

CITY OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2018 JUN 26 A 9:32

BOARD OF APPEALS CASE NO. S18-02

PETITION OF VIEWPOINT SIGN AND AWNING and CONCORD STREET ASSOCIATES, LLC

DATE OF DECISION: JUNE 12, 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 VIEWPOINT SIGN AND AWNING and CONCORD STREET ASSOCIATES, LLC (hereinafter the Applicant), for property located at 1451 CONCORD STREET (hereinafter the Site). This Decision is in response to a Petition for Variances from the Sign Bylaw for multiple freestanding signs and height (hereinafter the Application).

2. Applicant and Property Owner

Concord Street Associates, LLC c/o Carruth Capital, LLC
116 Flanders Road, Suite 2000
Westborough, MA 01581

3. Location

Property is located at 1451 Concord Street and is identified by Assessors' Parcel ID 060-30-9780-000 (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 June 12, 2018 the Board voted to GRANT the VARIANCES 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 April 10, 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 May 15, 2018 at 8:00 P.M. in the Ablondi Room of the Memorial Building. The hearing was subsequently continued to June 12, 2018 at 8:00 PM, at which point a decision was made. Board Members Edward "Ted" Cosgrove, Joseph Norton, Rick McKenna, and Alternates Susan Craighead and Stephen Meltzer were present throughout the proceedings. Due to potential imminent changes to the makeup of the Board, Mr. Cosgrove appointed Ms. Craighead and Mr. Meltzer as alternates. The minutes

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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.

Due to an advertisement error, the Applicant consented and the Board voted to postpone the hearing to June 12, 2018 so that the hearing could be correctly re-advertised.

At the June 12 meeting, Mr. Keith Dubois of Viewpoint Sign and Awning was present with Mr. Marc Verreault, Mr. Doug Goldwait, and Mr. Mark Mullen of Carruth Capital, LLC. Mr. Dubois explained, the City currently is in the process of executing a significant road construction plan for Concord Street. The proposed road construction consists of land taking of the premises creating an easement of guyed wires, located at the site of the existing sign. He explained, the applicant proposes two single sided freestanding signs to be located at the South and North corners of the entrance driveway. He argued that although the Sign Officer deemed the proposed signage to be monument signs, they are in fact pylon freestanding. The aluminum skirting at the base of the sign, below the tenants, restricts the visibility of the steel poles.

Mr. Meltzer stated, and Mr. Cosgrove agreed, the original sign located within the island was unattractive. Mr. Cosgrove stated that two signs were appropriate because the rear sides were not visible due to the existing vegetation. Mr. Norton pointed out, 18 tenants are listed on the existing sign but only 15 spots are proposed. Mr. Verreault clarified that space is easily reconfigurable and tenant requirements and necessities vary. Mr. Norton responded, he would be opposed to having white space and suggested slide in blue plating to match the outline color and fill the emptiness, should there be a vacancy. Mr. Cosgrove agreed and added, the maximum height for freestanding signs is 10 ft. and the Applicant proposes 8.5 ft. Mr. McKenna agreed and spoke in favor of the proposal.

6. Exhibits

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

6.1 Sign Permit Applications filed with the Building Official, denied on April 9, 2018.

6.2 Application for Hearing before the Zoning Board of Appeals filed with the City Clerk on April 20, 2018.

6.3 Filing fee in the amount of \$250.00.

6.4 Department of Public Works comments dated May 14, 2018.

6.5 Photographs depicting existing site conditions entitled "Photos of Driveway Entrance", and dated April 4, 2018.

6.6 Drawing entitled "Carruth Capital", depicting pylon sign Elevation and Side Elevation, dated April 13, 2017, revised August 23, 2017, and prepared by Viewpoint Sign and Awning.

6.7 Drawing entitled "Footing Details", dated February 15, 2018, prepared by Viewpoint Sign and Awning.

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6.8 Site plan entitled “Carruth Capital”, depicting sign locations, dated August 23, 2017, revised January 24, 2018, and prepared by Viewpoint Sign and Awning.

Exhibits 6.6, 6.7 and 6.8 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 General Manufacturing (M) zoning district.
- 7.2 On April 9, 2018, the Building Official denied a sign permit applications for two freestanding signs under §1.10.3.1(g) and §1.10.3.3(chart 5) of the Sign Bylaw.
- 7.3 On April 20, 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 April 30 and May 7, 2018 and mailed to all parties-in-interest, as defined in §1.12.4.b of the Sign Bylaw. Due to an advertisement error, notice of the public hearing was republished in “THE METROWEST DAILY NEWS” on May 28 and June 4, 2018 and mailed to all parties-in-interest, as defined in §1.12.4.b of the Sign Bylaw.
- 7.5 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.
- 7.6 The Board finds that, although technically the proposed signs may fit the definition of monument signs, in appearance and design they are more similar to a freestanding signs, with an aluminum skirt covering the support poles. Under section 1.10.3.3 Chart 5, Dimensions for a Freestanding Sign for Multiple Businesses, the maximum height allowed in the M zone is 10 feet. The applicant proposes 8 ft. 5 in. If the signs were considered freestanding, the height would be compliant.
- 7.7 The Board finds that two signs are necessary. The Department of Public Works is requiring the existing sign, located within the center island of the entrance drive, to be displaced in conjunction with the Concord Street improvement project. One two-sided freestanding sign would not be visible from both directions of travel if located to either side of the entrance drive. Two signs, one facing each direction, are necessary.
- 7.8 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.

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7.9 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 will ensure visibility of the businesses from both directions of travel, reducing potential for confusion.*

7.10 The Board therefore moved to APPROVE the Variance Application, subject to the following conditions:

7.10.1 The signs shall be located and constructed as shown on the Plans.

7.10.2 Empty tenant panels shall be covered with plating to match the color of the outline (shown as blue), to reduce the perception of empty space.

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: _____

Edward Cosgrove, Sign Chair