

SUDBURY AUTO CARE
80 Union Avenue
Case 08-9

MINUES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
SEPTEMBER 8, 2008

The Board consisted of:

Jeffrey P. Klofft, Chairman
Elizabeth A. Taylor, Clerk
Stephen A. Garanin
Richard D. Vetstein, Associate

The hearing was reconvened by the Chairman, Mr. Klofft. Frankie Hernandez is seeking a special permit for a motor vehicle general repair shop as a tenant on the premises. This hearing was first convened on April 15, 2008 and was continued to May 19th, June 16th, July 21st and September 8th in order to allow the Conservation Commission time to address site plans issues with the owner of the property.

The Board was in receipt of an email dated September 4, 2008 from Conservation Coordinator Dineen which contained the minutes of their July 14th meeting. Those minutes included acceptance of Ms. Dineen's recommendations for a Notice of Intent to replace the expired one as well as a timetable for completion of those items. They will be discussing further action at their meeting this evening.

Mr. Klofft said it appears the owner still has a lot of work to do.

Mr. Hernandez said he went by the property today and said the owners have done a lot of work on the site. Ms. Taylor agreed noting she also observed a lot of activity on the site.

The Board reviewed the Conservation Commission's email, in particular the time frames for completion of work by the landlord. Since Mr. Hernandez's original permit contained a condition requiring him to dispose of used oil and antifreeze, the Board felt that Mr. Hernandez's operation would not affect the site. There was general agreement to issue a 6-month permit, after which it could be renewed depending upon the outcome of the landlord's compliance with the Notice of Intent.

Mr. Hernandez expressed concern that although he would properly dispose of used oil and antifreeze, he did not want to be held responsible for improper disposal, should it happen, that might be caused by the owner, when it came time for renewal. The Board suggested he keep receipts of his disposals to justify amounts.

The Board reviewed the conditions of the original permit after which the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Frankie Hernandez/Sudbury Auto Care, applicant, and Union Avenue Realty Trust, owner of property, a Special Permit under the provisions of Section 2230, Appendix A,C, Use 13 of the Zoning Bylaws, to allow motor vehicle general repair, property located at 80 Union Avenue, Industrial District #2, subject to the following:

1. No overnight parking will be allowed in front of the building.
2. No fuel storage will be allowed on the site.
3. No outside storage of materials or parts will be allowed on the site.
4. A maximum of one repair bay will be allowed for this business.
5. All repairs will be completed inside the service bays. No exterior repair work will be allowed.
6. The applicant will contract with a licensed company to dispose of used oil and antifreeze.
7. There will be a functional storm drain system at the site at all times.
8. The property shall be maintained in such a way that no waste material of any type shall be disposed of in such a way to contaminate Hop Brook or the marsh surrounding it at the rear of the premises.
9. This permit is non-transferable and will expire in six (6) months on March 8, 2009, and the Board will consider renewal upon receipt of proper application on or before that date. The Board waives the application fee for the first renewal period."

VOTED: In favor: 4 (unanimous) Opposed: 0

REASONS: The petitioner requires a special permit for motor vehicle general repair. This petitioner had previously been operating the same business utilizing two bays without incident; however that business was discontinued for a period of time. The petitioner now seeks to operate the same business utilizing one bay.

With regard to this operation, the Board finds that the use will be in harmony with the general purpose and intent of the Bylaw. It will be located within an industrial district having similar uses and will not be detrimental to the neighborhood or alter the character of the zoning district. This business will not substantially increase noise, traffic or other issues normally present in an industrial district.

The Board realizes that this property is in a relatively intense industrial part of town and that the owner of the property is subject to ongoing site plan renovations which have existed over several years and have been of concern to the town and, in particular, the Conservation Commission. It

is the Board of Appeals' understanding that there will be a Notice of Intent to replace the one which has expired outlining the remaining work and a timetable for completion of same. For this reason, the Board has agreed to issue a 6-month permit to the petitioner, after which the Board will assess the progress of the landlord with regard to compliance as it relates to renewal of this permit.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Stephen A. Garanin

Richard D. Vetstein, Associate

SUDBURY PLAZA TRUST
505-525 Boston Post Road
08-15

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
SEPTEMBER 8, 2008

The Board consisted of:

Jeffrey P. Klofft, Chairman
Elizabeth A. Taylor, Clerk
Stephen A. Garanin
Richard D. Vetstein, Associate
Benjamin D. Stevenson, Associate

Notice was published in the Sudbury Town Crier on March 27 & April 3, 2008, posted, mailed and read at the April 15, 2008 hearing. At that hearing Mr. Klofft, 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 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.

The April 15th hearing was continued without testimony to May 19th, June 16th and July 21st, all without testimony having been provided.

Attorney Joshua Fox was present as was Michael Doherty, Property Manager for Gravestar, in a petition for a special permit to install a double-faced freestanding sign at 505-525

Boston Post Road, which is the Shaws Plaza. The site is comprised of 15 acres, business zoned. There is approximately 900 feet of frontage along Route 20 with 600 feet for the primary building which is set back 300 feet from the street. He said this somewhat minimizes the building signage. Driving east or west presents difficulty to locate the signs on the building.

In addition, it is difficult to see the signs on the secondary structure which contains CVS because it is perpendicular to the street.

Mr. Fox said there is no freestanding sign identity for tenants other than Shaws which has a significant freestanding sign. For that reason, the tenants have asked Gravestar to apply for a freestanding pylon sign near the street to identify all the tenants.

It is proposed to raze the existing freestanding sign which is 18 feet wide by 13 feet high and replace it with a freestanding sign perpendicular to the easterly entrance. That sign will be approximately 10 ½ feet tall and 14 ½ feet wide. The original proposal was for a different sign; however, after several collaborative sessions with the Design Review Board (DRB), the original sign was significantly reduced in size. The new sign will be integrated into the landscaping. There will be granite posts and a post and rail fence.

Mr. Fox said the DRB was supportive of the sign size and has requested another meeting to discuss final color selection.

Mr. Fox said the Board requires a special permit for the total size of the sign face, the height of the sign, materials, and for the lettering which is required to be uniform. The height is 6 inches over that which is required, the materials are of a durable composition as opposed to wood, and the logo of each tenant would be displayed on the sign.

The Board was in receipt of a letter dated July 28, 2008 from the DRB which recommends that the Board of Appeals consider exceptions to dimensions, materials, setbacks and graphic character and, if approved by the ZBA, the DRB will continue hearings on final design.

Mr. Fox believed the size of the site and the location of the building that the proposed sign will fit well and will not be out of scale. The net result will be an aesthetic improvement – there will be no impact on traffic and it will benefit the tenants.

Mr. Klofft asked whether it was possible, with this configuration, to subdivide the property further and have a problem with the number of tenants and the number of spaces on the sign.

Mr. Fox said that could be a problem if Shaws left and that space was subdivided into smaller spaces. However, they could probably split that panel into two. He would not envision coming back for a taller sign but would work within the existing spaces on the sign.

In response to a question from Mr. Garanin, Mr. Fox explained that the 10'6" height allows for the transparency factor recommended by the DRB. He said there is approximately 6

inches of transparency between the panels and the area identifying the plaza which the DRB felt minimized the sign rather than making it look larger.

Mr. Stevenson asked how this sign compares with the existing sign in terms of area.

Mr. Fox said it was well over double. The problem is that they are trying to accommodate fourteen tenants.

Mr. Klofft asked about landscaping. Mr. Fox replied that Mr. Doherty would be addressing this with a landscape architect. The thought is to plant street trees along Route 20 if feasible, but the intent is to improve the overall site as well.

Mr. Klofft said the Board would want to condition the permit to require removal of the existing sign once the new sign is in place.

Mr. Garanin asked about the interior signs. Mr. Fox said those are directional signs and will be replaced with directional signs consistent with the new sign and will not identify any business.

There was no further input. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Sudbury Plaza Trust, owner of property, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to allow a double-faced freestanding sign, property located at 505-525 Boston Post Road, Limited Business District #2, subject to the following:

1. The dimensions and sign face will be as shown on the plan prepared by PCA Architecture titled "Gravestar:Sudbury Signage" dated August 26, 2008.
2. The location of the sign will be substantially as shown on the plan prepared by Meridian Associates, Inc., Beverly, MA, titled "Sign Location Exhibit" dated March 17, 2008.
3. The existing sign will be removed upon installation of the new sign."

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

REASONS: The petitioner requires a special permit for the total size of the sign face, height of the sign, materials and lettering. The Board finds that the location of the buildings is such that the sign should be permitted in the public interest. Specifically, the primary building is located 300 feet from the road and the secondary building is perpendicular to the street which presents difficulty for motorists attempting to identify the businesses which are located within the complex.

The sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is zoned industrial. It will not cause visual confusion, glare, or offensive lighting in the area, nor will it interfere with traffic safety. It is the Board's opinion that panels identifying these businesses by their logo will improve traffic safety in this area and be an aid to motorists seeking to locate a business within this complex.

The sign design is consistent with the architecture of the building and will be an improvement over the current sign. The materials to be used in the construction of the sign are more durable than wood but will still provide the same effect. The applicant has indicated his intention to upgrade the site with landscaping along Route 20 as well as at both entrances.

The Board notes that after several meetings between the applicant and the Design Review Board, the sign has been significantly reduced in size and that Board has recommended the Board of Appeals consider the exceptions requested after which, if approved, the Design Review Board will continue hearings on final design.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Stephen A. Garanin

Richard D. Vetstein, Associate

Benjamin D. Stevenson, Associate

