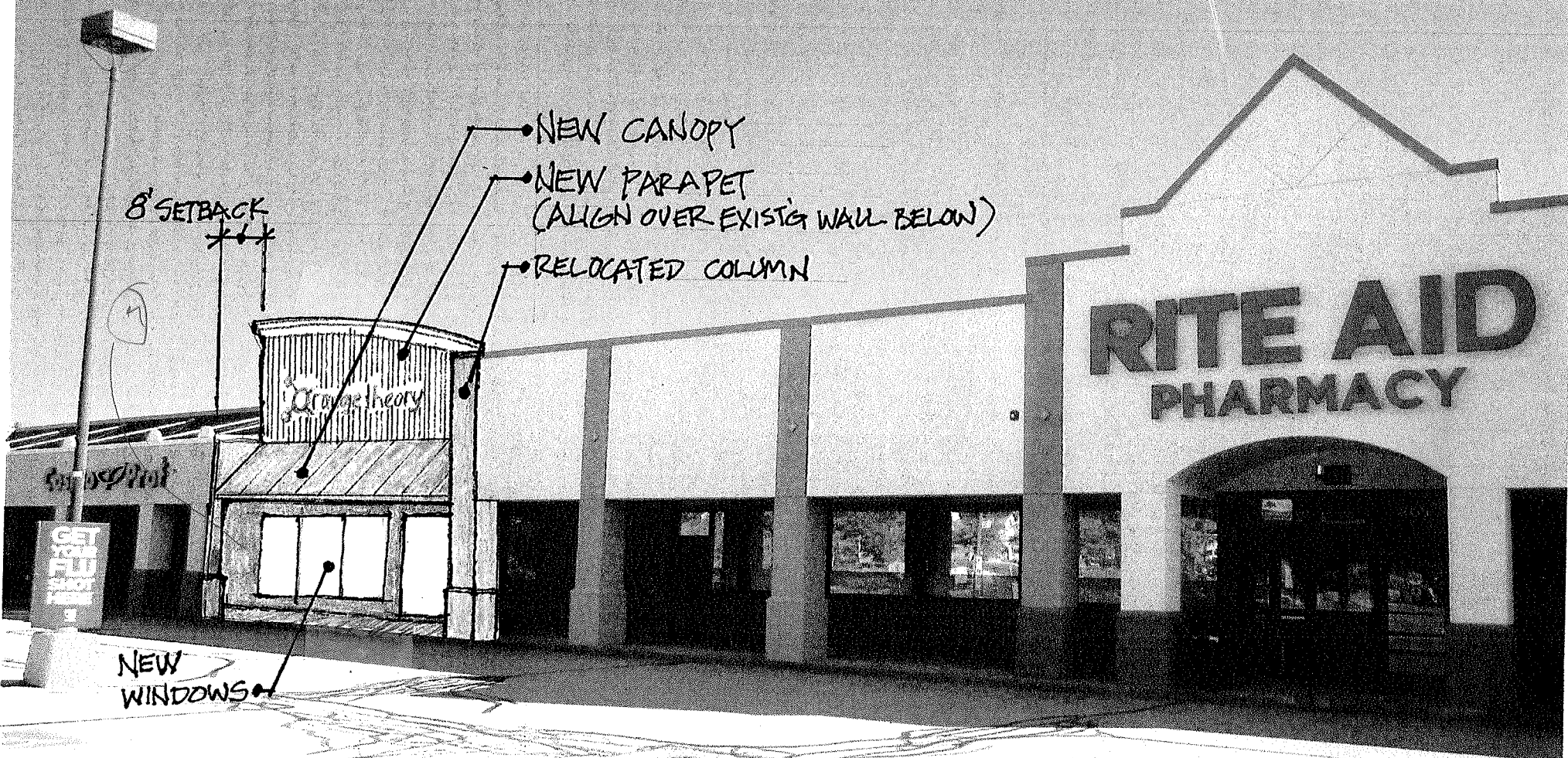
REASON FOR STAFF RECOMMENDATION

Part of the Applicant's submission includes estimated sign sizes showing that every tenant in the Shaw's Plaza has a wall sign exceeding the maximum area permitted by the Zoning Ordinance. The Shaw's Plaza received site plan approval in 1983. Staff review of all permits on file show that six of the twelve businesses have conforming signs, while the other six are legally nonconforming. Calculation of permitted sign area in the B-3 changed to the current method in 2003.

Also of note are the Applicant's plans to redesign the unit's façade with a new canopy and raised parapet (see attached). Creating additional wall space where the sign will go may be considered a self-imposed hardship. Staff opinion is that there is not a particular hardship inherent in the property, particularly as no uniqueness of the plaza has been demonstrated, and if granted, the variance would encourage other businesses in the plaza to request the same change. Furthermore, substantial justice is not done in allowing some tenants more signage than other neighboring tenants, and businesses throughout the city's commercial areas that have erected signs in conformity with the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, make findings on each of the five variance criteria, and deny the variance.



PROPOSED O.T.F. CHANGES

██████ 27 JULY '17



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED

Planning Office

JAN 25 2018

Dover, New Hampshire

Office Use Only Case #:

218-02

Date Received:

Amount Paid: \$ _____

Time Received:

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Personnel Best-Dover, LLC Phone # 603-686-9007

Address of Applicant: 12 Autumn Lane, Starkham, NH

E-Mail Address: srte@orangetheoryfitness.com

PROPERTY OWNER (if different from applicant): 851 Central Ave, LLC % The

Address: 800 Boylston St Suite 300 Phone # 603-524-1926 Wildco

E-Mail Address: pquigley@wildco.com Companies

PROPERTY/PARCEL INFORMATION

Address: 865 A Central Ave

Brief Directions: Shaw's Plaza - Next to Rite Aid
& Como Prof

Zoning District: B-3 Assessor's Map # 38 Lot(s) # 6A

TYPE OF APPEAL: (Please check one)

☒ Variance

☐ Physical Disability Variance (RSA 674:33-V)

☐ Special Exception

☐ Appeal of Administrative Decision

☐ Equitable Waiver

from Section X of the Zoning Ordinance

from Section _____ of the Zoning Ordinance

per Section _____ of the Zoning Ordinance

regarding Section _____ of the Zoning Ordinance

per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Fit up existing vacant space for
Orangetheory Fitness

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant)
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING. ✓
- B. **10 Copies of Completed Zoning Board of Adjustment Application**
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)). ✓
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. N/A
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). ✓
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. ✓
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # 3 of x \$8.00 = \$ 24
 2. Certified letters fee: # of abutters _____ X \$8.00 = \$ _____
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet _____ x \$10.00 = \$ _____
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 - \$100.00 VARIANCE (per Section requested) \$ 100
 - \$100.00 SPECIAL EXCEPTION \$ _____
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$100.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ 80.00

TOTAL FEE

\$ 204

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 10 of the Zoning Ordinance to permit:

see attached supplement

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

see attached supplement

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

see attached supplement

3. Granting the variance would do substantial justice because:

see attached supplement

4. The value of surrounding property will not be diminished because:

See attached supplement

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See attached supplement

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See attached supplement

and

(iii) The proposed use is a reasonable one because:

See attached supplement

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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:

N/A

**CITY OF DOVER, NH
ZONING BOARD OF ADJUSTMENT
288 CENTRAL AVENUE
DOVER, NH 03820**

**Supplement to Application for a Variance From
Sign Dimension Requirements of Article X, Section F, B-3 Table**

I. The Requested Relief

The Applicant, Personal Best - Dover, LLC, has submitted a Sign Permit Application seeking approval for a sign to be used at the site of an Orangetheory Fitness ("OTF") location being constructed in the Shaw's Plaza located at 865A Central Avenue, Map 38 / Lot 6A in the B-3 Thoroughfare Business District (the "Project"). Specifically, the Applicant has a business (linear) frontage of 35 feet, 7 inches, and proposes use of a 71.35 square foot sign at that location.

A Sign Permit Application was submitted on January 18, 2018, and the Applicant was advised that a variance was necessary because the proposed sign of 71.35 square feet is in excess of the dimensions permitted under Article X, Section F, B-3 Table, which provides that wall/awning signs must be no more than "max size 1 sf for each lineal foot of business FRONTAGE." As a result, the Applicant is requesting a variance to permit the proposed sign of 71.35 square feet.

The Applicant satisfies the five criteria for granting of a variance from Article X, Section F, B-3 Table, as further discussed below.

II. The Variance Criteria

a. The Requested Variance Would Not Diminish Surrounding Property Values

In analyzing property valuation, it is left to the ZBA to resolve conflicts in evidence and assess the credibility of evidence presented. *See Harborside Associates, L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 519 (2011). Further, "[i]n reaching its decision, the ZBA [is] entitled to rely upon its own knowledge, experience and observations." *Id.* at 520. There is no evidence to suggest that the variance requested – namely, allowing the proposed sign of 71.35 square feet, which amounts to a 2:1 ratio as compared to the business (linear) frontage, as opposed to the 1:1 ratio expressly permitted by the Ordinance – would diminish surrounding property values.

The Project is located in the Shaw's Plaza, which is entirely comprised of businesses as opposed to residences. As is demonstrated on the enclosed chart, many of these businesses already have signs that are significantly larger than the 1:1 ratio expressly permitted by the Ordinance. Specifically, the two storefronts on either side of the OTF location have signs that

appear to be well in excess of the 1:1 ratio, Cosmo Prof (2.90:1 ratio) and Rite Aid (2:1 ratio). In fact, signs within the Shaw's Plaza already appear to be as large as a 6.15:1 ratio, which is far larger than what OTF is proposing. Given these circumstances, there is no reason to suspect that permitting OTF to use a sign at the 2:1 ratio will adversely affect the values of surrounding properties.

b. The Requested Variance Would Not Be Contrary to the Public Interest, Nor Would It Be Contrary to the Spirit of the Ordinance

The requirements that a variance (a) not be contrary to the public interest and (b) be consistent with the spirit of the ordinance, are considered to be closely related and are typically taken together. "The public interests are protected by standards which prohibit the granting of a variance inconsistent with the purpose and intent of the ordinance, which require that variances be consistent with the spirit of the ordinance, or which permit only variances that are in the public interest." *Nine A, LLC v. Town of Chesterfield*, 157 N.H. 361, 366 (2008). The New Hampshire Supreme Court has surmised that:

To be contrary to the public interest the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives . . . [by] alter[ing] the essential character of the locality . . . [or] threaten[ing] the public health, safety or welfare."

Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-106 (2007). The variance requested by Personal Best – Dover, LLC does none of the above.

The Ordinance, in part, specifies that its purpose is to "create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance . . . and the need for adequate business identification, advertising and communication." See Zoning Ordinance, Article X, 170-32. The B-3 Thoroughfare Business District is specifically designed to "encourage efficient and attractive automobile oriented commercial development" and provide "economic development opportunities for a mix of land uses, including . . . personal services." See Zoning Ordinance, Article III(B)(2)(b).

The requested variance is in accordance with these purposes, as it will, through use of the flexible and agreeable communication expressly contemplated in the Ordinance, permit the Applicant to erect a sign which will adequately identify and advertise the OTF business. As has been previously stated, there are already several businesses within the Shaw's Plaza that have signs well in excess of the 1:1 ratio expressly permitted by the Ordinance. The 71.35 square foot sign being proposed would be in accordance with the character of the locality, given the other

signs already present within the Plaza. If the Applicant is restricted to a sign of more diminutive size, it will be dwarfed by the surrounding signs, which is likely to negatively impact business. The attached elevations demonstrate the difference in appearance of a 1:1 ratio sign, as compared to the requested 2:1 ratio. The sign will be particularly difficult to identify from Central Avenue, adversely impacting OTF's ability to succeed within the "automobile oriented commercial development" contemplated by the City for the B-3 District. The economic development contemplated by the Ordinance will be unable to thrive if OTF is placed at a disadvantage by having a significantly smaller sign than surrounding storefronts.

The Applicant is not aware of any public opposition to the proposed sign of 71.35 square feet, and there is no indication whatsoever that a sign of a 2:1 ratio would be a threat to the public health, safety, or welfare. Conversely, the proposed variance will permit the type of growth and development that the Ordinance envisions for the City, and the resultant Project will increase tax revenues and provide members of the community with a local option for personal fitness needs.

c. Granting the Variance Would Do Substantial Justice

Granting the requested variance would do substantial justice because, as already described, strict enforcement of the dimensional restriction contained in Article X, Section F, B-3 Table would be inconsistent with other provisions of the Ordinance encouraging economic growth in the B-3 District, and would place the Applicant's business at a distinct disadvantage as compared to the surrounding businesses in the Plaza, all of whom have larger signs.

As described elsewhere in this application, the granting of this variance will not work to the detriment of the general public. The sign will comply with the Ordinance in all other respects, and surrounding property values will not be diminished. Further, the Project will provide residents with a convenient personal fitness locale, and will provide tax revenue for the area. These public gains further demonstrate that granting the requested variance will achieve substantial justice. *See Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102, 109 (2007) (explaining that "any loss to the individual that is not outweighed by a gain to the general public is an injustice.").

It is also relevant to note that a Sign Criteria document provided by the landlord for this location, The Wilder Companies, advised the Applicant that the sign size was to be "limited to two square feet of copy area for every one linear foot of store frontage." While the Applicant now understands that this directive provided by the landlord is not in strict compliance with the Ordinance, it did appear to comport with the surrounding signage in the Plaza, and the Applicant therefore relied upon it in pursuing the Project. Substantial justice would be further achieved by permitting the requested variance, so that the Applicant may proceed with the signage plan it

prepared based upon the information provided, and the size and appearance of surrounding businesses' signs.

d. Literal Enforcement of Article 3, Table 3 Would Result in Unnecessary Hardship

The standard to determine whether a variance is necessary to avoid unnecessary hardship is established by statute. RSA 674:33 states that:

“[U]nnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: (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; and (ii) The proposed use is a reasonable one. If [these] criteria . . . 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.

RSA 674:33(I)(b)(5). The unnecessary hardship standard has been eased over the years, both through statute and case law, and as such the courts and legislature have “loosened the reins of the unnecessary hardship test and instructed zoning boards to apply an approach more respectful of the constitutional rights of property owners to use and enjoy their property.” *Brandt Development Co. of New Hampshire, LLC v. City of Somersworth*, 162 N.H. 553, 558 (2011).

The subject property is uniquely situated because it is located within the Shaw's Plaza, where the surrounding businesses currently have signage larger than the 1:1 ratio expressly permitted by the Ordinance. If the Applicant is required to use signage that is no larger than the 1:1 ratio stated in the Ordinance, its signage will be significantly smaller than that of surrounding businesses, and will be disproportionately difficult to see from Central Avenue. This will result in a distinct disadvantage to the Applicant, and adversely impact the likelihood of its financial success.

There is also no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of the provision to this property. The proposed sign will be similarly sized to the signs already erected within the Shaw's Plaza, and in fact will be comparatively smaller in most instances. As such, if the Applicant's proposed sign is restricted to a 1:1 ratio, all of the larger signs will still remain making strict application of the Ordinance in this one instance of no practical effect. Rather, the requested variance should be

permitted, so that the Applicant's sign will appear proportionally similar to the other signs already in existence, giving the Project its greatest chance of success.

Further, the use proposed for the parcel is a reasonable one – the Applicant is proposing a personal services use within the B-3 District, where such uses are expressly permitted. Because the requested variance for sign dimensions is in accordance with the signage already existing within the Shaw's Plaza, is within the Spirit of the Ordinance, is not contrary to the public interest, and will not diminish surrounding property values, it is also reasonable, and should therefore be granted.

III. Conclusion

Based upon the foregoing, the Applicant respectfully requests that the Zoning Board grant the requested variance.

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.

Shen-H. Rita
Signature of Applicant*

Kell
Signature of Owner*
On behalf of 851 Central Avenue, LLC
*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

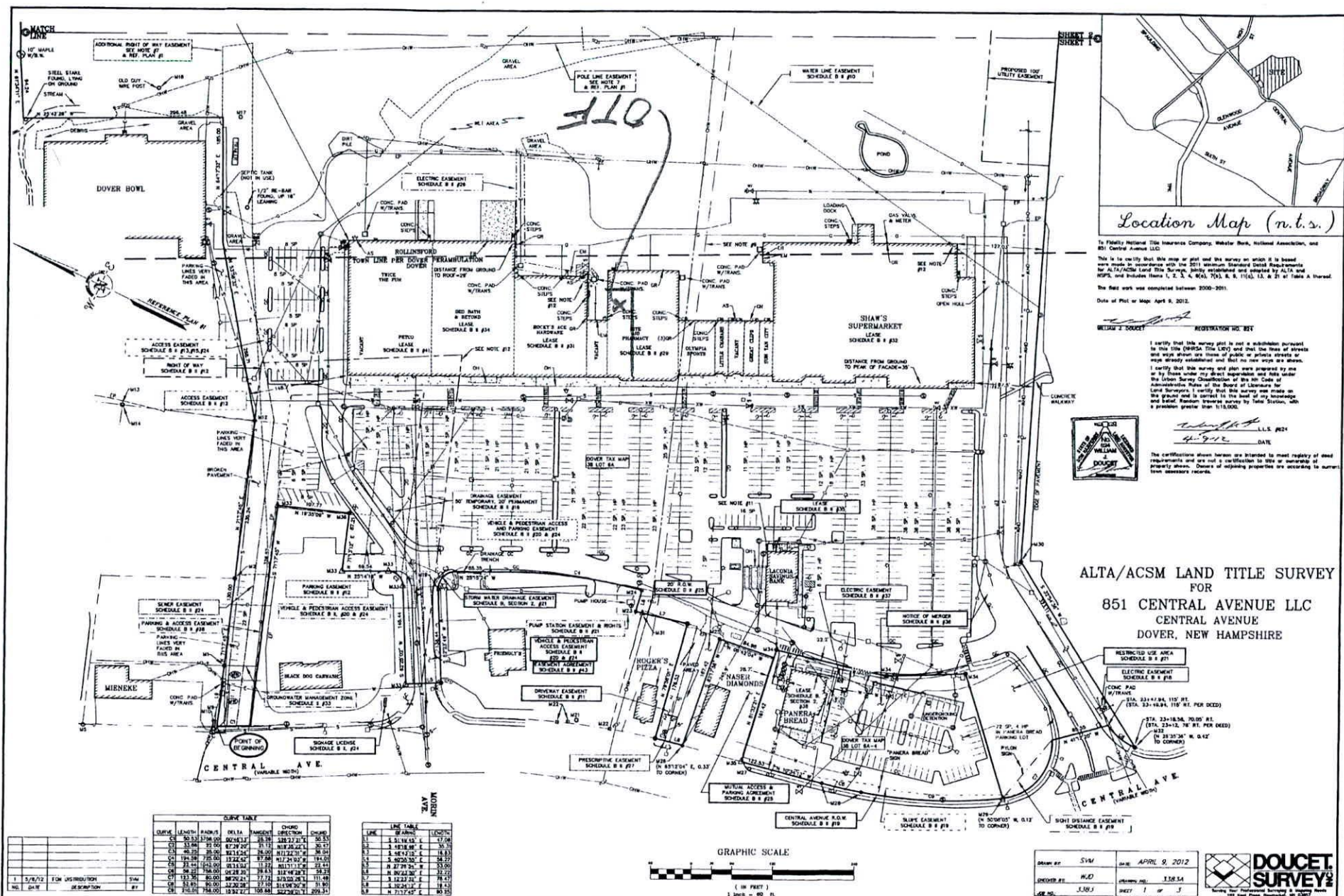
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

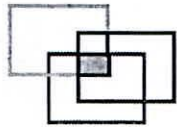
Signature of Property Owner: Kell Date: 1/25/18
On behalf of 851 Central Avenue, LLC

Z18-02

865A Central Ave

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
37024-H01000	835 CENTRAL AV	MARSKE CONDOMINIUMS	C/O THOMAS AND ANN MASSINGHAM	835 CENTRAL AVE	DOVER	NH	03820
37037-000000	828 CENTRAL AV	OKAD OF DOVER LLC		321 D LAFAYETTE RD	HAMPTON	NH	03842
38025-C00000	1 MORIN ST	CHAPIN WARREN S	CHAPIN LAURA P	1 MORIN STREET	DOVER	NH	03820
38024-000000	880 CENTRAL AV	ARVENITIS CHARLES S	ARVENITIS PAUL	880 CENTRAL AVENUE	DOVER	NH	03820
37024-H01005	CENTRAL AV	STOCK REALTY TRUST LLC		839 CENTRAL AV	DOVER	NH	03820
38009-A00002	CENTRAL AV	GULF LANDING PROPERTIES LLC		9 PATRIOT DR	DOVER	NH	03820
38023-B00000	898 CENTRAL AV	MATTHEW MICHAEL REALTY LLC		304 MAPLEWOOD AVE	PORTSMOUTH	NH	03801
37036-000000	826 CENTRAL AV	OKAD OF DOVER LLC		321 D LAFAYETTE RD	HAMPTON	NH	03842
38033-000000	1 GLENWOOD AV	BULWARK DOVER LLC	C/O WALGREEN STORE NO 10780	PO BOX 1159	DEERFIELD	IL	60015
38007-000000	869 CENTRAL AV	TSOPAS MICHAEL A		869 CENTRAL AVE	DOVER	NH	03820
38009-A00001	CENTRAL AV	DRISCOLL REALTY INC		BOX 207	KITTERY POINT	ME	03905
38009-D00000	CENTRAL AV	887B CENTRAL AVENUE LLC	C/O THE ANAGNOST COMPANIES	1662 ELM ST STE 100	MANCHESTER	NH	03101-1243
38025-O00000	890 CENTRAL AV	890 CENTRAL AVE DOVER LLC		199 CONSTITUTION AVENUE	PORTSMOUTH	NH	03801
38023-D00000	892 896 CENTRAL AV	YACOUNB JOAN & PINDRUS NANCY &	ANGELL JESSICA	12 GREENFIELD DR	SOMERSWORTH	NH	03878
38025-M00000	882 CENTRAL AV	R A P REALTY		50 ATLANTIC AVE	SEABROOK	NH	03874
38025-E00000	892 CENTRAL AV	YACOUNB JOAN & PINDRUS NANCY &	ANGELL JESSICA	12 GREENFIELD DRIVE	SOMERSWORTH	NH	03878
38028-000000	874 CENTRAL AV	ARANOSIAN OIL CO INC		557 NO STATE ST	CONCORD	NH	03301
38029-000000	860 CENTRAL AV	PATEL ANKIT R &	PATEL HARTIA	51 NEW ROCHESTER RD #10	DOVER	NH	03820
38005-000000	863 CENTRAL AV	SCOTTI BARBARA M TRUSTEE	SCOTTI BARBARA REVOCABLE TRUST	400 SEASAGE DRIVE #903	DEL RAY BEACH	FL	33483-6755
37024-H00000	831 833 CENTRAL AV	HANNAFORD BROS COMPANY	C/O SAMPSON SUPERMARKET INC	PO BOX 1000 MS 6000 RE DEPT	PORTLAND	ME	04104
38009-B00000	899 CENTRAL AV	HUEYLOCH LLC		899 CENTRAL AV	DOVER	NH	03820
38004-B00000	845 CENTRAL AV	851 CENTRAL AVENUE LLC		177 HUNTINGTON AVE STE 1901	BOSTON	MA	02115
37024-H01004	837 B CENTRAL AV	STOCK REALTY TRUST LLC		839 CENTRAL AVE	DOVER	NH	03820
38006-A00004	841 CENTRAL AV	841 CENTRAL AVENUE LLC	ATTN GLASSMAN JAMES H MANAGER	10 MEREDITH CIRCLE	NEEDHAM	MA	02492
38006-A00001	871 CENTRAL AV	O ICE LLC	C/O REALTY INCOME CORP ATTN P/M	1199S EL CAMINO REAL STE 101	SAN DIEGO	CA	92130-2565
37024-H01002	839 CENTRAL AV	STOCK REALTY TRUST LLC		839 CENTRAL AVE	DOVER	NH	03820
37024-A00000	829 CENTRAL AV	PAPA GINOS OF AMERICA INC		600 PROVIDENCE HGY	DEDHAM	MA	02026
38009-A00000	887 CENTRAL AV	BLACK DOG CAR WASH CENTRAL AVENUE LLC		PO BOX 8	WAITSFIELD	VT	05673-0008
37024-H01003	837 A CENTRAL AV	837A CENTRAL AVE LLC		837 A CENTRAL AV	DOVER	NH	03820
37024-H01001	835 CENTRAL AV	STOCK REALTY TRUST LLC		839 CENTRAL AVE	DOVER	NH	03820
38010-000000	901 CENTRAL AV	NANTUCKET HOLDING COMPANY LLC		340 CENTAL AVE STE 202	DOVER	NH	03820
		DESTEFANO & ASSOCIATES, INC	JOHN P. DESTAFANO	2456 LAFAYETTE ROAD	PORTSMOUTH	NH	03801-5624
		PERSONAL BEST - DOVER, LLC		12 AUTUMN LANE	STRATHAM	NH	03885
		851 CENTRAL AVE C/O THE WILDER COMPANIES 800 BOYLSTON STREET, SUITE 300			BOSTON	MA	02215





DeStefano & Associates, Inc.

PLANNING • DESIGN • CONSTRUCTION

1/18/18

Elena Piekut
Asst City Planner
Dover, NH

Re: Sign Permit Application for Orangetheory Fitness (OTF)

Elena,

Attached is the application for a facade sign permit for OTF at 865A Central Ave in the Shaw's Plaza.

On 12/22/17 you responded to my inquiry about sign size. (attached)

As you know there is much precedent at this plaza of signs that meet and exceed the 2:1 ratio. Attached is an exhibit of the inventory of current signs and their respective ratio. Every sign exceeds the 1:1 ratio.

Furthermore, the Owner has a lease document from the property Owner that indicates the 2:1 ratio is the criteria for their tenants.

The inability to approve the OTF sign at a 2:1 ratio poses many issues.

- 1.) The OTF façade height is similar in size to Rocky's and Rite Aid. A small sign would look out of proportion.
- 2.) A small sign compared to others that are adjacent to OTF would look out of proportion and effect the image of this user. I have included two elevations to show the difference in the sign image.

We request that you consider approval, without us incurring the expense of the process to obtain a waiver from the BOA.

Construction Manager


John P. DeStefano

Cc: Sherri Ritz- OTF Owner

Paige Quigley- The Wilder Companies

2456 Lafayette Road - Portsmouth, NH 03801-5624
603.430.0339 - 603.430.0346 fax
www.destefano-associates.com - email: johnd@destefano-associates.com

RECEIVED
Planning Office
JAN 25 2018
Dover, New Hampshire



City of Dover, New Hampshire
SIGN PERMIT APPLICATION

[Revision Date: September 2015]

Office Use Only APPLICATION FEE: \$75.00 per SIGN (See Reverse Side for Fee Information)	Permit # _____ Amount Paid: _____	Date/Time Received: _____
--	--------------------------------------	---------------------------

Application Instructions:

1. Review the sign regulations set forth in Section 170-32 of the Zoning Ordinance and refer to the Table of Use for the zoning district in which the sign is located for permitted sign types and applicable dimensional requirements.
 2. Complete the application form. Attach additional sheets if necessary and to provide all information required.
- NOTE: Failure to provide any of the required information shall be cause for denial.

APPLICANT INFORMATION

Property Owner 851 Central Ave LLC % The Wilder Companies Phone 603-524-1928
Owner Mailing Address 800 Boylston St, Suite 1300, Boston, MA 02199
Sign (Business) Owner (if different from property owner) Personal Best - Dover, LLC
Mailing Address 12 Autumn Lane Stratham, NH 03885
Phone 603-686-9007 Email sr172@orange.theoryfitness.com
Applicant (if different from property owner and sign owner) _____
Mailing Address _____
Phone _____ Email _____

PROPERTY INFORMATION

Address of Sign Location: 865A Central Ave
Map/Lot: 38 / 4A Zoning District: _____ Business (linear) Frontage* 35'7" feet

*For the definition of "business frontage," see Section 170-6 of the Zoning Ordinance.

EXISTING SIGNS

Describe existing sign(s) on the property or tenant space: This space was subdivided after Rite Aid downsize. No P&W sign.

Describe which of the existing signs, if any, will be replaced or removed: N/A

PROPOSED SIGNS

Type (circle one): SIGN #1 Wall Free Standing / Projecting / Awning
SIGN #2 Wall / Free Standing / Projecting / Awning
SIGN #3 Wall / Free Standing / Projecting / Awning

PROPOSED SIGNS—Continued...

Dimensions: SIGN #1 Length 205.5" Width 50" Total Area 71.35^{sf}
SIGN #2 Length _____ Width _____ Total Area _____
SIGN #3 Length _____ Width _____ Total Area _____

Attach the following:

1. Color illustrations of the sign(s) including the sign content/copy and dimensions.
2. Description of sign materials.
3. Mounting/installation specifications.
4. Is Mill Motif design used? Yes _____ If yes, submit complete details and plans. No X

ILLUMINATION

Will the proposed sign(s) be illuminated? Yes X No _____ If yes, describe Internally
Electrical Permit #: _____

If externally illuminated, will the illumination exceed 50 foot-candles as measured on the sign face? Yes _____ No _____
If internally or directly illuminated, will the illumination exceed 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face? Yes _____ No X

****DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE ILLUMINATION STANDARDS MUST BE PROVIDED****
NOT EXPOSED LED

Name and address of party constructing sign(s): Portsmouth Sign Company
Portsmouth, NH. Phone: 603-436-0047

Name and address of party erecting sign(s): Same
Phone: _____

IMPORTANT NOTE REGARDING FEES: Application fees do not apply where the proposed sign or signs have the same area, location and materials as the sign or signs they are replacing. If you believe that your sign or signs will not alter the area, location or materials of the existing sign or signs, please describe in detail: _____

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform with the submitted materials and designs.

Shen H. Rat 1/11/18 P. G. M. (Representative) 1/16/18
Applicant Signature Date Owner Signature (if different from applicant) Date

Zoning Administrator: _____

Date: _____

[] APPROVED [] DENIED
[] APPROVED WITH CONDITIONS:

John Destefano

From: Piekut, Elena <E.Piekut@dover.nh.gov>
Sent: Friday, December 22, 2017 12:53 PM
To: John Destefano
Subject: Orange Theory
Attachments: B-3.pdf

Hi John,

Well I'm very surprised but there ARE recent signs on that building that are bigger than they are supposed to be. One (Ikko) was approved by the previous Zoning Administrator who appears to have interpreted the ordinance differently. Perhaps the ordinance language was clarified at some point. CosmoProf is also too large. I approved that almost two years ago, and I think it was just an accident.

I really am surprised by both as the B-3 language is very clear (see attached), and consistent with the same concept in a number of other zones, and other staff and I have, I thought, always applied it this way. The total area permitted is the total, and the area permitted for each type of sign governs each type of sign.

Rite Aid does seem to be legally nonconforming. The nail place (most recent permit) is conforming. I didn't study all the others.

Anyway, since I made a mistake two years ago I don't need to make it again. If the square footage limit is a serious problem for the tenant perhaps seeking a variance is the best course of action. The ZBA application is here:
<http://www.dover.nh.gov/government/city-operations/planning/>.

Enjoy the holiday,

Elena

Elena Piekut
Assistant City Planner
Zoning Administrator
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e: e.piekut@dover.nh.gov
p: 603.516.6008 f: 603.516.6049

Dover: First in New Hampshire, First with you!
www.dover.nh.gov
<http://dovernhplanning.tumblr.com/>
Facebook: <https://www.facebook.com/DoverNHPlanning>
Twitter: [@DoverNHPlanning](https://twitter.com/DoverNHPlanning)

Please consider conserving our natural resources before printing this e-mail and/or any attachments.

This electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended

SHAW'S PLAZA SIGNAGE
Analysis of Dimensions for Existing Stores

1/19/2018

STORE	SIGN SIZE	STORE SIZE	RATIO
ROCKY'S	36'X10'6"	62'	6.15:1
RITE AID	21'X6'3"	64'	2:1
LITTLE CAESAR'S	22'X3'9"	25'	3.3:1
PETCO	21'X10'3"	50'	4.3:1
BED,BATH AND BEYOND	23'8"X6'	100'	1.42:1
WEIGHT WATCHERS	17'6"X3'	29'	1.81:1
COSMO PROF	30'X3'	31'	2.90:1
GREAT CLIPS	15'8"X2'9"	18'	2.39:1
KT NAILS	13'6"X2'	18'	1.5:1
IKKO	32'6"X4'	48'	2.71:1
SUN TAN CITY	18'8"X2'8"	26'	1.91:1
SHAWS	33'X16'	290'	1.82:1

DOVER CROSSING

Sign Criteria STANDARD SIGNS

All exterior signs, lettering and symbols are subject to these Sign Standards and to the Landlord's prior approval of such signs, lettering and symbols. The Landlord reserves the right to have all non-conforming signs, letters and symbols to which the Landlord shall not have consented in writing removed, at the Lessee's cost, regardless of the state of completion thereof. Subject to the foregoing, the following regulations shall apply to all exterior signs, lettering and symbols:

A. Type

1. The Lessee's sign, mounted on the area designated by the Landlord, shall consist of internally illuminated individual letters, halo lit letters or externally illuminated individual letters. Such sign letters will be mounted directly on the sign panel or sign area as designated by the Landlord.

2. Restrictions

- a. No box signs will be permitted.
- b. No moving, flashing or blinking signs.
- c. No iridescent painted signs.
- d. No daylight-fluorescent plastic signs.
- e. No exposed raceways, wiring troughs, conduits or ballasts.
- f. No Signs of box or cabinet type employing transparent, translucent or luminous plastic background panels.
- g. No sign employing luminous-vacuum formed plastic letters.
- h. No signs employing noise making devices and components.
- i. No free-standing signs or signs employing unedged or uncapped plastic letters or letters with no returns or exposed fastenings.
- j. No string lights will be permitted

B. Contents

- 1. Lettering shall be restricted to the Lessee's Trade Name. Such designation shall not include any specification of the merchandise offered for sale or the services rendered, and shall not contain advertising devices or slogans. Notwithstanding the foregoing, the Lessee's "logo" or other trade identification may be employed with the Landlord's prior consent and shall not exceed the average height for sign letters.
- 2. No more than one line of lettering may be used in any sign.
- 3. No Lessee shall erect more than one (1) sign on the sign area over each customer entrance.
- 4. Permits, underwriters' labels, name of fabrications, etc., shall be located as to be completely inconspicuous.

5. All such sign letters will have concealed attachment devices, clips, wiring and transformer. No exposed tubing or lamps will be permitted.

C. Size

1. Sign area shall be limited to two square feet of copy area for every one linear foot of store frontage. The extreme edges of the sign letters or symbol shall be no closer to the side boundaries of the Premises than 2'0" and in no event shall the length of the sign overall be more than 2/3 the length of the store frontage.
2. The maximum height of all letters in all signs shall not exceed 3'. Sign area shall be centered on the sign panel designated by the Lessor.

D. Construction

1. Sign shall conceal all wiring, transformers, ballasts, starters and other necessary equipment.
2. For externally illuminated signs the sign letters shall have sides constructed of minimum 1/16" thick duromodic aluminum. Back of the sign letters shall be of aluminum. The front of sign letters shall be 1/4" thick Plexiglas or acrylic and project 3/16" beyond the face of the letters and shall be backed with 1/8" clear plastic.
3. Free standing dimensional letters illuminated via remote lighting (i.e. goose-neck fixtures, pin spots or ledge lit) will be considered.
4. All seams, on face of sign shall be flanged on the inside. Exposed fastenings will not be permitted.
5. Any service access doors will be located on the top of the sign letters and shall be water and light tight.
6. Sign letters shall be of watertight construction secured to sign panel with non-ferrous fasteners.
7. All signs shall be "Underwriter's Approved".

E. Location

1. Signs shall be mounted only in the space designated therefore by the Landlord..
2. No signs shall be mounted on the roof, or any projection above the roof, nor shall any neon, plastic, showcard, or other permanent or non-permanent

sign be located on, in front of, or immediately behind the store-front glass area. However, small unlighted identification signs of suitable design and material may be approved at the discretion of the Lessor.

3. No signs will be permitted at the rear of the Building until further notice.

F. Approval

1. Three white prints and one colored print of each shop drawing of all signs shall be submitted to the Landlord for approval. The shop drawing shall indicate the size of all lettering and background panels, their location on the façade in relation to floor level, stores divider and building line. A schematic section through the sign shall be provided. Colors and finishes of all materials shall be specified and the Lessee shall submit a color sample of sign letter (unless they are to be white). All "Approves as corrected" drawings shall be submitted until marked "Approved by the Landlord. Incomplete drawings will be returned without approval. (Samples shall be submitted if requested by the Lessor.)

2. Variances from the above will be considered on their individual merits by the Landlord who also reserves the right to disapprove any signs, which are out of character with the Building as a whole (or those signs which, in the opinion of the Landlord, clash with the color of previously approved signs for adjacent premises.)

3. The installation, use or display of any signs for kiosks, promotional displays, or shows, shall in each case be subject to the prior consent of the Landlord.

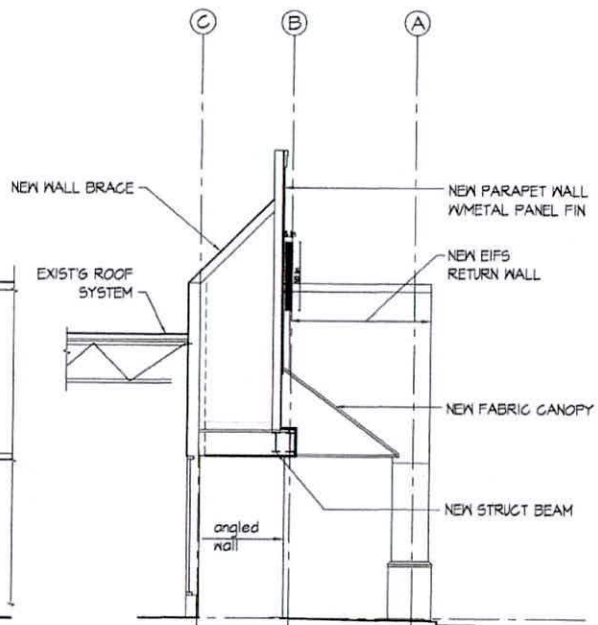
4. All signs shall in any event be in accordance with all laws, rules, regulations and requirements of all public authorities having jurisdiction. The Lessee shall obtain all required permits before commencing construction.

G. Miscellaneous

1. All signs located within the store shall be professionally prepared.
2. No paper or cardboard signs are permitted.
3. No signs, letter or other advertising devices shall be placed upon the so-called store-front or any windows or doors to or from the Premises.



EXTERIOR ELEVATION



WALL SECTION
SCALE: 1" = 1'-0"

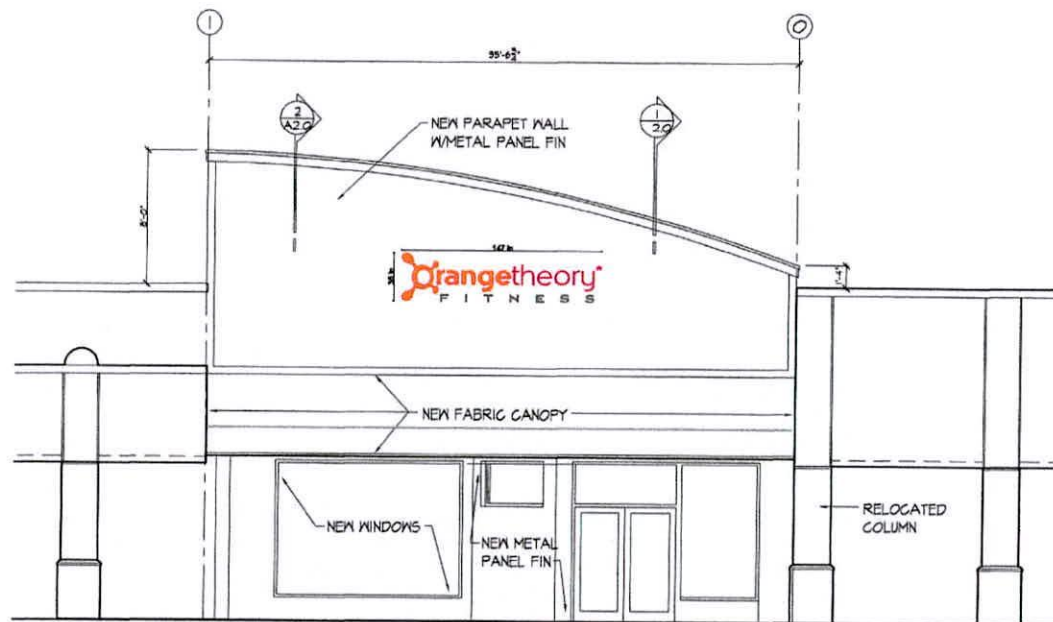
Ratio = 2:1

 PortsmouthSign.com 603-436-0047	REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.	01/18/18 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.	RETURN SIGNED TO: service@portsmouthsign.com
	PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.	SIGNATURE: _____ Date: _____	

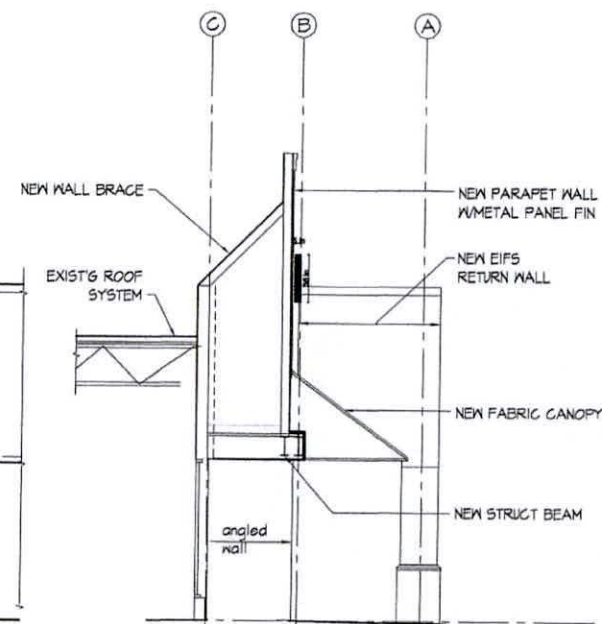
©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty: Materials: Background Color: Vinyl Color: Other:
SS ☐ DS ☐	HP ☐ Int ☐





EXTERIOR ELEVATION



WALL SECTION
SCALE: 1" = 1'-0"

Ratio = 1:1

 PortsmouthSign.com 603-436-0047	REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.	01/18/18 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.	RETURN SIGNED TO: service@portsmouthsign.com
	PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.	SIGNATURE: _____ Date: _____	

©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty:	Materials:	Background Color:	Vinyl Color:	Other:
	SS ☐ DS ☐			HP ☐ Int ☐	





205.5" x 50" channel letters w/ "fitness" as individual letters
 Front Lit Channel Letters remote with LED lighting, UL Listed
 Colors: Arlon 44 Orange Trans, Arlon 33 Red, Oracal 074 Middle Grey
 Channel letters will have black trim and 5" black returns
 Mounting: standard channel wall mounting using lag hardware

 PortsmouthSign.com 603-436-0047	REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision. PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.	01/05/18 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.	RETURN SIGNED TO: service@portsmouthsign.com SIGNATURE: _____ Date: _____
	©COPYRIGHT 2017, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.		

Shop Use Only	Qty:	Materials: ☐ SS ☐ DS ☐	Background Color:	Vinyl Color: ☐ HP ☐ Int ☐	Other:
---------------	---------------------------	---	--	--	-----------------------------

Member of:

 GREATER
PORTSMOUTH
 CHAMBER OF COMMERCE
 the Greater
York Region
 Chamber of Commerce




EXTERIOR MOUNTING SCHEMATIC

