

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2018 APR 24 P 4: 52

BOARD OF APPEALS CASE NO. S18-01

**PETITION OF BACK BAY SIGN FOR ICON IDENTITY SOLUTIONS and INLAND AMERICAN
FRAMINGHAM, LLC**

DATE OF DECISION: APRIL 10, 2018

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) acting as the Sign Appeals Board on the Application of BACK BAY SIGN FOR ICON IDENTITY SOLUTIONS and INLAND AMERICAN FRAMINGHAM, LLC (hereinafter the Applicant), for property located at 1224 WORCESTER ROAD (hereinafter the Site). This Decision is in response to a Petition for Variances to the Sign Bylaw for multiple wall signs (hereinafter the Application).

2. Applicant

Back Bay Sign for Icon Identity Solutions
65 I Industrial Way
Wilmington, MA 01887

Property Owner

Inland American Framingham, LLC
1385 Hancock St., 10th Floor
Quincy, MA 02169-5103

3. Location

Property is located at 1224 Worcester Road and is identified by Assessors' Parcel ID 099-03-2320-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on April 10, 2018 the Board voted to GRANT a VARIANCE by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

EDWARD COSGROVE	YES
JOSEPH NORTON	YES
RICK MCKENNA	YES

5. Proceedings

The Application was received by the Board on March 15, 2018 pursuant to the City of Framingham's Sign Bylaw, Article VII of the General Bylaws. A duly-noticed public hearing was held by the Board on the Application on April 10, 2018 at 7:45 P.M. in the Ablondi Room of the Memorial Building. Board Members Edward "Ted" Cosgrove, Joseph Norton, Rick McKenna, and Stephen Meltzer, alternate, were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

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The Applicant, Mr. Jason Parillo of Back Bay Sign for Icon Identity Solutions and Bank of America, introduced himself and explained the proposal to replace four existing wall signs. The existing wall signs total 234 sq. ft. and the proposed replacements would reduce the total square footage to roughly 167 sq. ft. He explained, the site is unique in that it sits on a corner and faces a large parking lot. The applicant acknowledged the ability to have two wall signs by right, however requests to keep the additional two, not permitted by right. Originally, the Applicant proposed to install a freestanding monument sign but withdrew the request after realizing the request for two additional wall signs.

Mr. Meltzer and Mr. Cosgrove agreed that a monument sign would not be visible due to existing vegetation. They proceeded to discuss proposed sign #3 and agreed it was also not very visible. Mr. Cosgrove commented, he would be amenable to allowing proposed signs #1, #2, #4, and #5. He mentioned that sign #4 would be an exchange for the monument sign the applicant could have by right. Proposed sign #5 is a clearance informational sign placed over the drive thru ATM for direction.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1 Sign Permit Applications filed with the Building Official, denied on February 21, 2018.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the City Clerk on March 16, 2018.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Sign Officer Comments dated March 16, 2018.
- 6.5 Plan set entitled "Bank of America Loc#: 1994" including Site Plan (pg. 2), Illuminated Wall Sign – White (41.8 Sq. Ft.) (Pg. 3), Illuminated Wall Sign – White (41.8 Sq. Ft.) (Pg. 4), Illuminated Wall Sign – White (41.8 Sq. Ft.) (Pg. 5), Illuminated Wall Sign – White (41.8 Sq. Ft.) (Pg. 6), and S2 – Clearance – Informational Sign (Pg. 7), prepared by ICON, dated November September 26, 2017 and revised February 13, 2018.

Exhibit 6.5 shall hereinafter be referred to as "the Plans".

7. Findings and Conclusions

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1 The property is located within the Business (B) zoning district and Highway Corridor (HC) overlay district.
- 7.2 On February 21, 2018, the Building Official denied a sign permit applications for four wall signs under §1.10.2.1 of the Sign Bylaw.
- 7.3 On March 16, 2018, the Applicant filed with the City Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining Variances from the Sign Bylaw.

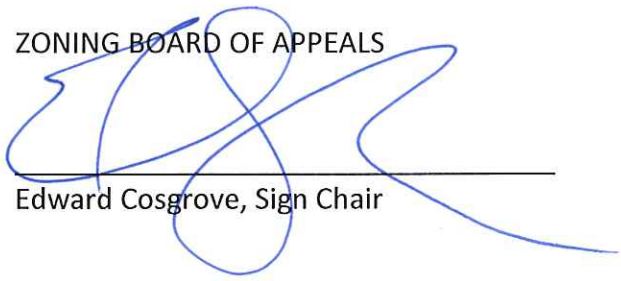
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on March 26 and April 2, 2018 and mailed to all parties-in-interest, as defined in §1.12.4.b of the Sign Bylaw.
- 7.5 The Applicant is seeking approval to replace four existing wall signs. The Sign Bylaw allows two wall signs, one monument sign, and directional signs. The proposed signage would reduce the existing square footage from 234 sq. ft., to roughly 167 sq. ft. The building is situated at the corner of Temple Street and Worcester Road, with the front of the building facing the intersection. The building facades are not parallel to either street. Signs #1, #2, #3, and #4 are proposed to replace the existing wall signs, and Sign #5 is a directional sign identifying the clearance height of the drive-thru.
- 7.6 The Variance standard established by the City of Framingham's Sign Bylaw, §1.12.2.b is a demanding criterion. A Variance may be granted from the limitations imposed by the Sign Bylaw if it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street, or the topography of the land are such that said Variance may be permitted without being contrary to the public good. The Applicant must demonstrate that compliance with the Bylaw presents a hardship to the Applicant. The hardship must relate exclusively to the specific and unique circumstance of the situation faced by the Applicant, and not apply generally to other land, buildings or structures in the same zoning district.
- 7.7 The Board finds that the nature of the use of the premises is such that a variance may be permitted without being contrary to the public good, and that compliance with the Bylaw would present a hardship to the Applicant. *The building is situated on a corner at an odd angle, and faces a parking lot to the rear. Due to the unique orientation, the bank needs signs facing multiple directions. Sign #3 will not be very visible and is unnecessary. Sign #4 can be thought of as an exchange for the monument sign. Sign #5 is directional in nature and does not cause an adverse visual impact.*
- 7.8 The Board finds that relief from the Sign Bylaw may be granted without substantial detriment to the public good and surrounding properties, and without degradation of the neighborhood's visual environment, or causing a traffic or pedestrian hazard. *The signage would not detract from the visual environment, and the multiple signs are important for minimizing confusion for drivers who may have limited visibility, helping avoid traffic and pedestrian conflicts.*
- 7.9 The Board therefore moved to APPROVE the Variance Application, subject to the following condition:
- 7.9.1 The signs shall be located and constructed as shown on the Plans, except as specified below.
- 7.9.2 Proposed signs #1, #2, #4, and #5, shall be permitted as presented.
- 7.9.3 Proposed sign #3, illuminated wall sign, shall be removed.

8. Appeals

Appeals, if any, shall be made pursuant to Sign Bylaw, §1.12.6.f. and shall be filed within sixty (60) days after the date of filing this Decision with the City Clerk.

ZONING BOARD OF APPEALS

By:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Edward Cosgrove, Sign Chair