

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 22, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Richard L. Burpee, Alternate
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on March 3 and 10, 2005, posted, mailed and read at this hearing.

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

Attorney John Del Prete was present, representing the petitioner, Ayman Youssef, also present, in a petition for a Special Permit to erect a freestanding sign at 100 Boston Post Road.

Mr. Del Prete submitted a color rendition of the proposed sign which consists of three signs, each 18X36 inches to identify the three businesses in that location. He said Mr. Youssef plans to do some landscaping and other finish work as soon as possible, weather permitting. He said there is an existing sign, which is covered by a flag, which will also be removed as soon as the ground thaws.

Mr. Del Prete said he has been before the Design Review Board (DRB). The sign is one foot higher than what the DRB recommended. Although Mr. Youssef was willing to reduce the height, his feeling was that the sign looks better one foot higher.

Mr. Gossels asked what was planned in terms of landscaping for the island area for the sign. Mr. Youssef said the existing trees will remain and shrubs will be added along with a layer of mulch.

In response to a question from Mr. Gossels, Mr. Del Prete said his client applied for a special permit because of the frontage issue and the fact that three individual signs were required.

Mr. Gossels said the bylaw indicates the signs should be of consistent lettering. Mr. Youssef said the signs for Honey Dew Donuts and Auto Diagnostic are those companies' corporate logos which were used on the signs for identification.

Mr. Del Prete said with regard to Honey Dew Donuts, in their agreements they have requirements with regard to signs and requested approval for their corporate logo.

While Mr. Gossels understood, he said this runs contrary to the new Sign Bylaw. He then read a letter dated February 10, 2005 from Frank Riepe, Chairman, DRB, which recommends approval of a Special Permit as the intent of the bylaw is that freestanding signs not be located in closely developed areas. The letter notes that this is a highway location on the edge of town where motorists will benefit from the sign. The sign should not be more than 9 feet high to otherwise satisfy the dimensional requirements and should be 8 feet from the front property line.

In response to a request from Mr. Gossels to Mr. Riepe with regard to the typeface, Mr. Riepe responded via email that "They did not apply for any other signs for these sub-businesses so we thought it was reasonable for them to retain the corporate identity. This freestanding sign was an unusually modest request in that way."

Mr. Gossels said he agreed with Mr. Riepe's response but for the future would prefer having consistent lettering.

Mr. Richmond said he felt the way the new bylaw is worded, it is within this Board's discretion to go outside of those parameters as long as it meets other conditions. He did not feel it was necessarily contrary to the bylaw.

In addition, Mr. Gossels felt that the consistent color preferable to different colors for each sign which he felt would be visually jarring.

In response to a question from Mr. Richmond, Mr. Youssef said the color rendition submitted was the actual color. He said the DRB preferred the consistent color.

Discussion followed on the DRB's height recommendation of 9 feet vs. the 10 feet proposed. After reviewing that section of the bylaw, there was consensus that the height requirement might have been misread and that the 10 feet proposed conformed to the bylaw.

It was also brought up that the Building Inspector had suggested that, if a permit is granted, that there be a provision that it be non-transferable, expiring upon sale or transfer of ownership of the property. The Board was in agreement to include this as a condition of approval.

Mr. Gossels asked about the plans for sign lighting. Mr. Youssef said there would be ground spot lights, shielded, two on each side, each spot being 100 watts.

The concern of the Board was that the lighting not be a traffic hazard. Although they understood the signs should be properly illuminated, they wanted to be sure that a total of 400 watts were not too bright. A suggestion was made for the Building Inspector to make a determination that if it was too bright, lesser watt spots could be used.

The petitioners had no problem with this suggestion.

There was no further input. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Ayman Youssef, Sarah Realty, LLC, owner of property, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to allow a freestanding double-faced sign consisting of three panels, each being 4.5 s.f., to identify three separate businesses, property located at 100 Boston Post Road, Business District #1, in accordance with the following:

1. The sign shall be consistent in color, 10 feet high and located 8 feet from the street, as shown on plan marked as Exhibit 1, which is incorporated and made a part of this Decision.
2. Lighting shall consist of four 100-watt, incandescent ground spots located on each side, which are to be shielded from direct view from the road. However, in the event the Building Inspector determines that the aforementioned wattage is excessive and a potential hazard to traffic traveling on Route 20, lesser wattage will be provided as the Building Inspector deems appropriate.
3. This Special Permit is non-transferable and will expire upon sale or transfer of ownership of the property."

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

REASONS: The petitioner requires a special permit to install a freestanding sign to identify multiple businesses on the site. The Board finds the sign, which will be located in a closely developed business area, will be in an appropriate location not detrimental to adjoining properties. Although the lettering for each sign is not consistent, the Board understands the need for each business to retain its corporate identification, and for this case, since the color will be consistent for each sign, the Board has agreed to waive the requirement for letter consistency. In order to be assured that the lighting will not be excessive or intrusive to motorists traveling along Boston Post Road, the Board has conditioned the permit to allow a lesser wattage as appropriate.

As a result, the Board further finds that the granting of this special permit with its conditions is in harmony with the general purpose and intent of the Bylaw.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

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