

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, June 6, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien.

Notice was published in the *Sudbury Town Crier* on May 19 and May 26, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a Special Permit. She also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Adam Kurth of Anderson & Kreiger was present on behalf of the applicant, Tower Assets Newco II, LLC, to request a renewal of Special Permit 08-13 for the continued operation of a 120-foot flagpole style, two-carrier monopole, including associated equipment, on property located at 142 North Road.

Mr. Kurth gave a brief explanation about the history of the pole, beginning with the 1999 approval of the special permit and of the ownership over the years. There are two co-locaters currently on the pole, Sprint Nextel and MetroPCS. He then noted that inspection reports were included in the application package with a letter from the engineer explaining that a bolt had been replaced on a broken rivet as detected during an inspection.

At this time Mr. Kurth was not asking for changes to the conditions of the Special Permit, with one exception. Given that Tower Assets has complied with the condition about regular inspections and has a record of proven upkeep on the tower, Mr. Kurth requested that the renewal term be extended to five years rather than three. He said that he had spoken with the Sudbury Building Inspector, Jim Kelly, who said that there were currently no issues with the tower that need to be addressed.

Mr. Gossels expressed concern that at inspections bolts or rivets are found missing and he had concerns about the nature of the fiberglass panels encasing the tower. He wanted to know what would be the tower replacement plan as the tower ages and the fiberglass panels continue to loosen.

Mr. Kurth said that he was not aware that there was a specific replacement plan at this time.

Mr. Gossels said that he would not support extending the renewal term until a replacement plan was presented to the Board.

Ms. Quirk asked whether the panels on the tower were the original panels. Mr. Klofft answered that soon after the tower was built a shroud and bands were placed around the panels to keep them from falling off. Even with those measures the Board discussed how the bands could break off and pose a safety hazard. Mr. Klofft said that this was perhaps the only tower in Sudbury that used this type of panels and pointed out that the panels that have not been replaced are about eleven years old.

Other Board members agreed that a long-term plan should be in place before the renewal term is extended.

Mr. O'Brien asked what the calculated life span was for the tower. The life span was unknown to Mr. Kurth.

Mr. Kurth pointed out that there was only one bolt discovered in the latest inspection that needed repairing.

Mr. Gossels said that in past years there were more repairs needed. He added that the tower is probably moving in order to cause loose panels and broken bolts.

Ms. Quirk reminded the Board that the tower does stand on a site next to where people work and is near a playground, and it has had a history of panels dropping off.

The Board agreed to keep the renewal period at three-years and, while it was not made a condition of the permit, the Board requested that a long term plan be presented with the next application for renewal of the special permit.

No neighbors were present to comment on the proposal.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Tower Assets Newco II, LLC, applicant, Sudbury Research Center, owner of property, renewal of Special Permit 08-13, for the continued operation of a 120-foot flagpole style, 2-carrier monopole, including associated equipment, property located at 142 North Road, Research District #1, subject to the following:

1. The monopole shall be in accordance with plans prepared by Greenman-Pederson, Inc., Marlborough, MA, dated October 20, 1999, Sheets A3 and A-4.
2. The diameter of the pole shall be no larger than 18 inches at the top, 27.5 inches at the base, light gray in color. The gold ball will be eliminated from the top of the pole.
3. The two adjoining 12X20 foot equipment shelters within the 30X40 foot fenced equipment compound shall continue to be maintained by the applicant.
4. There will be no lighting on the pole unless required by the FAA. There will be no lighting for the flag unless approved by the Selectmen. The rules of flag etiquette shall be observed.
5. The flag will be displayed at the discretion of the Selectmen.

and including the following additional conditions:

6. The vertical position and azimuth of the cast metal mounting collars to which the fiberglass panels are bolted will be verified and corrected as necessary to meet manufacturer's specifications.
7. New panels will be installed with six mounting bolts per panel.
8. Each panel will also have rivets spaced one foot apart along the long edges to prevent them from being lifted by high winds.
9. For additional security, each 10-foot cylindrical section comprised of quarter-panels will be secured with two external stainless steel retaining bands, for a total of six retaining bands. These bands will be painted to match the color of the pole.
10. During installation of new panels, both the clamp-on mounting collars and the panels will be marked to insure that when the panels are removed in the future, they will be re-installed in their correct position on the pole.
11. The inside of each new panel will include a prominently located warning stating that (a) the panels must be re-installed in their correct positions, (b) the rivets and the stainless steel bands must also be correctly installed, (c) under no circumstances shall any hole be re-drilled or enlarged to accommodate a misfit, (d) any difficulties in re-installation of the panels shall be reported to the applicant before finishing the re-installation.
12. Following any repairs, the applicant will provide a certification from a structural or professional engineer that the repairs have been completed as outlined above.
13. The applicant will cause the tower to be inspected annually to verify that the panels remain secured properly. No later than October 31 of each year, the applicant will provide a letter to the Building Inspector stating the date the inspection occurred and the results of the inspection. The Building Inspector may, at his discretion, require additional inspections as deemed necessary.
14. In the event any panels are left in an unfinished state of assembly, the Building Inspector will be notified, and there will be an agreed upon action plan for completion.
15. The site will be prominently marked with an emergency contact number in case of an emergency. The contact number will be updated as necessary. Letters will be sent to the abutters informing them of this contact number.
16. The approval granted herein shall expire in three (3) years on June 6, 2014. Continued operation of this facility shall be subject to application for renewal to the Board of Appeals on or before this date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner seeks renewal of a special permit for the continued operation of a wireless communications facility. It appears that the necessary repairs were made and inspections were conducted as required under the conditions of the previous permit. The Board finds a 3-year renewal period to be

appropriate in this case in order to allow adequate time for review of the status of the panels and to insure the safety of the facility which is located in an area in close proximity to a residential area, a school, and office building.

Elizabeth T. Quirk, Chair

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Ed Freedlender was present along with Mike and Jill Hatfield, to request a Special Permit to construct a 24x30 foot attached, two-bay garage addition on their nonconforming lot which will result in a side yard setback deficiency of approximately 9.1 feet, property located at 4 Butler Road. Mr. Freedlender said that the Hatfields had received a special permit from the Zoning Board a few years ago when building an addition onto the house. The garage is the second phase of that project. In surveying the property it was determined that the side yard setback deficiency would be a slightly greater than nine feet.

Mr. Freedlender said that the location of the garage is the only feasible location and would create an entrance into a breezeway connected into the family room.

Mr. Gossels said that the house was situated on a small lot, but the garage addition was modest and low in scale. He felt the request was reasonable.

Mr. Klofft asked about changes to the driveway. Mr. Freedlender said that there was ample space remaining for parking.

Mr. Freedlender said that he had spoken with the abutting neighbor who did not express any concerns about the project. Having a garage would allow more privacy and protection from the noise of car engines.

To ensure that the scale of the house would remain modest Mr. Klofft asked the homeowners whether they had any issues with adding a condition that would prohibit the development of a second story over the garage. The Hatfields agreed because they had no plans to create a second story over the garage.

No neighbors were present to comment on the proposal.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: “To grant Ed Freedlender of Sudbury Kitchens, applicant, and Mike and Jill Hatfield, property owners, a Special Permit pursuant to Section 2420 of the Zoning Bylaws, to construct an attached garage addition measuring 24 feet by 30 feet on a nonconforming lot which will result in a side yard setback deficiency of 9.1 ± feet, property located at 4 Butler Road, Residential Zone A-1, subject to the following:

1. The garage shall be a single story with no additional stories added in the future; and
2. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (12) months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.”

VOTED: In favor: 5 (Unanimous) Opposed: 0

REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed garage, which will create a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. No abutters were present to oppose the petition.

Elizabeth T. Quirk, Chair

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Richard Morrell, applicant, was present to request a Special Permit for reconstruction of an existing residence on a nonconforming lot not to exceed 2,290 square feet, which will exceed the area of the original structure at 10 July Road. Ms. Quirk asked Mr. Morrell whether he was comfortable proceeding with the hearing with only a four-member Board given that ZBA Member Jonathan F.X. O'Brien had recused himself because he was a project abutter. Mr. Morrell agreed to proceed.

Mr. Morrell walked the Board through his proposal which includes demolition of the existing residence and re-building a new single-family residence within the building footprint. The new house would comprise 2,290 square feet and would be approximately thirty-three feet high.

Mr. Klofft asked about the size of the lot, which he noted was wooded. Mr. Morrell said that it measured a quarter acre. The Board then discussed the size of the lot in comparison with adjacent lots. Mr. Morrell said that the neighboring lots measure one quarter, one eighth, and one half.

Mr. Gossels did not approve of the height of the house and its close proximity to the road.

Ms. Quirk said that on this particular street the goal of relative uniformity might not be possible. She added that the hipped roof helped lessen the impact of the height, the house was being built within the existing building envelope and it would be centered on the lot from side to side which also helped the appearance. Given that it was a relatively modest house for Sudbury she said she would approve the proposal.

Mr. Stevenson, while agreeing that it was a more modest house for Sudbury, still felt it was a large house for a lot of this size and he noted that the building extended right up to the required setbacks.

Mr. Morrell said that it was similar to the house at its left.

Sudbury Resident Barbara Clifton, 45 Millpond Road, asked whether there was room on the lot for a leaching field. Ms. Quirk said that there was as shown on the plans submitted with the application.

Mr. Gossels suggested lowering the height by a foot. Mr. Klofft felt that one foot would not really make a difference to its appearance.

Mr. Morrell said that he had spoken with all of the neighbors and everyone expressed to him that they were in favor of the proposal.

There being no further questions or comments from the Board or audience, the hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Richard Morrell, applicant, and Lobisser Building Corporation, owner, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow reconstruction of an existing residence on a nonconforming lot not to exceed 2,290 square feet, which will exceed the area of the original structure, property located at 10 July Road, Residential Zone A-1 subject to the following:

1. The new house will be constructed in the location as shown on the Proposed Site Plan dated May 2, 2011, prepared by Heritage Design Group, which is incorporated into and made part of this Special Permit.
2. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (12) months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.
3. Construction must be completed no later than one year after commencement."

VOTED: In favor: 4 (Unanimous) Opposed: 0

REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board felt that the new structure would be compatible with the surrounding homes in the neighborhood.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

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Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a special permit. She also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Elizabeth Orlando, applicant and owner of property, was present along with her attorney Michael Fee of Pierce and Mandell, P.C., to request renewal of special permit 10-33 to operate a home pet care business, a kennel, on the premises, property located at 163 Barton Drive.

Mr. Fee began by walking the Board through Ms. Orlando's application, providing a status update on what has been done at Ms. Orlando's home since the special permit was granted in 2010. Construction of the addition where the client's animals are housed has been completed. Several photographs of the kennel interior and exterior dog exercise yard were included in the application. Mr. Fee said that a stockade fence was installed at the front of the property to block any view of the animals as well.

Mr. Fee said that the interior of the kennel was immaculate and had air conditioning and video surveillance. Four large kennel cages have been installed in the room to house the dogs.

Mr. Fee explained that the three changes being requested at this hearing included increasing the number of boarding dogs from three to four. Currently the condition allows for three boarding dogs and Ms. Orlando owns three of her own dogs as well. The second request is the ability to walk up to four dogs on a leash at a time, which is an increase from two. And the last request is to increase the renewal term from one year to three years.

In regard to neighborhood impact Mr. Fee said that five or six letters of support from neighbors were included in the application. To date there have been no complaints filed about noise or other nuisances associated with the kennel.

Ms. Quirk noted that a letter of support was received from Sudbury's Animal Control Officer, Jennifer Condon, dated June 2, 2011, stating that the conditions were immaculate.

She then read a letter from Barbara and Brian Clifton, 45 Millpond Road, that had been e-mailed to the ZBA stating a number of concerns about increasing the number of dogs both allowed on a leash and boarded at the facility and also about Ms. Orlando's use of their neighborhood in a manner she feels is an extension of Ms. Orlando's business premises by exercising her dogs in the road. The e-mail also

included a reference to other kennels in town that have greater acreage which lessens their impact and suggested that Ms. Orlando use Haskell Field to exercise the dogs. Ms. Clifton was also concerned about where the dog's waste was being kept and expressed concern that it might be leaching into Hop Brook, which abuts Ms. Orlando's property.

The Cliftons were present at the hearing. Mr. Klofft asked whether any complaints they mentioned were filed with the Dog Officer. None were filed.

Ms. Quirk, a dog owner herself, asked how Ms. Orlando would manage four dogs at one time. Ms. Orlando said that she would not be walking four large dogs at a time because she would never do anything to jeopardize the neighborhood, her clients' dogs, or herself. She said dogs could range from eleven pounds on up and she would use her judgment and understanding of the dogs' natures to assess safety. She said that if she has four small dogs boarding she would then consider walking four at a time. She said that she just wanted to have the flexibility within the Special Permit to make that judgment call. She also uses pull collars to maintain control and any waste is immediately picked up and disposed of.

Mr. Fee said that last year he and Ms. Orlando suggested not walking the dogs in Hop Brook Conservation area as an act of good faith. He asked whether it would make the neighbors happier if the dogs were walked there rather than in the street?

Mr. O'Brien asked whether Ms. Orlando would request increasing the number of dogs boarded in the future. She said that she would not since the facility only had room for the four kennel pens. She said that four dogs works well with how she wants to run her business. She said that she would not be interested in walking more than four dogs at a time either. She already walks her own three dogs at one time.

Mr. Stevenson said that the application showed that Ms. Orlando has a history of doing the right thing as a business owner.

Mr. Gossels said that while he has heard great things about this business he never votes for kennels in residential neighborhoods. Mr. Gossels said that would abstain from the vote.

Barbara Clifton said that while she was sure that the facility was beautiful in her opinion Ms. Orlando is using their densely populated neighborhood as a place of business and she did not feel that the neighbors should have to have it. Brian Clifton added that he has no problem with increasing the number of dogs boarded but he took issue with Ms. Orlando using town streets and neighbors' yards to expand her commercial business. He gave an example of an automobile repair shop not being appropriate for a residential area and he said that this kennel was not appropriate either.

Mary Ellen French, 20 Bent Brook Road, pointed out that people who own dog walking businesses are not required to obtain special permits so she felt this requirement represented a double standard.

W. Ted Jones, 21 Bent Brook Road, said that he is supportive of this renewal. His property abuts Ms. Orlando's and his bedroom window even looks out over the dog area. He said that he hasn't seen or heard the dogs over the past year and said that the Orlandos are good neighbors and have a successful business that benefits themselves and their customers.

Dick French, 20 Bent Brook Road, said that his residence is across the street from the Orlando's. He said that Ms. Orlando is very caring with the animals and she is providing a valuable service for people who want to escape town or work and he said that its size is small. He said that he has gone over to see the facility and it is apparent that Ms. Orlando has gone to great care with designing the facility. He would like to see the business succeed.

Ms. Quirk still had reservations about increasing the number of leashed dogs. Mr. Klofft asked whether the applicants would be amenable to having a shorter renewal period so that if the dogs were increased there would be an opportunity for review. He said that things have appeared to go as planned and he said that all businesses use town facilities for their businesses. He cited as one example home businesses offering piano lessons and the associated car and pedestrian traffic generated from that kind of business.

Mr. Stevenson was inclined to agree with Mr. Klofft. He said that Section 2313 of the Zoning Bylaws does allow a kennel in any district and so voters at Town Meeting have planned for this sort of business. He also felt that the conditions allowed by the ZBA were reasonable.

Mr. O'Brien addressed the issue of children near the dogs and said that he felt that the dogs were being handled by an experienced dog owner. He also agreed that dog walking businesses were not upheld to the same standard as kennel owners.

Mr. Fee said that they would be amenable to keeping the renewal term to one year and if any issues are happening then they should be reported to the Dog Officer.

Mr. Clifton argued that dog walkers do not necessarily use the town streets as they go to other facilities in town.

Ms. Quirk said that increasing the numbers would provide flexibility with business operations. In a year, if there are problems, the Board has the right to revoke the conditions.

Mr. Fee made one clarification to the point on walking dogs within Hop Brook Conservation area. The special permit did not specifically prohibit walking the dogs in the Conservation area but they have honored this regardless. He asked whether the neighbors would prefer having the dogs walked in Hop Brook Conservation area. The Board did not think that was a good idea because it might be more difficult to control the dogs in the woods and more families use the trails.

Ms. Orlando reminded those present that she never allows the clients' dogs to go off-leash outside of the fenced area.

There were no further questions from the Board or audience. The hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Elizabeth Orlando, applicant and owner of property, renewal of Special Permit 10-33, granted under the provisions of Section 2313 of the Zoning Bylaws, to operate a kennel on the premises, property located at 163 Barton Drive, Residential Zone A-1, subject to the following:

1. The Applicant shall construct an addition in accordance with the plans and specifications submitted with the Application and in conformity with all applicable codes and regulations.
2. The dogs shall not become a nuisance.
3. The maximum number of dogs allowed on the property shall be no more than seven (7) (including the Applicant's pets).
4. All boarding dogs shall wear tags which identify the business.
5. Any complaints shall be reported immediately to the Dog Officer.
6. Ultrasonic units shall be employed to deter excessive barking.
7. Compost bins shall be provided for disposal of dog waste, the number and capacity of which shall be appropriate for the number of dogs. Dog waste is to be picked up immediately.
8. No commercial activity consisting of breeding or sale of dogs will be conducted on the property.
9. No signs advertising the kennel will be allowed.
10. Dogs shall be dropped-off at the facility no earlier than 8:00 a.m.
11. Dogs shall be kept inside at night.
12. Dogs that are outdoors are to be supervised at all times.
13. Dogs are to be contained within the fenced area or by a leash at all times.
14. No more than four (4) boarding dogs at a time may be on a leash.
15. Fencing shall consist of a chain link fence bordering the woods along the property and six foot stockade fencing at the front and back of the site.
16. This permit is non-transferable and will expire in one (1) year on June 6, 2012, at which time the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 4 Opposed: 0 Abstained: 1 (Gossels)

REASONS: The petitioner seeks a special permit to operate a kennel on the premises. The use is allowed in all districts by Special Permit from the Board of Appeals. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw. Adequate and appropriate facilities will be provided for proper operation. The animals will be restricted to the area as shown in the plot plan which is made part of this decision in order to ensure that the use will not be offensive to the adjoining zoning districts or neighboring properties. The Board finds that a one-year renewal period will allow for review of operation and any impacts to the neighborhood.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

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Giancarlo Lavini of Sign-A-Rama, applicant, was present on behalf of the property owner, Tucker Properties, LLC, to request a Special Permit to allow a double-faced freestanding business sign at 81 Union Avenue. The initial application requested consideration for a twelve square-foot sign with one tenant panel that would be sixty-six inches high. However, after meeting with Sudbury's Design Review Board (DRB) the applicant designed another option incorporating the DRB's feedback which he then presented to the ZBA at the hearing. The ZBA was in receipt of minutes from the June 1 DRB meeting. The property at 81 Union Avenue currently has one tenant but the building has occupancy for two. The DRB debated whether the sign should accommodate a second tenant panel. This would alleviate the need for an additional freestanding business sign on the property. The second rendering provided by Mr. Lavini showed a double-sided, two-panel sign standing at ninety-six inches with the panels each measuring thirty by forty-eight inches.

Ms. Quirk said that ideally the sign would have one panel, however the Board discussed the uniqueness of the site with its complex of buildings having both retail and industrial uses. It was noted that the building next to 81 Union Avenue also has its own freestanding sign so there would be multiple signs in the vicinity.

Mr. Gossels said that the Board has rarely approved multiple signs for a single parcel. The Board again discussed the uniqueness of the parcel and its multiple uses. Mr. Klofft said that a retail customer is not necessarily going to be looking for a retail site in the midst of an industrial area so customers would benefit from having additional signage.

Mr. Gossels said he felt that the DRB has provided good advice to the ZBA over the years and he was willing to defer to their judgement. Ms. Quirk agreed. The Board then considered the second design.

Mr. Stevenson, however, pointed out that the second design was much bigger than the original design. The height was approximately thirty inches taller. Mr. Lavini said that the width of the panel would still be forty-eight inches. The Board then discussed the height issue. Mr. O'Brien pointed out that the DRB expressed in its minutes that the sign height should be less than ten feet.

Mr. Klofft asked whether the second panel would be kept blank until another tenant occupies the building. Mr. Lavini said that it would.

To get a sense of how much signage there could be in the area the Board then took a look at the plot plan noting where the current freestanding signs in the area were located. There is one freestanding sign directly in front of the industrial building sharing the same lot (#75 Union Avenue). The buildings appear to read separately on the lot. The new sign would not be situated too close to the current sign. Therefore the Board was fine with the addition of a second sign in this unique case.

Mr. O'Brien asked Mr. Lavini whether the sign would be illuminated. Mr. Lavini said that the sign would not be lit at this point in time.

The Board asked Building Inspector Jim Kelly for his opinion. Mr. Kelly noted that at present there was temporary signage at the property that might provide an indication of what multiple small signs could look like. He was inclined to think that two smaller signs in front of the property, one for each tenant, and at least 120 feet apart from each other, would look better than the tall two-panel sign. Ms. Quirk noted that given the rental history on the site, the other part of the building could stay vacant for some time and so the question arose about how a large sign with an blank white panel would look. Mr. Kelly said he also regards the DRB's advice but he thought that the ZBA should consider how the tall sign would look.

Mr. O'Brien asked about the materials being used. Mr. Lavini said that there would be wooden posts and the panels would be made of PVC material.

The Board discussed the lower sign once again and the consensus was that the lower sign would look better. Should there be a need for an additional sign to accommodate another tenant at some point the Board was willing to deal with that issue at a later time. Mr. Gossels questioned whether other sites would begin to request multiple freestanding signs. Mr. Klofft did not think that would happen because 81 Union Avenue has such a unique set up with retail use on an industrial site. He did not think it would set a precedent. The Board agreed to approve the original design as submitted with the application.

The board then discussed how far back the sign would be situated from the street. Mr. Lavini said that he was proposing a setback of six feet from the street. Mr. Kelly pointed out that the sign setback needs to be measured from the property line. Mr. Lavini thought that the owners would be amenable to placing the sign at the same distance from the road, (approximately ten feet) as the sign at the building next door at 75 Union Avenue.

There were no further questions from the Board or audience. The hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Giancarlo Lavini of Sign-A-Rama, applicant, and Tucker Properties, owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to allow a twelve (12) s.f. double-faced free-standing business sign which is 66 inches in height as shown in the rendering included in the application received May 11, 2011, property located at 81 Union Avenue, Industrial District #2, provided that

1. The color scheme will be limited to three colors: white, gray, and black, as shown on the proof submitted with the application. The background color will be white with black and gray lettering;
2. The sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. Only white lights shall be used for direct illumination. Illumination shall be shaded, shielded, directed and maintained at a sufficiently low intensity and brightness that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways; and
3. The sign shall be placed ten (10) feet back from the property line, equidistant from the existing business sign at 75 Union Avenue.”

VOTED: In favor: 5 (Unanimous) Opposed: 0

REASONS: The petitioner requires a special permit to install a business sign that is slightly larger than the bylaws allow. The Board finds that the location of the property justifies the granting of a special permit for the directory sign. The sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is located in an industrial district. The sign will not cause visual confusion, glare, or offensive lighting in the area, nor will it interfere with traffic safety.

Elizabeth T. Quirk, Chair

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