

Board of Adjustment

Canterbury, NH

Minutes of Hearing

25 June 2025

Case No. 2025-3 Special Exception

Present were: Chairman Jim Wieck, Christopher Evans, Scott Herrick, Web Stout (via zoom) and Lisa Carlson (Alternate). Also present were Attorney John Arnold, Judith Patterson and Heather Cassavaugh, Kal McKay.

Chairman Wieck advised those present there are two applications from GRJH, Inc being presented by Attorney John Arnold tonight. One is a special exception, the other a variance. The applications involve Tax Map 248, lot 16, located at 125 West Road, located in the Commercial zone. The special exception proposed use states "More than 1 sign, more than 10sf of signage, and a freestanding sign measuring approximately 20' tall". The application references Article 2, Section 2.6. The variance proposed use states "Internal illumination and electronic price display for gas station signage". The application references Article 2, Section 2.6A & B.

Chairman Wieck gave a detailed description as to the conduct of the hearing procedure. Attorney Arnold introduced himself saying he was here representing GRJH, Inc., the property owner. He reminded the board he was here in October and December seeking permits and approvals to get the gas station back up and running after being closed for a number of years. At those hearings the board voted to grant a special exception to allow the gas station use on the property and that determined that the USB system and location of the canopy were both grandfathered with the zoning rules. When he was here at that point, he explained they were trying to get over the initial threshold of the use issue and that the design work would go forward. After they got the approvals, they have been working with Gulf as the operator of the station. They have done all the design work and provided their signage package. The applications relate to that signage. Unsurprisingly, the signage that Gulf uses at its gas stations does not conform to the town's ordinance. This is in large part because Canterbury has very restrictive zoning signage requirements. Attorney Arnold reviewed with the board and those present pictures of all the proposed signage Gulf uses in a gas station location of this size. The pylon sign would be 20' tall, 78sf, the building sign would be the same size and location. The second railroad crossing sign would be removed and not replaced. With respect to the pylon sign, a much taller and larger sign was previously approved but never built. The existing fuel pumps have names and logos on them, and the new pumps will be similar. A sign on the far-right side of the building will be removed and not replaced. The new canopy will include signage. Scott asked is everything you have mentioned illuminated. Discussion of what signs would be illuminated ensued. Attorney Arnold advised he had trouble following the permitting of past signage in this location. He could not trace all the permits in the town records. In 1993 a 50' tall, 140-sF-style pylon sign was approved for visibility to the highway. That was never erected. And there was an approval for a second free standing sign, it looked like a railroad crossing sign, 14' tall as well. Scott asked for the total square footage of illuminated signs. Attorney Arnold replied he does not have that figure. A review of the various sizes of signs was given. Chairman Wieck asked for clarification of internally and externally illuminated signs.

Attorney Arnold pointed out there are two applications before the Board tonight. The special exception addresses sizes of signs, the variance addresses illuminations. He said he'd like to address the special exception first. The Board concurred. Attorney Arnold clarified the special exception concerns the sizes of signage and does not address illumination at all. The application includes a detailed narrative, and he offered to go through the seven special exception requirements as follows:

1. That granting the permit would be in the public interest. Signage is meant to ensure there is safe and adequate identification for a business in town. It's also trying to balance that it will not have excessive, intrusive, unattractive signage especially in a rural community like Canterbury. He thinks what they are posing strikes that balance. The sizes and numbers of signs are not a whole lot different than what is there today. It is consistent with has been there and what people expect to see at gas stations overall.
2. That the proposed use would not adversely affect the property values in the district. The historic use of this site was a gas station and convenience store with comparable signage.
3. The specific site is an appropriate location for the proposed use. This is a former gas station. It has been approved to reopen as a gas station.
4. The proposed use would not adversely affect the health and safety of the residents and others in the area and would not be detrimental to the use or development of adjacent or neighboring properties. The signage will have no negative effects on health and safety. If anything, there is an argument to be made in favor of safety that more prominent signs for a gas station at the bottom of the highway off ramp enhances safety. It makes it easier to identify the site for motorists who patronize businesses like that. This kind of signage would have no effect on future development.
5. That the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness. This is Gulf's standard size package for a gas station in similar locales. The fact that it is in so many other places points to it not being a nuisance.
6. That granting of the permit would be in the spirit of the ordinance. The purpose of the commercial district is to provide commercial growth and development. The success of a commercial business really depends on being able to adequately identify itself. It needs sufficient signage to attract customers, especially if in a location where most are local customers stopping to fuel up and making purchases in the convenience store. There is a massive investment going into reopening this site. Part of that is securing a reputable, well recognized operator for the gas station, somebody like Gulf to come in and run a professional operation and do a good job with it. It's important to make sure a business like that has adequate signage to ensure long-term success.
7. That the proposed use would not constitute a hazard because of traffic, hazardous materials or other conditions. This relates to what stated earlier that this is a standard signage package from Gulf located in many other places. If the signage was hazardous, they would know about it by now. It will not be a hazard.

All in all, the new signage is just a little bigger than what is there today, not dramatically different than what has historically been there, what people are used to seeing, how the site is operated and what people would expect to see at a gas station anywhere. They think it is a reasonable ask. They think it is a critical component to attract people like Gulf to come in and operate the site. Scott asked were the signs on the building currently there illuminated. They were not. Lisa asked will there be hours for the gas station and convenience store to be opened and closed. Attorney Arnold affirmed but is unaware of what they will be. The ordinance does impose limits on hours for illumination of signage. No sign within 100 linear feet of a residential structure shall be illuminated between midnight and 6 AM. He is not aware this property is within 100 feet of any residential structure, but to the extent that they are they would certainly not be illuminated during that time. Chairman Wieck reminded everyone we are not talking about illumination at this point. Another discussion about sizes and numbers of signs ensued. Chris asked so a 50sf sign was previously approved, what was the square footage of that. It was 140sf. In summation, more signage has been approved or existing on the site today than what they are proposing if you factor in the 140sf sign that was approved but not built. If you look at what is on site today or in the past compared to what they are proposing, there is going to be a slight increase. Chairman Wieck asked if anyone wished to speak in favor. There being no response he asked if anyone wished to speak in opposition. No one spoke. He returned to the applicant for further testimony. There being nothing further, he asked for questions from the board. Scott said

to just clarify the math one more time, there is about a 55sf increase from what is currently onsite. This is Attorney Arnold's rough math. The total area they are asking for today is less than what was approved in the past. So, to sum it up, a slightly bigger pylon sign, less building signage, and new canopy signage. No one spoke in favor or in opposition for the final time. Chairman Wieck closed the testimony portion of the hearing at 8 PM.

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Chris spoke for clarification saying they came in and we approved of it because the use had not changed. So, the previous approvals of the signage is that something we can take into consideration. Chairman Wieck stated we are not bound to what was approved before. Chris responded, not asking if we are bound, but if we can take it into consideration as a valid point, that the site was previously approved. Chairman Wieck said he would argue no. The previous Board made their decision based upon specific testimony given, we weren't there for that hearing, ordinances have changed since that time. Chris stated Gulf has a branding package and he certainly understands that. Pretty rare that you go into a town and the branding packages are negated. Chairman Wieck queried the Board for concerns, there being no others, Chris made a motion to approve Case No. 2025-3 Special Exception involving the numbers of signs and sizes as presented by Attorney Arnold's presentation in the seven criteria required. Scott seconded the motion. The Board vote was a unanimous decision to **GRANT** the Special Exception. Chairman Wieck explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk

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