

CASES 12-23 & 12-25
Northern Bank and Trust Company
430 Boston Post Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 3, 2012

The Board consisted of:
Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Steve Garanin, Associate;
and Jonas D.L. McCray, Associate.

Elizabeth Quirk, Chair of the Zoning Board of Appeals, explained that the Board was in receipt of correspondence dated December 3, 2012 from Shaun Briere of the law firm Mawn and Mawn, on behalf of the applicant, Northern Bank and Trust Company, formally requesting a continuance of the ZBA hearing in order for the Sudbury Board of Selectmen to have additional time to complete their Site Plan Review process.

A motion was made and seconded to continue the hearing to Monday, January 7, 2012 at 7:30 p.m. at the Town Hall.

Elizabeth T. Quirk, Chair

Benjamin D. Stevenson, Clerk

Jonathan G. Gossels

Jonas D.L. McCray, Associate

Stephen A. Garanin, Associate

CASE 12-39
ViewPoint Sign & Awning
505 Boston Post Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 3, 2012

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Stephen A. Garanin, Associate; and Jonas D.L. McCray, Associate.

Notice was published in the *Sudbury Town Crier* on November 15 and November 22, 2012, 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.

Rachael St. Germain was present on behalf of the applicant, ViewPoint Sign and Awning, to request a special permit for an additional LED-illuminated exterior wall sign measuring approximately twenty square feet for the new Minute Clinic at the CVS store at 501-505 Boston Post Road. The requested sign would exceed the total amount of signage at the business allowed under the Sudbury Zoning Bylaw. Ms. St. Germain said that the sign would benefit the community by informing people that the Minute Clinic was located at the Sudbury CVS.

Ms. Quirk said that the application appeared to be straight-forward.

Mr. Gossels, however, explained that he had driven by the CVS to take a look at the amount of signage currently on the building. He noted that CVS is currently in violation of the original special permit issued by the ZBA in November 2005 because there are multiple illuminated window signs, including a lit sign advertising "Milk" of all things. He said that minutes from the 2005 hearing showed much discussion about limiting the amount of signage, particularly internally-illuminated signs. He said that he would not approve this special permit while the store was in violation.

Ms. Quirk referred to the Design Review Board's minutes from their meeting of October 24, 2012 where all of the drive-thru, window, and wall signage CVS intends was discussed. Ms. St. Germain was the applicant for the DRB proposals as well. The drive-thru signs were simply going to be replaced with similar new ones so the DRB said that since there were to be no changes to those ZBA approval was not required. ViewPoint Sign and Awning had also initially proposed two self-illuminated window signs to which the DRB advised that the bylaw requires non-illuminated signs not to exceed twenty-five percent of the window area. Since Ms. St. Germain said that the signs could be non-illuminated, and since the total window signage would not exceed the twenty-five percent, the DRB agreed that those signs also did not need a determination by the ZBA. The DRB took no position on the Minute Clinic signs since a special permit from the ZBA is required.

Ms. St. Germain said that ViewPoint Sign and Awning was not responsible for CVS's existing illuminated window signs, however she noted that ViewPoint Sign and Awning would be ordering new non-illuminated window signs pending a permit from the Building Inspector. Mr. Gossels maintained that

CVS needs to be in compliance with the original special permit before being allowed to jam new signs onto the site.

Ms. Quirk said that she would speak with the Building Inspector, Mark Herweck, about the issue. The Board discussed the possibility of continuing the hearing so that the applicant could address the issues of noncompliance and come back to the ZBA for approval of the special permit. She then asked for a sense of the Board as to their thoughts about the Minute Clinic Sign.

Mr. Garanin agreed with Mr. Gossels' points about clutter and over-illumination. He also had concerns about the size of the Minute Clinic sign. Ms. St. Germain said that to be effective the sign would need to be seen by drivers so they could locate the store. Mr. Garanin said that since the CVS business sign was large and illuminated and recognizable as a brand already the Minute Clinic sign did not need to be as large as proposed. Mr. Gossels agreed. Mr. Garanin wanted to see a much smaller Minute Clinic sign and the window signs removed because he felt that they were superfluous.

Ms. Quirk asked whether ViewPoint Sign and Awning would be amenable to reducing the size of the sign. Ms. St. Germain said that she would check into this but added that the proposal in front of the ZBA was only for the Minute Clinic sign and not for any window signage. Once ordered the new window signs would not be illuminated. Ms. Quirk agreed that the window signs reviewed by the DRB fell within the four corners of the bylaws. Mr. Gossels said that he was not disagreeing that the new signs would comply, for the new signs, but he was bringing up the issue of noncompliance because a new request for more signage at the site was before the Board.

A discussion ensued about the necessity of a window sign for milk which the Board agreed was extraneous. Mr. Stevenson agreed that there was too much clutter at the site. He agreed with Mr. Garanin that a smaller sign would be sufficient. Both wanted to see a sign that was half the size of the twenty foot sign as proposed. Ms. Quirk cautioned that the sign still needed to be useful from the street view. Other Board members felt that the CVS sign with its brand would capture driver's attention.

The Board discussed continuing the hearing so that Ms. St. Germain could report back to ViewPoint Sign and Awning's client, CVS. Ultimately the Board wanted a Minute Clinic sign that would be half the size and they wanted all of the existing illuminated window signage removed so that the business was in compliance with the original Special Permit.

A motion was made and seconded to continue the hearing to January 7, 2013 at 7:30 p.m. at the Town Hall.

Elizabeth T. Quirk, Chair

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Clerk

Jonas D.L. McCray, Associate

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