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ALSO ADMITTED IN MASSACHUSETTS

December 8, 2020

VIA UPS - OVERNIGHT

Cary Lagace, Land Use & Assessing Coordinator
Town of New London
375 Main Street
New London, NH 03257

Re: **Hannaford Bros. Co.**
277 **295 Newport Road, New London**
Tax Map 59, Lot 5

Dear Ms. Lagace:

Enclosed for filing on behalf of Hannaford Bros. Co. is an Application for Variance (along with an Abutter's List) from the requirements of Article II, Section 10.g.iii of the Zoning Ordinance to permit the Applicant to renew and redesign its current signage on the building. Upon receipt of this application, please contact Susan Marchand of our office at 229-1021 to verify the fees for filing this application. A check will immediately be sent out to your attention.

We understand that this matter will be placed on the Board's agenda for Tuesday, January 5, 2020.

Thank you for your cooperation to this matter.

Sincerely,


Philip M. Hastings

PMH/smm

Enclosures

cc: Hannaford Bros. Co. (by e-mail)
4836-0699-4132, v. 1

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APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London, 375 Main Street

Name of owner/applicant: Hannaford Bros. Co.

Mailing Address: 145 Pleasant Hill Road, Scarsborough State: ME Zip: 04074

Home Telephone: (207) 883-2911 Work Telephone: _____ Cell: _____

Email address: jmlord560@gmail.com

Owner of property: Crosspoint Associates / Mountain View Shopping Center
(if same as applicant, write "same")

Location of property ²⁷⁷~~295~~ Newport Road, New London, NH 03257

Tax Map Number: 59 Lot Number: 5-0-0-0 Zone: Commercial

**A variance is requested from the provisions of Article: II Section: 10.g.iii
of the Zoning Ordinance to permit installation of two (2) additional building-mounted signs
one of which is 37.33 square feet in size.**

Facts supporting this request:

1. The variance will not be contrary to the public interest:
see attached.

2. The spirit of the ordinance is observed: see attached.

3. Substantial justice is done: see attached.

4. The values of surrounding properties are not diminished; and:
see attached.

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

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A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (1) 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;
see attached.
-
-
-

and

- (2) The proposed use is a reasonable one;
see attached.
-
-
-

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

Owner/applicant(s) Signature: J. Merrill Lord Date: 12/7/2020

NOTE:

This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

For questions or assistance in completing these forms, please contact:
Zoning Administrator
603-526-1246
Email: zoning@nl-nh.com

Or

Assessing Coordinator
603-526-1243
Email: landuse@nl-nh.com

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HANNAFORD BROS. CO.
295 Newport Road (Lot 59-5)
APPLICATION FOR VARIANCE

Background and Description

Hannaford Bros. Co. (the "Applicant") operates a supermarket in the westerly most building (the "Building") of the Mountain View Shopping Center (the "Shopping Center"), owned by Crosspoint Associates. The Shopping Center is located at ²⁷⁷295 Newport Road in New London (identified as Tax Map and Lot 59-5; the "Property"). The Property is in the Commercial District, which includes, without limitation, the New London Hospital, a pharmacy, retail stores, offices, several banks, restaurants, and other businesses.

The Applicant intends to renew and redesign its current signage on the Building. The redesign includes rebranding as well as the addition of information and directions regarding the recent "hannaford to go" services offered by Hannaford (the "To Go Service"). The To Go Service allows customers to select and order products online and pick them up without having to shop for those items in-store. This service allows for increase customer convenience and reduces potential exposure during the current public health emergency. At this location, To Go Service customers pick up their order at a separate door on the north-west side of the Building (the "To Go Location"). This To Go Location allows customers to stay in their cars and conveniently and safely receive deliveries.

In particular, this renewal and redesign includes:

1. Renewal and replacement of the monument sign to revise the branding of "Hannaford" to "Hannaford Supermarket" and to include a reference to the "hannaford to go" service.
2. Renewal and replacement of the wall mounted sign above the entry way, originally permitted on July 25, 2005, to revise the branding of "Hannaford" to "Hannaford Supermarket".
3. Installation of four "hannaford to go" traffic control signs, each three square feet in size, directing To Go Service customers to the appropriate To Go Location.
4. Installation of a new wall mounted Hannaford sign, 37.33 square feet in size, at the north west corner of the Building (the "Corner Sign"), where customers will pass on the way to the To Go Location.
5. Installation of a wall mounted "hannaford to go" sign, 10.65 square feet in size, above the door at the To Go Location (the "To Go Sign" and, collectively with the Corner Sign, the "Proposed Signs").

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Permits have been granted for the replacement signs and traffic control signs. On November 3, 2020, the Town denied permit applications for the Proposed Signs. Copies of the applications for permits, both those granted and those denied, with depictions of the respective signs are submitted with this application for reference.

Pursuant to Article II, Section 10.g.iii, of the Zoning Ordinance, no more than two signs may be placed on a commercial building containing two or more businesses. Two signs already exist on the Building, one being replaced as described in Item 2 above and one for the New Hampshire Liquor Store Outlet which is also operated in the Building. The new Proposed Signs are therefore in excess of the two-sign limit. Additionally, the Corner Sign, which is 37.33 square feet in size, exceeds the maximum of 15 square feet.

Details of Request

The Applicant requests a variance of the terms of Article II, Section 10.g.iii, of the Zoning Ordinance to permit the installation of two (2) additional building-mounted signs, one of which is 37.33 square feet in size.

Variance Standards

1. *The authorization of a variance will not be contrary to the public interest because:*

It is in the public interest for signage on commercial properties to be visible and informative. The Proposed Signs will benefit the public by providing more information than the current signs, as well as facilitating and directing traffic of customers using the To Go Service, thereby improving the safety of the public.

The Building is part of the Shopping Center, out of which operate several commercial and retail businesses. These businesses share common parking areas. As a result, the size of the signs must be sufficient to clearly distinguish the Hannaford location from the other businesses in the Shopping Center and be discernable at a distance by drivers on Newport Road and customers parked or shopping in other areas of the Shopping Center.

For example, because the parking area of the Shopping Center is, by necessity, fairly large, the Corner Sign must be large enough to be visible a significant distance from Newport Road. Denying the Corner Sign, however, would make it difficult to find the To Go Location. Alternatively, replacing the primary sign above the entry-way with the Corner Sign to comply with the maximum sign limitations would likely cause customer confusion for those conventional customers seeking the main entrance to the store. This would adversely affect pedestrian traffic in the parking area and create a public safety risk.

The Proposed Signs are also necessary for the effective provision of the To Go Service. The expansion of the Hannaford business to include the To Go Service creates a benefit to the

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residents of New London and the surrounding area, particularly in light of the recent and ongoing health crises.

Having the To Go Location on the northwest side of the Building enables the To Go Service customers to pick up their groceries in a location that does not interfere with or impede the traffic of conventional customers in and out of the Building, and limits their exposure to other individuals during the coronavirus epidemic. For example, a separate, isolated location is necessary to effectively deliver groceries to customers waiting in their car. As an inevitable side effect, however, the To Go Location is not obvious. The Proposed Signs are therefore necessary for customers of the To Go Service to find the To Go Location. Any hypothetical alternative location that would be obvious without additional signage would necessarily interfere with or create additional exposure with the traffic of conventional customers.

Therefore, this variance supports the public interest, and is not contrary to it.

2. *The granting of a variance will not be contrary to the spirit and intent of the Ordinance because:*

As mentioned above, the purposes of the sign regulations in the Zoning Ordinance include preventing hazards to vehicular traffic and pedestrian safety, facilitating efficient and effective communication, supporting economic development and community vitality, and enhancing the community character by mitigating the visual effects of signs. The Proposed Signs will increase visibility, promoting public safety and convenience of the inhabitants of New London and the surrounding Area, as well as renewing the look of the signage on the Building and thereby improving the visual aesthetics. Moreover, the Proposed Signs enable a beneficial expansion of the services provided by the Applicant, *i.e.*, the To Go Service. Accordingly, the Proposed Signs will be consistent with the overall spirit and intent of the Zoning Ordinance.

3. *Authorization of a variance will result in substantial justice because:*

The harm to the Applicant of strict enforcement of the Zoning Ordinance will far outweigh any benefit to the public in this case. There would be no benefit to the public by preventing the installation of more informative, more visible signs and facilitating the use of the To Go Service. At the same time, denying this application would harm the Applicant by preventing it from updating the signage on the Building and offering a useful and desirable service to its customers. Granting the variance will therefore result in substantial justice.

4. *Authorization of a variance will not diminish the value of surrounding properties because:*

The Proposed Signs are of reasonable size and location and consistent with the surrounding area. Moreover, renewing and updating the aesthetic appearance of the signage on the Building will be beneficial to the neighborhood as a whole and, if anything, would enhance rather than diminish the value of surrounding properties.

5. *Literal enforcement of the provisions of the Zoning Ordinance would result in an unnecessary hardship, owing to the unique conditions of the Property that distinguish it from other properties in the area.*

a. *The Proposed Use is Reasonable.*

The Proposed Signs are reasonable for the size of the Building and surrounding area. The To Go Sign is reasonably sized (being less than the maximum of 15 square feet) and is reasonably placed. The To Go Sign will be located on the far side of the Building that does not face the rest of the Shopping Center or Newport Road, and which is visually screened from other properties by trees and other vegetation.

The Corner Sign must be large enough to be visible from a distance in order to clearly indicate that there are Hannaford services, *i.e.*, the To Go Location, continuing around the corner of the Building, which might otherwise not be apparent to customers. The Corner Sign is located at the far end of the Shopping Center, and will not create any adverse visual impact or confusion. As discussed above, denying the variance for the Corner Sign would likely create customer confusion and adversely affect pedestrian traffic and public safety.

Limiting the size and number of signs permitted on the Building to the requirements of the Zoning Ordinance would significantly impair the visibility of the signs and therefore the safety of the public travelling and shopping in the Shopping Area. Likewise, restricting the ability of the Applicant to update and modify the signage, prevents the modernization of the aesthetic appearance of the Building, impacting not only the Applicant's use of the Property but the aesthetic value of the surrounding area as well. Furthermore, preventing the installation of the Proposed signs would impair the ability to effectively offer the To Go Service, which would be a detriment not only to the Applicant, but to the public in New London and surrounding area.

Finally, the Property is surrounded by other commercial or retail locations, some of which have large signs as well, such as the New Hampshire Liquor Store Outlet next door. The Proposed Signs would therefore be consistent with the surrounding neighborhood and abutting properties and would not alter the essential character of the neighborhood.

b. *No fair and substantial relationship exists between the general public purposes of the Zoning Ordinance and the specific application to the Property.*

In this case, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance and restriction on the size or number of signs in light of the particular and unique characteristics of the Property and surrounding area. The Zoning Ordinance recognizes the importance of signs to provide efficient and effective communication, supporting economic development, and informing the community of available goods, services, and activities. See Zoning Ordinance, Article II, Section 10.a. The Proposed Signs are consistent with this very purpose by supporting the To Go Service and improving the utility and aesthetics of the signs on the Building.

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The harms the Zoning Ordinance seeks to prevent, *i.e.*, hazards to traffic and adverse visual impacts on community character, see Zoning Ordinance, Article II, Section 10(a), are not relevant here. As mentioned above, the Proposed Signs are consistent with the area and are located in such a way that there will be little to no visual impact on the surrounding area. Moreover, given the importance of the Proposed Signs to the use of the To Go Location for To Go Service customers, the Proposed Signs will *prevent*, not create, hazards to traffic. Denying the Application would serve no rational purpose in these circumstances.

The Applicant reserves the right to amend, modify, and/or supplement this application at or before the hearing thereon.

4821-5757-1027, v. 1

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