



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

### **Notice of Decision** **Request for Variance**

**Stephen C. Bradley, Member/Manager of BP Corner, LLC**  
**Tax Map 52, Lot 2**

**March 26, 2018**

**Applicant:** **Stephen C. Bradley, Member/Manager of BP Corner, LLC**  
**c/o Christopher L. Boldt, Esq.**  
**164 NH Route 25, Towle House, Unit 2**  
**Meredith, NH 03253**

**Location:** **5 Old Route 109 (Tax Map 52, Lot 2)**

On March 21, 2018, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Stephen C. Bradley, Member/Manager of BP Corner, LLC (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article 5, Sections 502 (C) and 503 (D) requesting the continued use of the existing sign to advertise his restaurant, The New Woodshed on the property located in the Commercial Zone "C", The Village District.

Based on the application, testimony given at the hearing, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 5 Old Route 109, Moultonborough, NH (Tax Map 52, Lot 2).
- 2) BP Corner, LLC is the owner of record for the lot.
- 3) Stephen C. Bradley, Member/Manager of BP Corner, LLC was the Applicant.
- 4) The Applicant was represented by Attorney Christopher Boldt of Donahue, Tucker & Ciandella, PLLC.
- 5) The Lot is located in the Commercial Zone "C", the Village District.
- 6) The Board was in receipt of the Planning Board Notice of Decision dated June 29, 2017 "Exhibit A", and associated final Site Plan "Exhibit B, and a photograph of the Sign and a mock-up of the proposed Sign showing two different examples of the directional sign for The New Woodshed Restaurant "Exhibit C".
- 7) The Sign is to advertise and direct people towards The New Woodshed Restaurant.

- 8) The Sign is to be located as shown on the Site Plan previously approved by the Moultonborough Planning Board.
- 9) The Board based their decision on example #3 as illustrated in "Exhibit C".
- 10) Abutters Joanne and Paul Cummings e-mailed correspondence dated March 19, 2018, in support of granting the variance
- 11) Granting the Variances would not be contrary to the public interests since the previous Sign existed and the location of the Sign will be ten feet farther back from the road and does not alter the essential character of the neighborhood and is safer as it will be moved back.
- 12) Granting the Variances would be consistent with the spirit of the Ordinance for the same reasons as stated above.
- 13) By granting the Variances, substantial justice would be done as it would allow the Applicant to use the Sign to direct the public towards his commonly owned business while denying the variance would be a substantial injustice to the Applicant.
- 14) Granting the Variances would not diminish the value of surrounding properties because it would help to improve not only the value of the Property but also the value of the surrounding properties.
- 15) Literal enforcement of the Ordinance would result in unnecessary hardship as the Ordinance precludes the use of a directional sign because the limitation of four (4) square feet is not reasonable. The limited size would be too small to read therefore becoming a safety hazard.

On March 21, 2018, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, St. Peter, DeMeo, Jenny, Hopkins) and none (0) opposed to grant the request for the variance for the proposed directional sign to be located as per the location shown on the Site Plan previously approved by the Moultonborough Planning Board. The proposed sign approved is option #3 as illustrated on "Exhibit C" and shall be no greater than 37.62 square feet (in which the square footage of the "oval" was calculated to be approximate), 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 meeting.

The Board of Adjustment, on April 4, 2018, 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, Bickford, St. Peter, DeMeo, Jenny), and none (0) opposed.

The decision made to approve the variance on March 21, 2018, 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.

  
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Robert H. Stephens

Chairman, Zoning Board of Adjustment

Date 4/5/18