



Town of Wilton, NH
Application to the Zoning Board of Adjustment
 (Revised January 2011)

General Information, Page 1 of 3

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number F-171 Lot Size 2.4a.
 Street Address 626 GIBBONS HIGHWAY

Zoning District (check one):
 Residential General Residence and Agricultural
 Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):
 Research and Office Park Floodplain Conservation Watershed
 Wetlands Conservation Aquifer Protection Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name ENI
 Mailing address 2 INTERNATIONAL WAY
 Mailing address _____
 Town, State, ZIP LAWRENCE MA 01843

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature SEE ATTACHED AUTHORIZATION Date 5/24/18

(continued on the next page)

clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included



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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name ENI

Mailing address 2 INTERNATIONAL WAY

Mailing address _____

Town, State, ZIP LAWRENCE MA

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature SEE ATTACHED AUTHORIZATION Date 5/24/18

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name NIT SIGNS

Mailing address 66 GOLD LEDGE AVE

Mailing address _____

Town, State, ZIP AUBURN NH 03032

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner

Signature DON BOOTH NIT SIGNS Date 5/24/18

(continued on the next page)



Town of Wilton, NH
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 (Revised January 2011)

General Information, Page 3 of 3

Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone 603-682-1602 (CELL) Evening phone _____

Work E-mail PERMITNOW@GMAIL.COM Personal e-mail _____

OFFICE 603-437-1200

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

SEEKING RELIEF FROM 16.3.1.1 AND 16.3.1.2 AND 16.3.1.4
OF EXISTING SIGNS. SIGNS HAVE BEEN EXISTING FOR 10 OR MORE
YEARS. SEEKING RELIEF TO MODIFY FREE STANDING SIGN WITH
ELECTRONIC PRICE CHANGES
 SITE CURRENTLY HAS 3 SIGNS WHERE ONLY 1 SIGN IS
 ALLOWED. EXISTING SIGNS ARE INTERNALLY ILLUMINATED



Date: 5/22/18

To whom it may concern:

This letter authorizes Indaba Holdings, dba NH Signs of 66 Gold Ledge Ave., Auburn, NH, to act as an authorized agent for Energy North Inc. property owner of 626 GIBBONS HIGHWAY with respect to the submission of applications for sign permits, sign waiver requests, variances or other permit related documents to the Town of WILTON NH.

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

Regards,

A handwritten signature in blue ink that reads "Pat O'Connell". The signature is stylized and cursive.

Patrick O'Connell
Vice President

**Energy North Group
ABS Fuel Systems, LLC**

2 International Way
Lawrence, MA 01843
T: 978-640-1100
F: 978-640-1101
www.energynorthgroup.com

NH Signs
66 Gold Ledge Ave
Auburn NH 03032

F-171
ENI
2 International Way
Lawrence MA 01843-1064

F-006-01
Aubel, Gerald & Michaele
489 Issac Frye Highway
Wilton NH 03086

F-006-02
Norton, Michael F & Van, Hien T
629 Gibbons Highway
Wilton NH 03086

F-170
Oak Lane Holdings LLC
614 Gibbons Highway
Wilton NH 03086

F-172
Blanchard Auto Salvage. LLC
221 Wilson Rd
Wilton NH 03086

E-016
New England Forestry Foundation
32 Foster St
Littleton MA 01460-4346

Application for a Variance:

This request relates to the Mobil Gas station at 626 Gibbons Highway. The property is zoned Industrial and is in neighborhood C2.

The site is remote in that it is the last station on Rt 101 heading west for some 10 miles. Rt 101 is a throughway that carries many people unfamiliar with the area.

We applied for permits in April to add LED price facers to the ID sign, and we were made aware that the site had never, to the knowledge of the Town Building inspector, been granted sign permits for the signs on the property nor had it been subject to any enforcement actions.

The Site was sold by Draper Energy to Energy North on 6/10/2009. Energy North was not aware that the signs were not permitted. No changes to the signage have been made since that time. During a meeting with The Town Manager and the Building Inspector, and subsequent discussions, we were advised to apply for variances for the signage requested.

The property has the following signage currently:

<u>Current Sign sizes:</u>			<u>Sq Ft</u>	<u>ht</u>
Mobil ID	48	120	40.00	16
Mobil price	61	68	28.81	
Brookside	48	96	32.00	
Canopy			11.00	
		Total	111.81	

The signs are all internally lighted; in addition, the canopy fascia is lighted.

The Code allows us:

16.3.1.1 Number. One (1) sign or structure per parcel relating only to the permitted use or uses conducted in the building or on the immediate premises thereof.

16.3.1.2 Size. Maximum of one hundred (100) square feet in area per face and a maximum of two faces may be used.

16.3.1.4 Lighting. Signs may be illuminated but the lighting shall be confined to the area of the sign and arranged to avoid glare or reflection onto any portion of an adjacent highway, into the path of on-coming vehicles or onto any residential premises and shall not significantly contribute to light pollution.

Section 16.1.h of the Code also prohibits except as specifically permitted in this ordinance:

- 3. Animated, flashing or intermittently illuminated signs.
- 4. Internally illuminated signs.

We are applying for:

<u>Proposed</u>			<u>Sq Ft</u>	<u>ht</u>
	w	ht		
Mobil ID	48	120	40.00	16
Mobil price	61	68	28.81	
Brookside	48	96	0.00	
Canopy			11.00	
		Total	79.81	

Essentially, this means that we will remove the Brookside sign, and ask to keep the remaining un-permitted signs. We are asking to replace the manual Price changers with electronic pricers.

Thus, the variances requested are to allow:

- A. In terms of 16.3.1.1 the Code allows One (1) sign or structure per parcel relating only to the permitted use or uses conducted in the building or on the immediate premises thereof, we are requesting two signs- an existing ID Sign and an existing canopy sign.
- B. In terms of Section 16.1.h of the Code which prohibits internally illuminated signs, we are asking for the Main ID sign and the Canopy sign to be illuminated internally.
- C. We are asking for Electronic price changers to replace the manual price changers. These are not prohibited by code, and we submit, they do not fall into the "Animated, flashing or intermittently illuminated signs" category mentioned in the code.

Basis of the Variance:

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

This portion of the test requires us to merely show that there will be no harm to the public interest if granted. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

The Signs requested have actually been in existence for some 10 years or more; we are asking to reduce the amount of the non-conformity by removing the Brookside sign which reduces the area by 30 sq. ft overall.

Both the ID sign and the Mobil Canopy letters scale well to the size of the property and do not appear overly large.

One key element is the adoption of electronic price changers.

LED price changers are a new technology that is replacing the old technology of manual reader boards. The LED digit displays on this sign are designed to display fuel prices only. They will change only when an end-user actively changes the sign via remote control or internet connection. These signs do not have the ability to display information other than number digits, nor do they have the ability of displaying moving images, flashing or animation. They are only able to display numbers, not graphics or text.

LED Price changers:

1. Make it easier for the public to read gas prices, and as such improves traffic safety when approaching this busy station.
2. The older type signs are difficult to change in windy or icy conditions, and the track system is prone to failure- the letters fall out from time to time.
3. The LED signs are changed from inside the building, and this improves the safety of employees and passersby.
4. Critically, these signs link into a network that allows the owner to change prices on the dispensers, at the till, and on the sign simultaneously and remotely

The code has no interest in limiting businesses ability to display appropriately sized signage; it has an interest in improving signage and modernizing it so as to improve effectiveness, visibility and safety. These signs do both.

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

This requires that the effect of the variance be evaluated in light of the goals of the zoning ordinance, which might begin, or end, with a review of the premises upon which the ordinance is based."

The preamble to the Sign Code states:

"The purpose of this ordinance is to preserve the visual character of Wilton while providing signs that direct and indicate the location of a business; identify businesses or individuals within a building; denote a service or enhance traffic and pedestrian safety"

It goes without saying that the current signs have not been subject to any enforcement actions in recent years, if ever, and they have become part of the landscape. They act to identify the business.

This station is relatively remote- the closest to the East is the Irving and to the west, in Peterborough. It is on a dark stretch of highway, carries people unfamiliar with the area and requires good lighting and good signage for this reason

The ordinance makes no distinction between types of businesses, and their signage needs, or businesses that have long or short frontages, but it does encourage effective use of signage. This sign package observes the spirit of the ordinance by:

1. Requesting signs that cater to specific needs of a gas station, specifically electronic price changers and modest canopy signage
2. Reducing the amount of light output significantly
3. Allowing effective signage on a long, poorly lit road.

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

The current property owner is not the same owner that appeared not to permit the signs before 2009. Energy North purchased the site from Draper Energy in June 2009. To require the owner to remove the signage, and to conform to the current code would be onerous, particularly where no record of any complaints against the current or past owners have been found. In addition:

1. Lighting the signs ensures clear communication on this dark road
2. Allowing electronic price changers promotes safety for employees who have to change the prices and for motorists who will be able to see the prices more clearly from a distance.

3. Electronic price changers also allow the owner to network the signs and operate them centrally.
4. Specifically concerning the canopy sign, the canopy is of a type not produced anymore. If the owner was forced to remove the Mobil sign, the canopy would have to be rebuilt to fill in the area where the Mobil sign is currently. To revise the canopy to conform to the Mobil standards, the entire canopy fascia will have to be replaced at a cost of around \$15,000.

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

The signage proposed is designed to facilitate information regarding fuel pricing and traffic safety in the surrounding area. It is submitted that the use considered does not have any effect on the area or property values, especially given that the total area of signage is being reduced by nearly 30%.

We submit that this type of sign offers several benefits to stakeholders at the facility and to the general public and cannot be construed as being detrimental to surrounding properties.

We submit that there is no evidence that this well thought out design would negatively impact surrounding property values

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

This property is clearly unique- it is one of the few gas stations in the vicinity. The question is, can relief be granted to this property without frustrating the purpose of the ordinance? In other words, is the full application of the ordinance to this particular property necessary to promote a valid public purpose? Do the interests of the Town in promoting the letter of the code outweigh the hardship to the owner?

The Special Conditions of the Property that distinguish it from other properties in the area are as follows:

1. It is a gas station- that in of itself is unusual in this immediate area.
2. It serves a clientele that, often, is new and unfamiliar with the area.
3. The property has had this signage for many years.

The Buildings the station occupy also feature unique elements that support relief in this case. The C Store Building is situated much further from Route 101 than the canopy on the Parcel. Accordingly, dimensional requirements that might make sense when applied to single buildings conceived for store-front retail are not adequate to alert customers and visitors to the nature and location of the Building.

The ID sign is clearly needed to advertise the brand and the fuel prices; the canopy is a part of the Mobil brand- in fact, the ratio of blue to white is copyrighted by Mobil. The Mobil letters on the canopy are needed to ensure visibility for traffic approaching from the west. In order to bring the site into conformity, the owner has agreed to eliminate one sign, bringing the total to 80 sf, 20 sf less than is allowed by code. Clutter is thus not an issue.

These unique features support the grant of the requested variances, which are intended solely to improve the ability of visitors and residents to see and access the Store.

In conclusion, we argue that the proposal is reasonable and not overly aggressive. In the justice test, there is no benefit to the public that would outweigh the hardship on the application if the variances were denied.



ISAAC FRYE

18" R.C.P.

N. H.

F/G

BENNETT J. FRYE
 GRAY'S CORNER, WILTON, N.H.

Internally Illuminated
Mobil Logo, 11 SQ. FT.



Existing (LED) Lit Mobil Logo

DESIGN = MANUFACTURE = INSTALL = SERVICE
nhsigns.com = 603.437.1200
 66 Gold Ledge Avenue, Auburn, NH 03032
 FAX 603.437.1222

CLIENT: EN
 LOCATION: WILTON, NH
 DATE: 4.13.18
 DESIGNER: J Saville
 ACCT. REP: P. March

DESIGN APPROVED BY: _____ DATE: _____ / ____ / ____

REVISION	NOTES	BY	TYPE
1	5.16.18		
2			
3			

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Remove Brookside Sign


 SERVING NEW ENGLAND SINCE 1982
 DESIGN = MANUFACTURE = INSTALL = SERVICE
nhsigns.com = 603.437.1200
 66 Gold Ledge Avenue, Auburn, NH 03032
 FAX 603.437.1222

CLIENT: EN
 LOCATION: WILTON, NH
 DATE: 4.13.18
 DESIGNER: J. Saville
 ACCT. REP: P. March

DESIGN APPROVED BY: _____ DATE: ____ / ____ / ____

REVISION	NOTES	BY	TYPE
1	00/18		
2			
3			

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Untitled Map

Write a description for your map.

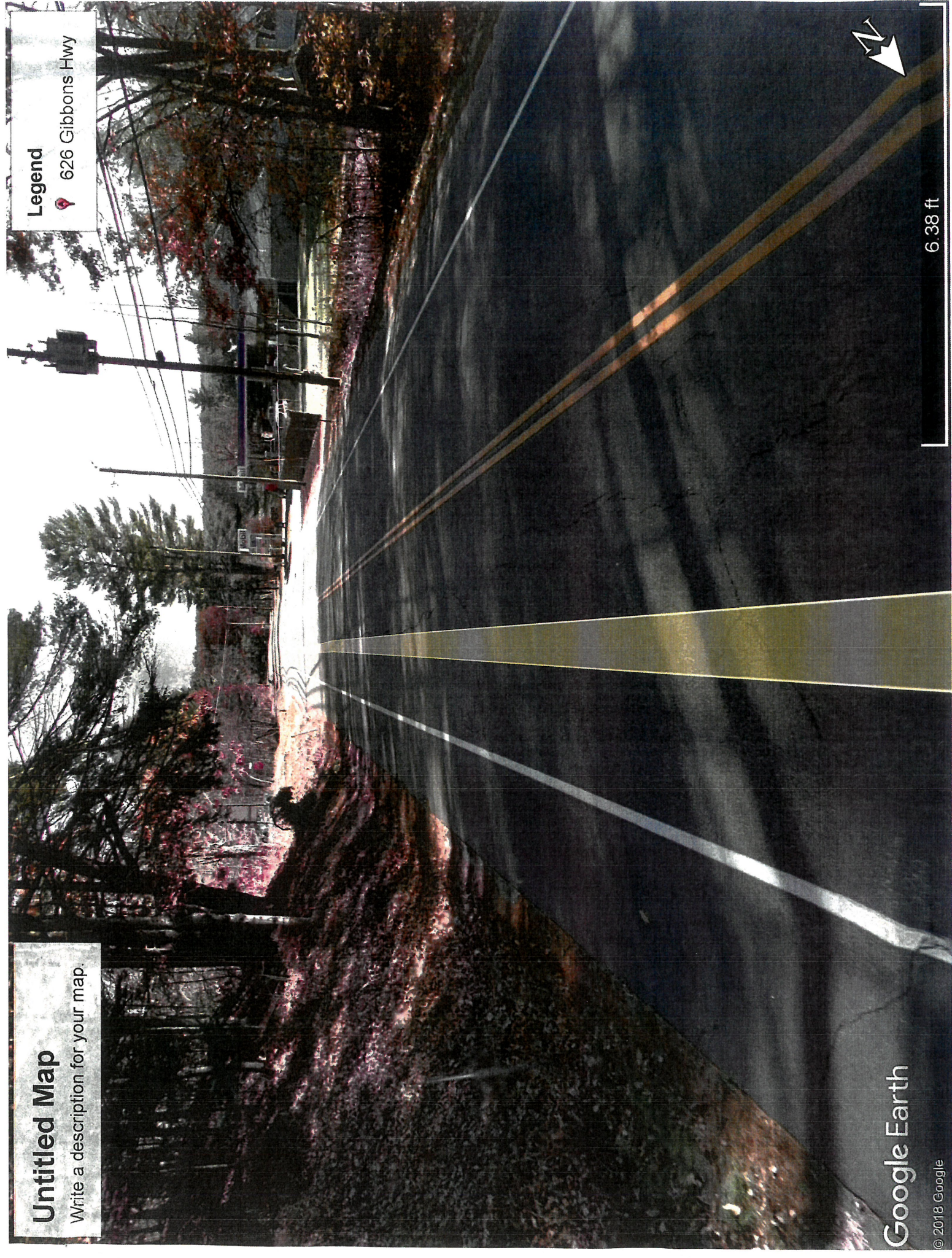
Legend

 626 Gibbons Hwy

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Legend



626 Gibbons Hwy

Google Earth

© 2018 Google

10 ft



Untitled Map

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Legend

 626 Gibbons Hwy

