



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

#### **Request for Variance – Freestanding Sign Bunamus, LLC: Celeste Burns, Mgr. Tax Map 52, Lot 27**

**February 3, 2021**

**Applicant: Bunamus, LLC  
Celeste Burns, Manager  
26 Driftwood Drive  
Moultonborough, NH 03254**

**Location: 967 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 27)**

On February 3, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Bunamus, LLC (hereinafter referred to as the “Applicant” and/or “Owner”) for a Variance from sections 5.3.2, 5.4. & 7.5.1 of the Moultonborough Zoning Ordinance to allow for an LED Fuel Price Sign where LED lighting is not allowed, a sign illuminated with LED’s on the gas canopy and to increase the existing non-conforming area of the freestanding sign by 3 sq ft. on a parcel located in the Commercial Zone C and the Village Center Overlay District (VCOD).

Based on the application, testimony given at the hearings, and additional documentations, the Board hereby makes the following findings of fact for

- 1) The property is located on 967 Whittier Highway (Tax Map 52, Lot 27).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented at the Public Hearing(s) by Peter March; N.H. Signs.
- 4) The lot is located in the Commercial Zone C Zoning District, the Ground Water Protection Overlay District, and the Village Center Overlay District (VCOD).
- 5) On February 3, 2021, the Public Hearing was continued to March 3, 2021.

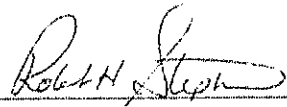
- 6) The Applicant's agent submitted a revised application on February 17, 2021, in which they clearly identified the two requests for Variance's separately (Freestanding Sign and Gas Canopy Sign).
- 7) This Variance is for relief from MZO section 5.4.4 to allow for internal illumination on the freestanding sign and LED fuel pricers where LED lighting is not allowed.
- 8) There will be no increase in the size of the existing grandfathered sign. (54.52 Square Feet).
- 9) Members questioned the height and colors of the proposed LED numerals on the sign.
- 10) Members questioned the size of the proposed sign.
- 11) One member of the public spoke in opposition of the Variance request.
- 12) Granting the Variance would not be contrary to the public interest as it does not alter the essential character of the neighborhood and would improve the readability of the prices, and it would be safer for the price changer and be more aesthetic in appearance.
- 13) Granting the Variance would be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #12 above.
- 14) By granting the Variance, substantial justice would be done there because there is no public benefit to be gained by denying the LED illuminated sign, while the loss to the applicant would be great because the ordinance language, when written, had no way of expressing the difference between what an LED gas price type sign could do that was harmful and the type of technology, when properly employed, is ecofriendly.
- 15) Granting the Variance does not diminish the value of surrounding properties because the proposed LED gas price sign will be displaying the same information in a different format.
- 16) No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision because the use of LED lighting in this instance maintains the public purpose which is safety and general welfare from such things as may occur when employing electronic message centers such as flashing, animated, changing colors, intensities, and videos when this proposal is limited to static numbers only, changed no more than twice a day. The Ordinance itself is a hardship as it is outdated. The proposed LED illumination is a reasonable use is standard for businesses of this type.

On February 3, 2021 the Board voted by a roll call vote of five (5) in favor (St. Peter, Jenny, DeMeo, Bickford, Stephens) and none (0) opposed, to grant the request for a variance from section 5.4.4 for Bunamus, LLC, Tax Map 52, Lot 27 to allow the reface of a pre-existing Mobil Main ID sign with internal LED illumination and electronic price changers where LED lighting is not allowed subject to the following conditions; 1. The price on each module changes no more

than twice in any 24-hour period. 2. Only numbers necessary for fuel pricing be used; no graphics, moving characters, flashing, intensity change or changing colors shall be employed. 3. The daytime intensity (nits) of the LED's shall be reduced at dusk to generally accepted levels established by the Illuminating Engineering Society of North America (IESNA) for LED sign illuminance. The daytime maximum being 5000 nits and the nighttime maximum being 500 nits which equates to 0.3-foot candles above ambient light. This shall be accomplished by installing an ambient light sensing mechanism (photocell) which automatically adjusts the sign's brightness based on current ambient light conditions. 4. Only the numbers to be backlit and not the blue face of the price change section and the white face of the top Mobil sign section shall not be lit. 5. The foregoing conditions be included as conditions of the required sign permit and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next Zoom meeting.

The Board of Adjustment, on April 7, 2021, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, Jenny, DeMeo, Poloian) and none (0) opposed.

The decision made to approve the variance on March 3, 2021, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date: April 7, 2021

cc. Map Lot Document File  
Don Booth, NH Signs (by email only at [permitnow@gmail.com](mailto:permitnow@gmail.com))