

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
WEDNESDAY, AUGUST 21, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Jonathan G. Gossels

The hearing for the Wayside Inn Corp. sign application was reconvened by the Chairman, Mr. Kablack who noted that those members who saw the mock-up of the sign had no issue with the scale. However, there was concern with regard to the intensity of the lighting which consisted of two 26-watt mercury halogen lights. As a result, the Board agreed to further continue the hearing in order to discuss the lighting with the applicant.

Mr. Gossels felt the color and intensity was not appropriate and should be more in line with the other lighting at the inn. He would prefer incandescent lighting which would be a warmer light.

Mr. Purrington said this could be done; however, the wattage would have to be increased.

Discussion followed on how to move forward on this application. Mr. Purrington suggested another mock-up, but the Board felt this hearing could be closed and a special permit could be granted with conditions and a one-year period to insure no issues arose.

The public hearing was then closed, and after deliberation the following motion was placed and seconded:

MOTION: "To grant Wayside Inn Corporation, owner of property, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to erect a 21.5 s.f. freestanding sign with incandescent light at a wattage and intensity appropriate to the area in keeping with the historic nature of the Wayside Inn Historic District. This permit will expire in one year, on August 21, 2003, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 4 (unanimous) Opposed: 4

REASONS: The applicant seeks a special permit to erect a sign in an area which will alert motorists of a historic landmark, the Wayside Inn. The Board finds the proposed sign design, scale and location appropriate for the purposes of identifying the Wayside Inn. Although there was concern with regard to the proposed illumination and wattage, the applicant agreed to

lighting which is compatible with other signage for the inn. Therefore, the Board has imposed a one-year renewable period to insure compliance with this special permit.

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CARPET CAROUSEL
39 Union Avenue
02-30

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Mr. Kablack, Chairman, noted that at the July 30, 2002 hearing, there was some question regarding the process for renewal since this permit was granted under a section of the Bylaw that no longer exists. A ruling from Town Counsel was therefore requested.

Mr. Kablack acknowledged receipt of a letter dated August 20, 2002 from Town Counsel which opines that uses allowed under a Special Permit restricted as to time are entitled to a non-conforming status when changes in the Bylaw are enacted which change that status to a prohibited use. The letter notes that the non-conforming status will carry with it any of the conditions imposed by the Special Permit; however, the requirement for the Board of Appeals to hold further hearings to renew or remove the time limit is no longer appropriate.

Following review and discussion of Town Counsel’s letter, a motion was made, seconded and unanimously voted to take no action on the renewal of Carpet Carousel’s special permit and to send the applicant a copy of that letter.

The Board noted that there are other special permits which fall into this category and felt something should be done to address this problem – perhaps an amendment to the Bylaw. There was consensus to contact the Town Planner explaining the situation and the possibility of scheduling a meeting for this purpose. In the meantime, it was agreed to not take action on any permit renewals of this nature until a resolution is achieved.

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