

CASE 09-17  
David Paul Salons  
385 Boston Post Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
June 1, 2009

The Board consisted of:  
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin  
Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson.

Notice was published in the *Sudbury Town Crier* on May 14 and May 21, 2009, posted, mailed and read at this hearing.

Ms. Quirk, Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

David Pompey, the applicant and owner of David Paul Salons, was present to represent a petition for a special permit to allow a shed-style awning sign. The property is located in Mill Village at 385 Boston Post Road.

Mr. Pompey explained that he had met with the Design Review Board (DRB) on two occasions in order to determine the best design for an awning sign that would be in compliance with the bylaw and work with the aesthetics of the one-story building and its lower siting at the back of the village. After considering different configurations such as a divided awning and an awning with lettering on a valance, the DRB and the applicant concluded that the proposed awning sign should be constructed as one continuous shed awning with the David Paul Salons text and logo as the primary and most prominent feature and "hair, skin, and nails" as secondary text in a much reduced font size appearing all together on the awning's slope. As such the applicant is proposing this format to the Zoning Board of Appeals (ZBA). The ZBA viewed a mockup of the proposed awning sign. The applicant told the Board that due to his location in Mill Village, away from Boston Post Road, a well-constructed awning sign would provide his business with better visibility than alternative signage. Discussion about visibility from Boston Post Road ensued.

Ms. Quirk referenced the ZBA's receipt of a letter from the DRB dated May 28 written in support of Mr. Pompey's application to the ZBA for a special permit. The DRB noted that while they supported the design of the awning sign they referenced difficulty with interpreting the bylaw to make this determination. Ms. Quirk agreed with the assessment of the bylaw being ambiguous, however noted that it is ultimately up to the ZBA to interpret the sign bylaw. Mr. Gossels also agreed by saying that without clarification the ZBA is in danger of having its sign bylaw unravel. He said that he felt that if this type of awning sign is approved then more businesses will seek permits for these awning signs. Jim Kelly, Building Inspector for the Town

of Sudbury, said that most businesses do not want awning signs as primary signage, preferring fixed signage instead, but that this particular applicant needs the awning alternative because of the building's configuration and because the landlord will not allow a standard fixed sign.

The Board then made a series of calculations to determine whether or not the size of the sign, or the surface area of the verbiage, was compliant. They debated whether or not the calculations should include the area of the text alone or the text and logo combined. Comparisons were made to how standard wooden signs are evaluated and whether awning signs should be given the same treatment when it comes to surface area. Mr. Stevenson pointed out that the difference between an awning sign and a wooden sign is that the awning serves a structural purpose whereas a wooden sign is used solely for advertising.

A discussion about primary and secondary signage ensued. Ms. Rubenstein pointed out the purpose of primary and secondary text is to enhance the effectiveness of a sign. In this case the primary and secondary text would appear on the same plane giving the text equal importance. The Board debated the terms of allowable percentages of lettering to the surface area of the sign. And more calculations were done to determine whether the proposed sign was in compliance. Mr. Pompey said that the size and central location of the lettering of "David Paul Salons" makes it primary and reiterated that the size of the secondary text, "hair, skin, nails," would be greatly reduced.

Mr. Gossels was concerned about the quality of the proposed awning sign in terms of weathering and durability. Mr. Pompey explained that the lettering and logo were to be embroidered, rather than simply painted, for increased durability. He said that he wanted the awning to be aesthetically pleasing and to enhance the appearance of the building.

More discussion occurred about size and height of primary and secondary lettering and additional calculations were made to determine whether or not the textual elements, and the awning size itself, were in compliance with the bylaw. Ms. Quirk suggested that the Board should defer to the Building Inspector's standard calculations to determine compliance.

Mr. Kelly pointed out that awnings themselves are allowed building elements, or structures, that do not need special permits. He said that the Design Review Board has a history with developing appropriate signs in town and as such he relies on the DRB's judgment on this type of sign.

Mr. Garanin then said that he was concerned about the precedence that would be set by allowing this awning sign. He echoed Mr. Gossels' earlier opinion by saying that if approved more businesses would come forward seeking approval of such signage. Mr. Kelly said that he didn't feel that from past experience with signage that this would be the case.

Ms. Rubenstein asked about illumination of the sign to which Mr. Pompey explained that lighting would shine from over the top and would be of the same type as the rest of the building. Only the primary signage, or the logo and David Paul Salons, would be illuminated. Ms. Rubenstein pointed out that the lighting style also restricts the amount of room for signage.

Ms. Quirk summarized for the Board that the applicant is seeking relief from the bylaw's definition stating that on an awning sign, secondary signage needs to be on a valance. There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: To grant David Pompey, applicant, a Special Permit pursuant to Section 3290 of the Zoning Bylaws for an awning sign not otherwise provided for in the Bylaw, property located at 385 Boston Post Road, Business District #1.

VOTED: In favor: 5 Opposed: 1 (Garanin)

REASONS: The petitioner requires a special permit to install an awning sign not otherwise provided for in the Bylaw. The Board finds that the location of the property justifies the granting of a special permit for these signs.

The sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is zoned business. 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 the awning will be an aid to motorists seeking to locate the business within this complex.

The Board notes that after several meetings between the applicant and the Design Review Board, the Board has recommended that the Board of Appeals consider the exceptions requested.

The sign design is consistent with the architecture of the building and will be an improvement over the current awning.

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Elizabeth T. Quirk, Chair

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