

APPLICATION OF CONVENIENT MD, LLC
360 US Route One By-Pass Portsmouth, Tax Map 172, Lot 001

APPLICANT'S NARRATIVE

I. **THE PROPERTY:**

The applicant, Convenient MD, LLC, is in the process of fitting up space at 360 US Route One By-Pass in the West End Yards complex for its corporate headquarters. In connection therewith, the applicant seeks approval for several wall signs on the building. The applicant is leasing a portion of the first and the entire second floor of the building, a total of 32,602 square feet.

The West End Yards development consists of three buildings on an approximately nine acres. The development covers a large, relatively narrow area that moves east away from the By-Pass, and surrounds the U-Haul facility on the By-Pass to the south of Hodgdon Way. The property actually has two points of access from the By-Pass, only one of which is accessible from the northbound travel lane. Due to these factors, and given the multiple uses on the site, which is encouraged in this zone, effective signage is very important to the success of the development.

The property is within the G-1 Gateway Corridor District and Sign District 5. The building itself is 325 feet long and houses multiple tenants. It has 75 feet of frontage on the By-Pass, however, the applicant's primary public entrance is on the southern side of the building, not facing the right of way. The applicant proposes to install two "logo" tower signs (25.9 square feet each) and a canopy "marquee" sign (18.5 square feet) on this southern façade. It also proposes to install a "headquarters" sign (122.2 square feet) on the northern façade.

None of the proposed wall mounted signs exceeds 200 square feet, and thus all comply with section 10.1251.20. The applicant's establishment will only occupy a portion of the ground floor of the building, with building frontage, as calculated pursuant to section 10.1290, of 134 feet. Per section 10.1251.10, the applicant would be entitled to aggregate sign area of 201 square feet per, so no relief from this section is necessary. Relief from 10.1271.30 is required, however, as the proposed "headquarters" sign is proposed on the northern façade of the building, where there is no public entrance.

The proposed signage on the northern façade, where there is no public entrance, is critical because it will allow southbound traffic to easily identify the building prior to reaching the signalized intersection at Hodgdon Way, which is the last place such traffic can enter the complex without having to make a U-turn at Greenleaf Avenue.

CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variances.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. This building is a fully approved and permitted commercial facility and is within the Gateway zone where the applicant’s use is permitted by right. It is bounded on both sides by existing retail and commercial operations.

The health, safety and welfare of the public will not be threatened, nor will the essential characteristics of the neighborhood change in any way by virtue of the size of the signs here proposed. In fact, the competing signage at the U-Haul facility arguably cuts in favor of more prominent signage for this site to properly direct visitors to the location. There is a fully signalized intersection at the main Hodgdon Way entry, which is the last point at which southbound traffic on the By Pass may make a left turn onto the property without making a U-turn further south. Accordingly, prominent signage is appropriate for this location.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. Here, there are significant challenges to the site that make enhanced visibility necessary and desirable. The building is relatively long and narrow and obscured from the right of way by the U-Haul facility. Prominent signage is necessary in order to secure and maintain visibility and effective and reasonable sight lines. The signs are tastefully designed and in no way promote the visual clutter the City’s sign ordinance is meant to protect against.

It would be an injustice to the applicant to deny the variances here requested.

The values of surrounding properties will not be diminished by granting the variance. The surrounding properties and those in the vicinity will not be negatively affected in any way by this relief. The proposed signs will enhance the visibility of this

establishment, which will decrease potential negative impacts on neighboring properties. Directing motorists off the By-Pass to this establishment requires more prominent signage than the ordinance contemplates.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property for which relief is sought is unique. It is a large, irregularly shaped lot with frontage in two separate places on the By-Pass and on Hodgdon Way. It completely surrounds and is partially obscured by the U-Haul facility, which is a very visually busy site. The property is bounded on the north and south by existing commercial uses. There is a fully signalized intersection at the main entry, which is the last point at which southbound traffic on the By Pass may make a left turn onto the property without making a U-turn further south. Accordingly, prominent signage is appropriate for this location.

These are special conditions of the property which counsel for more prominent signage in order to secure and maintain effective and reasonable sight lines.

The use is a reasonable use. The uses proposed are permitted within this district and are compatible with the surrounding retail and commercial enterprises and residential uses.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the sign ordinance is to maintain and enhance the character of the city's commercial districts and to protect the public from hazardous and distracting displays. Section 10.1211. None of the proposed new signs do anything to distract from the character of this district and there is nothing hazardous or distracting about them. There is no fair and substantial relationship between these purposes and their application to this property.

II. Conclusion.

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: March 29, 2023

By: John K. Bosen
John K. Bosen, Esquire



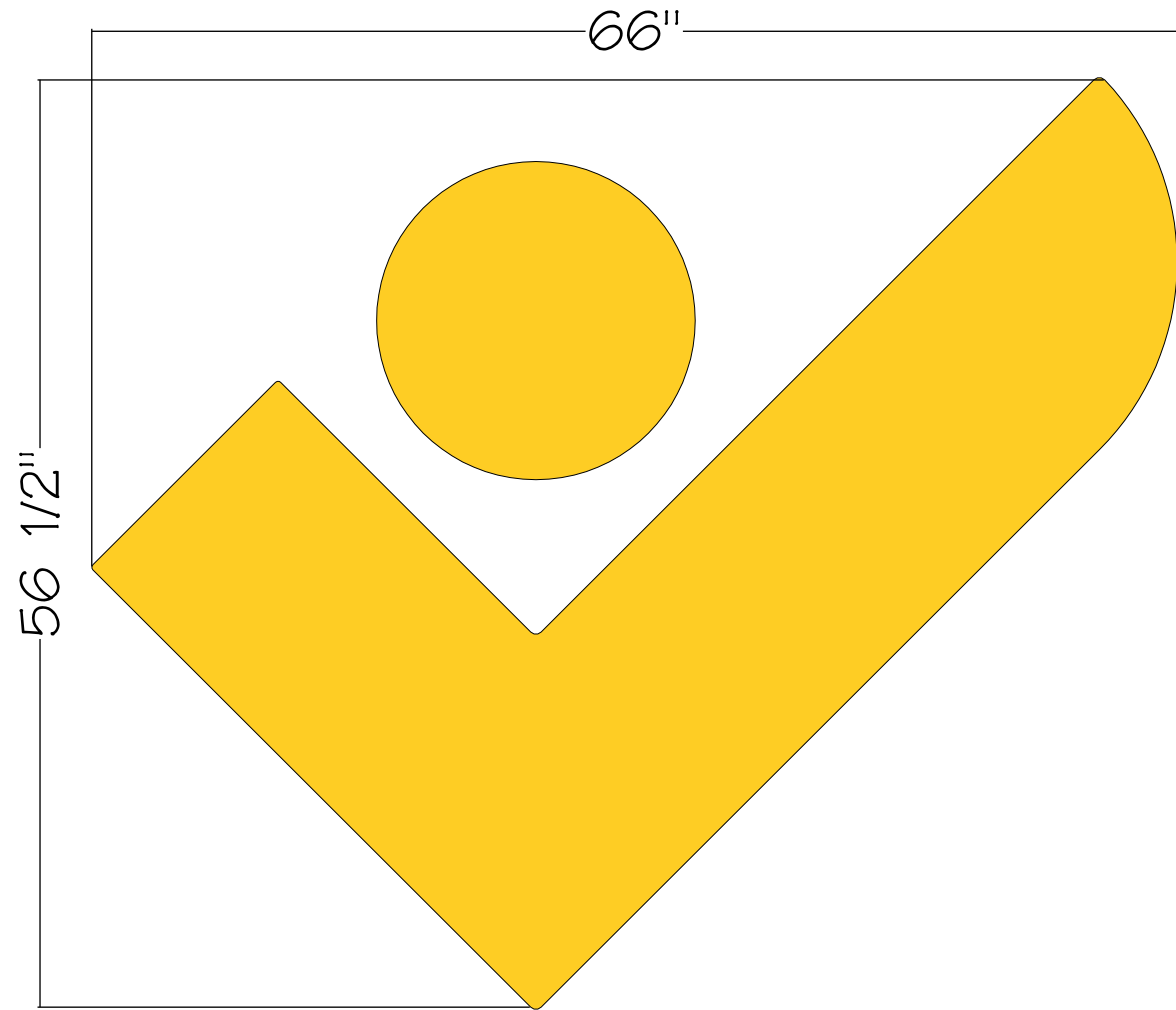
Portsmouth, NH

SIGNAGE PLAN

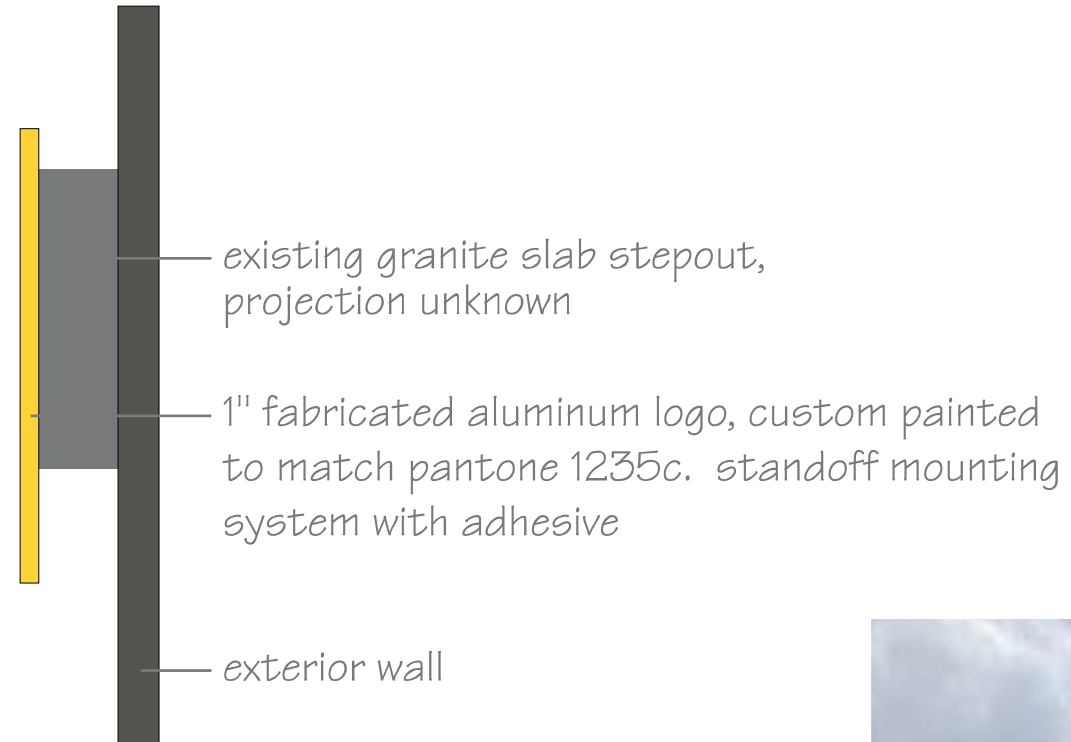
PAGE	TYPE	ELEVATION
01	EXT-WALL SIGNS	SOUTH - TOWERS
02	EXT-WALL SIGN	SOUTH - AWNING/CANOPY
03	EXT-WALL SIGN	NORTH ELEVATION

MET Labs listing #E212479 

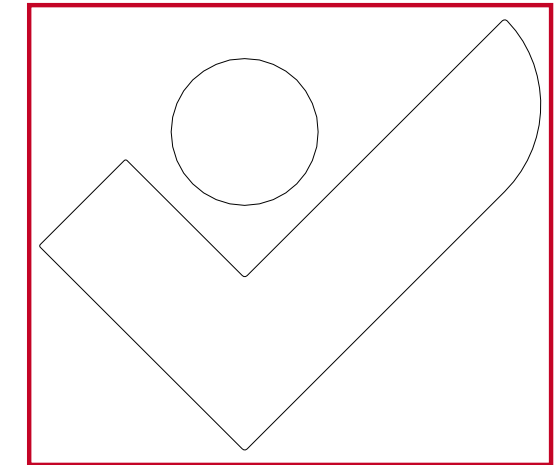
225 East Industrial Park Dr. Manchester, NH 03109
603-622-5067 FAX 603-624-6188



Side Profile



Sign Area Calculation




Sign is 25.9 sq.ft

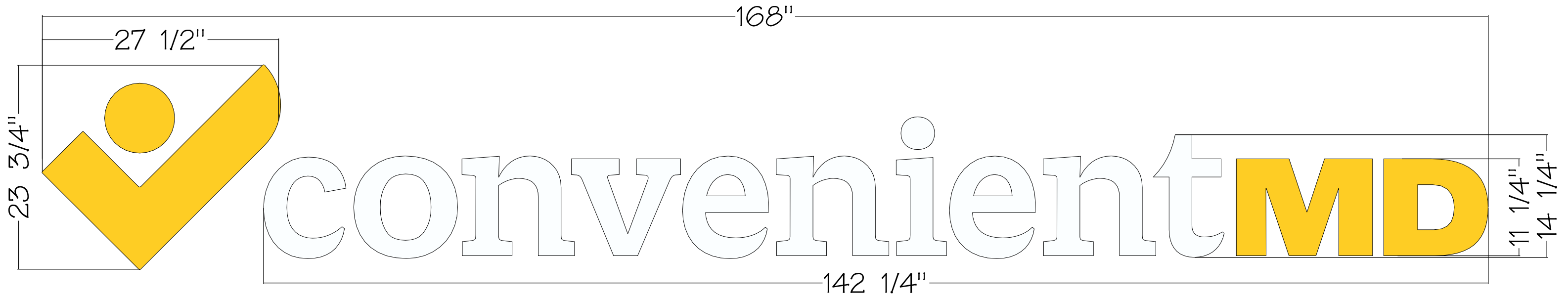
Quantity [2]

Design, furnish and install (2) fabricated logo signs., on the exterior building wall on the South elevation (towers.) Sign will either be externally illuminated (downlights) or non-illuminated signs. Colors meet CMD branding standards.

- 1" aluminum fabricated logos
- painted to match Pantone 1235c



DATE: 1-5-23	JOB NAME: Convenient MD - West End Yards - Exterior Sign Package	 225 East Industrial Park Dr. Manchester, NH 03109 603-622-5067 FAX 603-624-6188	CHANNEL LETTERS SPECIFICATIONS <input type="checkbox"/> SIGN FACE: 3/16" Acrylic, White <input checked="" type="checkbox"/> TRIMCAP: 1" Trimcap, Black <input checked="" type="checkbox"/> RETURNS: 040 Aluminum, Matte Black <input type="checkbox"/> LIGHTING: Hanley LED Lighting, White <input checked="" type="checkbox"/> COLOR: Printed to Match Pantone 1235c
REP: Jason	JOB LOCATION: 428 Route 1 Bypass, Portsmouth, NH		
CONTACT: Dave / Ryan	Signature: _____		
AUTHORIZED SIGNATURE REQUIRED TO BEGIN PRODUCTION			
"The information on this sheet is the property of SOUSA SIGNS, llc and cannot be duplicated or used without the expressed written consent of SOUSA SIGNS, llc."			



Quantity [1]

Design, furnish and install (1) LED illuminated channel letter set, flush mounted to exterior building wall on the North elevation (rear of building facing U-Haul.) Colors meet CMD branding standards.

- standard 5" LED, lit channel letters
- plotter cut translucent vinyl graphics
- signs are UL listed under Sousa Signs, LLC

Night Rendering



Sign Area Calculation
Sign totals 18.5 sq.ft



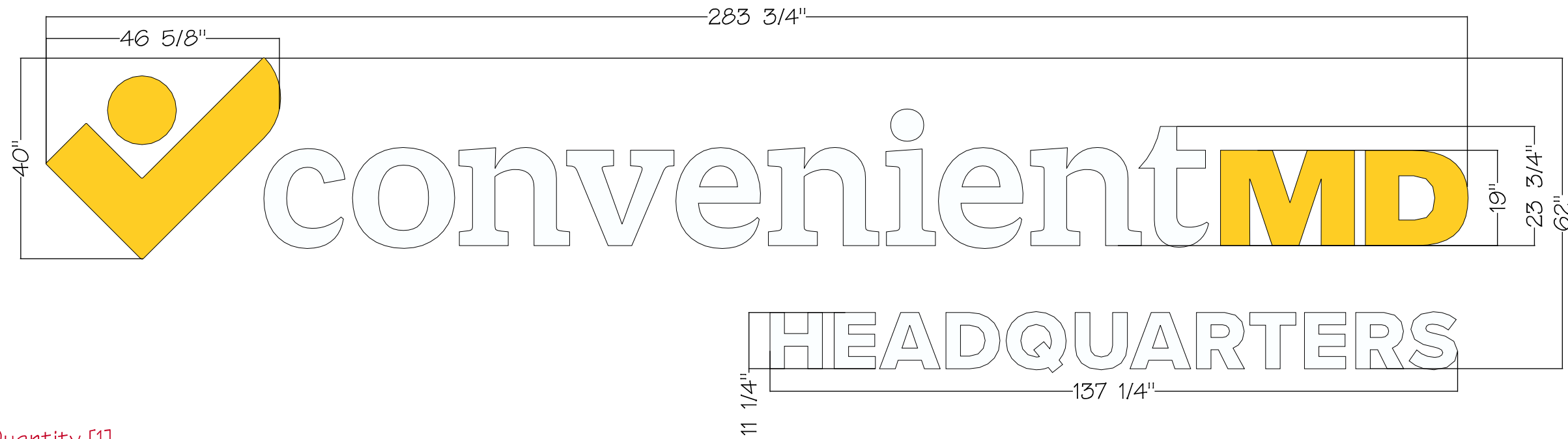
DATE: 1-5-23	JOB NAME: Convenient MD - West End Yards - Exterior Sign Package
REP: Jason	JOB LOCATION: 428 Route 1 Bypass, Portsmouth, NH
CONTACT: Dave / Ryan	Signature: _____
AUTHORIZED SIGNATURE REQUIRED TO BEGIN PRODUCTION	



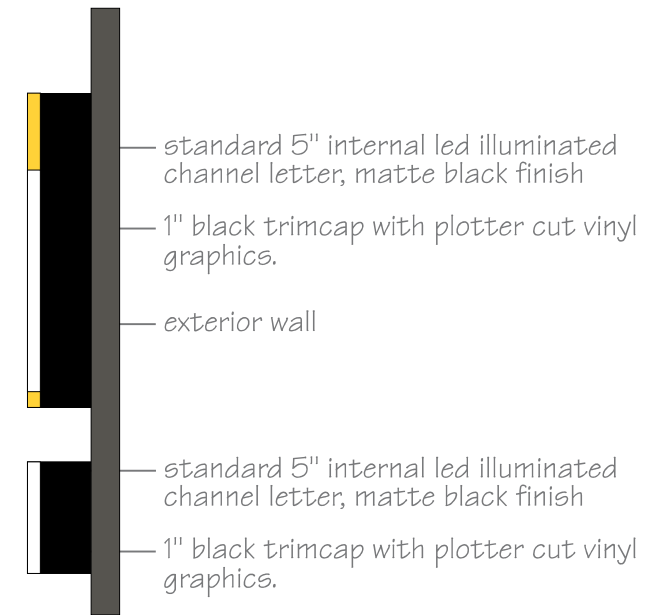
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603-622-5067 FAX 603-624-6188

CHANNEL LETTERS SPECIFICATIONS

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- RETURNS: 040 Aluminum, Matte Black
- LIGHTING: Hanley LED Lighting, White
- COLOR: Printed to Match Pantone 1235c



Side Profile



Quantity [1]

Design, furnish and install (1) LED illuminated channel letter set, flush mounted to exterior building wall on the North elevation (rear of building facing U-Haul.) Colors meet CMD branding standards.

- standard 5" LED, lit channel letters
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- signs are UL listed under Sousa Signs, LLC



Placement Rendering ONLY (not to scale)



Night Rendering



Sign Area Calculation



Sign is 122.2 sq.ft

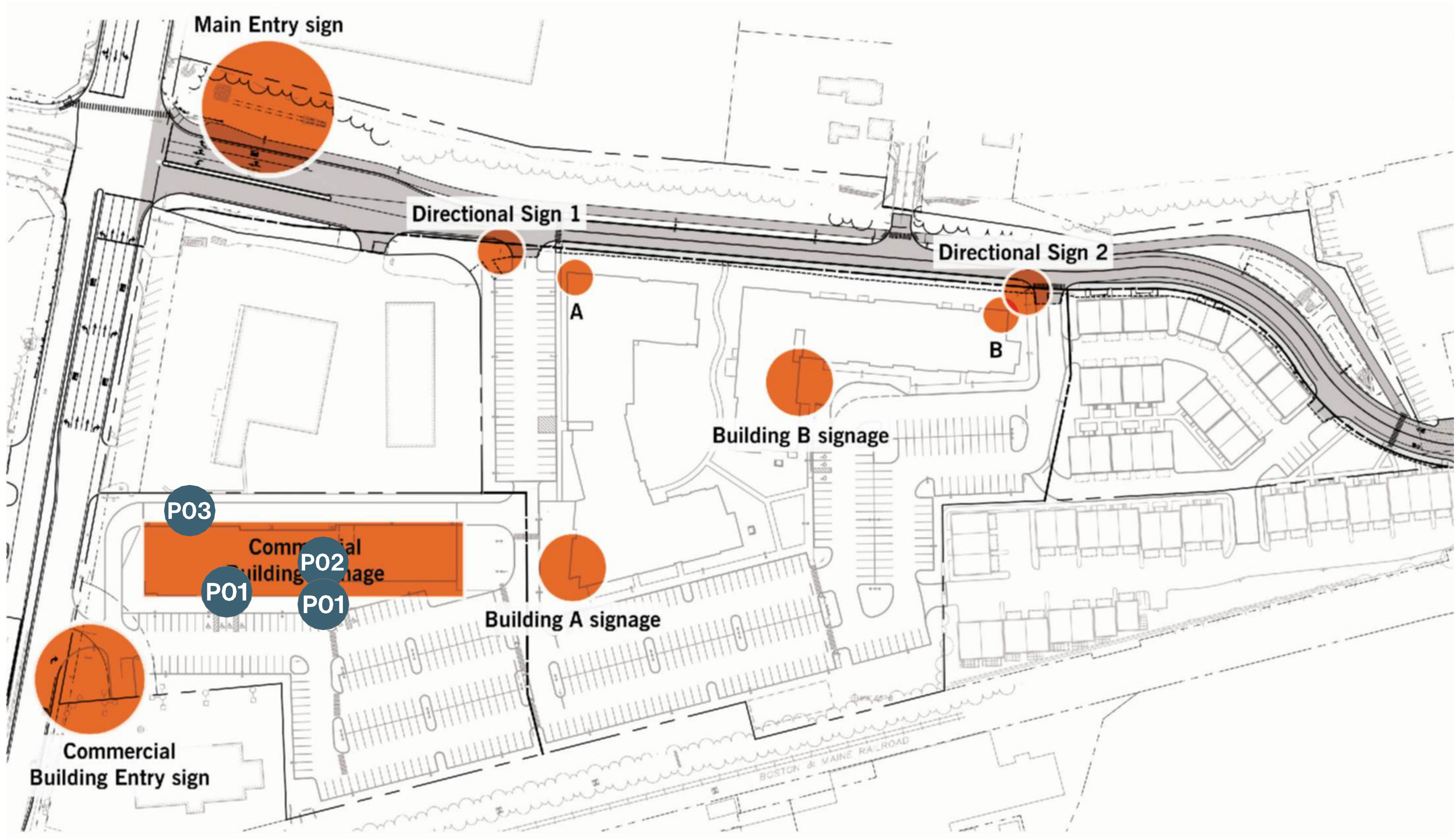
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REP: Jason	JOB LOCATION: 428 Route 1 Bypass, Portsmouth, NH		
CONTACT: Dave / Ryan	Signature: _____		
AUTHORIZED SIGNATURE REQUIRED TO BEGIN PRODUCTION "The information on this sheet is the property of SOUSA SIGNS, llc and cannot be duplicated or used without the expressed written consent of SOUSA SIGNS, llc."			



HARRIMAN

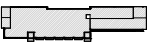
AUBURN BOSTON PORTLAND PORTSMOUTH

WEST END YARDS
COMMERCIAL BUILDING

PORTSMOUTH, NEW HAMPSHIRE

Harriman Project No. 20377

Proj. Team



GENERAL NOTES

1. SEE DRAWING A101 FOR HARRIMAN TYPES.
2. SPECIFICATIONS LOCATING FINISH PARTITIONS ARE TO FACE OF GFW OR CMU UNLESS NOTED OTHERWISE.
3. SEE DRAWING A801 FOR DOOR SCHEDULE.
4. SEE DRAWING A801 FOR ROOM FINISH SCHEDULE.

SYMBOLS LEGEND

- 1HR RATED WALL ASSEMBLY UL 94B
- 5HR RATED ELEVATOR SHAFT ASSEMBLY UL 94B
- 1HR RATED SHAFT WALL ASSEMBLY UL 94B

CONFORMANCE SET

JUNE 28, 2021

Rev. No.	Revised Description
05-16-2022	AS14
02-24-2022	REVIEW TO AS14
02-24-2022	REVIEW TO AS14
02-24-2022	PROPOSAL REQUEST 10
03-24-2022	REVIEW TO PROPOSAL REQUEST 10
05-04-2022	AS16

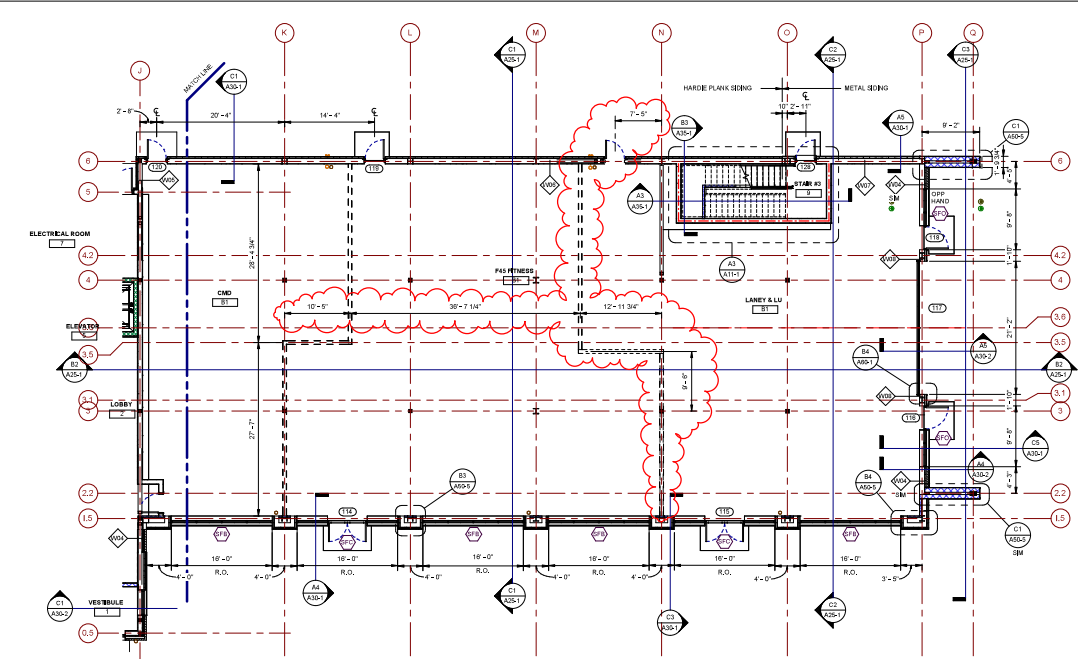


0 4 8 12
1/8" = 1'-0"

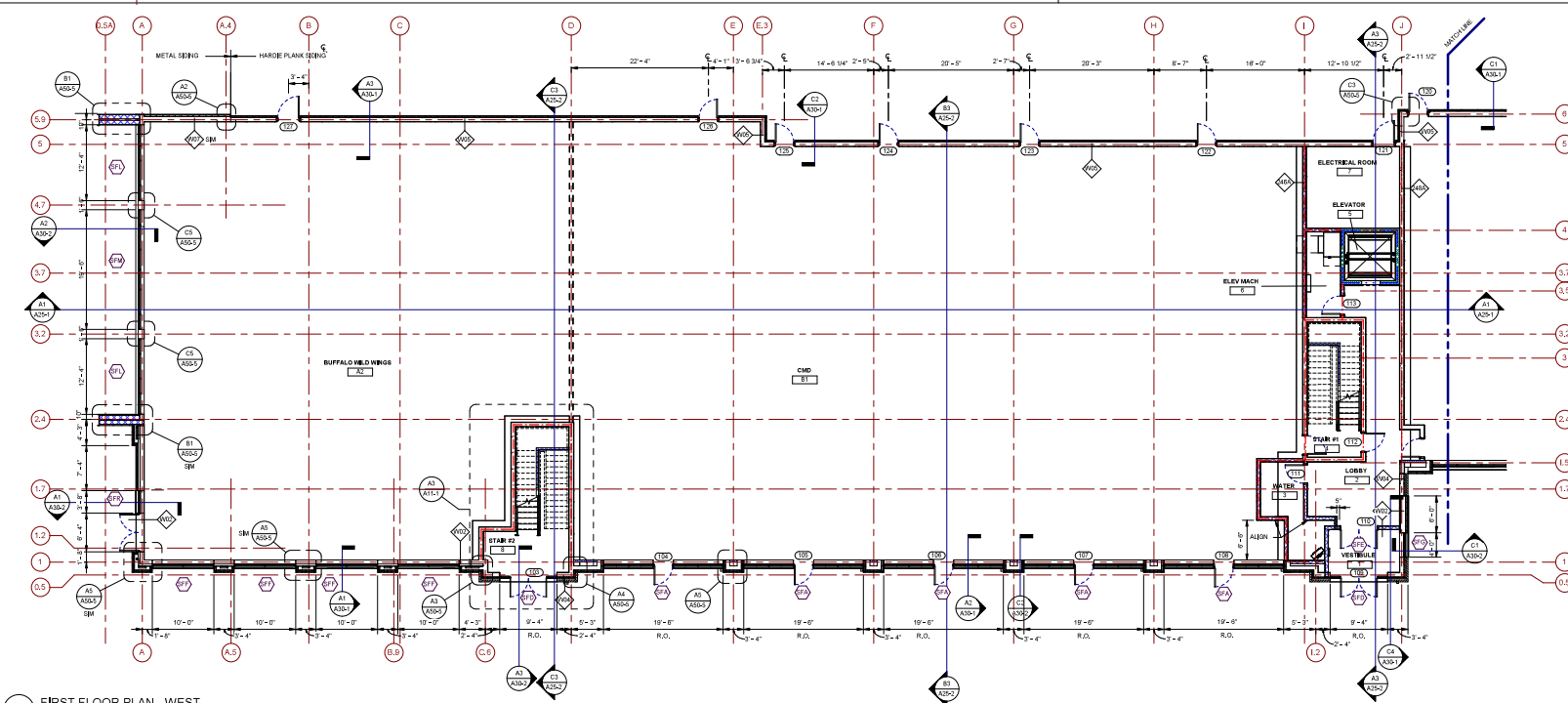
PA/RE: MJB
Drawn by: DNE

FIRST FLOOR PLAN

A10-1



B1 FIRST FLOOR PLAN - EAST
SCALE: 1/8" = 1'-0"



A1 FIRST FLOOR PLAN - WEST
SCALE: 1/8" = 1'-0"



Southern facade



Northern facade