



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

2016 MAR 22 P 3:35

TOWN CLERK
FRAMINGHAM

BOARD OF APPEALS CASE NO. S16-04

PETITION OF FIRST PARISH IN FRAMINGHAM

DATE OF DECISION: MARCH 8, 2016

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 FIRST PARISH IN FRAMINGHAM (hereinafter the Applicant), for property located at 24 VERNON STREET (hereinafter the Site). This Decision is in response to a Petition for VARIANCES to install two new freestanding signs which do not conform to the requirements of the Sign Bylaw (hereinafter the Application).

2. Applicant & Property Owner

First Parish in Framingham
24 Vernon Street
Framingham, MA 01701

3. Location

Property is located at 24 Vernon St and is identified by Assessors' Parcel ID 090-35-5841-000 (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 March 8, 2016, the Board voted to GRANT the requested 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
KEVIN GATLIN	YES
JOSEPH NORTON	YES

5. Proceedings

The Application was received by the Board on February 11, 2016 pursuant to the Town 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 March 8, 2016 at 7:45 P.M. in the Blumer Community Room of the Memorial Building. Board Members Edward Cosgrove, Kevin Gatlin, Joseph Norton, and Alternate Philip R. Ottaviani, Jr. were present throughout the proceedings. The minutes 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.

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6. Exhibits

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

- 6.1 Application, including rendering and photograph, filed with the Building Official for a permit to install a new freestanding sign for First Parish in Framingham, dated September 3, 2015.
- 6.2 Application, including rendering and photograph, filed with the Building Official for a permit to install a new freestanding sign, the "Wayside Pulpit", dated September 3, 2015.
- 6.3 Application, including rendering and photograph, filed with the Building Official for a permit to install a new wall sign for tenant Framingham Centre Nursery School, dated February 11, 2016.
- 6.4 Site plan, showing proposed location of all three freestanding signs, stamped "Received" by the Zoning Board Office on February 11, 2016.
- 6.5 Letter from the Building Official, dated January 28, 2106, approving the First Parish sign and denying the Wayside Pulpit and Framingham Centre Nursery School signs.
- 6.6 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on February 16, 2016.
- 6.7 Filing fee in the amount of \$250.00.
- 6.8 A memorandum from the Applicant in support of their petition, dated February 11, 2016.
- 6.9 Certificate of Appropriateness from the Framingham Historic District Commission, dated January 5, 2016.

Exhibits 6.1 - 6.4 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 Single Residential R-3 zoning district.
- 7.2 On January 5, 2016, the Applicant obtained a "Certificate of Appropriateness" from the Town of Framingham Historic District Commission for the three freestanding signs requested.
- 7.3 On September 3, 2015, the Applicant applied for a permit to install a freestanding sign for First Parish in Framingham. The Building Official approved this sign as the freestanding sign allowed by Section 1.9.6 and is included for informational purposes only.
- 7.4 On September 3, 2015, the Applicant applied for a permit to install a freestanding sign to be the "Wayside Pulpit". The Building Official denied this sign under Section 1.9.6, as it would be the second freestanding sign on the site.

- 7.5 On February 11, 2016, the Applicant applied for a permit to install a freestanding sign for Framingham Centre Nursery School. The Building Official denied this sign under Section 1.9.6, as it would be the third freestanding sign on the site.
- 7.6 On February 11, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of requesting Variances for the Wayside Pulpit and Framingham Centre Nursery School signs.
- 7.7 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on February 21 and 28, 2016, and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting members were present regarding the petition.
- 7.8 The Applicant is seeking approval of Variances to the Sign Bylaw to install two additional, freestanding signs - the Wayside Pulpit and Framingham Centre Nursery School – which is greater than the one freestanding sign allowed per the bylaw. The Applicant stated that a Certificate of Appropriateness had been obtained from the Town of Framingham Historic District Commission (HDC) for all freestanding signs requested for the site.
- 7.9 The Building Official denied the Wayside Pulpit freestanding sign under Section 1.9.6 which regulates *Institutional/Civic Signs*; allowing "one (1) freestanding sign not exceeding 32 s.f.". While the requested sign is only 12.4 s.f., it would be the second freestanding sign on the site.
- 7.10 The Applicant explained the importance of the Wayside Pulpit stating "The Wayside Pulpit has been on our property since 1960, and it is an historic part of our faith's tradition to offer 'wayside sermons', liberal message that would make people read and search their conscience. Many Unitarian Universalist congregations have Wayside Pulpit signs, some as far back as the early 1920s." Related to the overall site and the proposed location of the Wayside Pulpit, the Applicant explained "We intend to re-install it farther away from our main sign, so that the area does not appear cluttered".
- 7.11 Discussion ensued regarding the preferred aesthetics of the proposed permanent sign as compared to the A-frame, or similar, temporary signs that other churches may use. Mr. Gatlin stated he views the HDC as another layer of governance, appreciates the churches willingness to work with the HDC to develop signs that are appropriate for the area, and supports the look they envision for the district. Mr. Ottaviani and Mr. Cosgrove supported Mr. Gatlin's comments recognizing the importance of HDC approval.
- 7.12 The Variance standard established by the Town 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.

- 7.13 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. *While the church and nursery school operate on the same property, it is a large parcel with ample space for all signs.*
- 7.14 The Board finds that relief from the Sign Bylaw can be granted without substantial detriment to the public good and surrounding properties, and without degradation of the neighborhood's visual environment. *The sign as presented is in keeping with the goals of the Centre Common Historic District, in which the property resides, as evidenced by the HDC approval, and will improve, not degrade, the neighborhood's visual environment.*
- 7.15 The Board therefore moved to APPROVE the Variance for the Wayside Pulpit sign, subject to the following condition:
- 7.15.1 The sign shall be constructed as approved by the Framingham Historic District Commission on January 5, 2016 and installed as shown on the Plan.
- 7.16 The Building Official denied the Framingham Centre Nursery School freestanding sign under Section 1.9.6 which regulates Institutional/Civic Signs; as the nursery school is a separate entity from the church, it does not meet the definition of an institutional/civic sign which states "*a sign whose primary purpose is identifying the premises of a non-profit, public, governmental, educational, religious, charitable or similar civic facility*". This third freestanding sign would be limited to the dimensions stated in Section 1.10.3 Chart 2 for the R-3 zone; 2 sq. ft. sign face area, 4' in height, 2' in width, and 4" in depth. The requested sign is 9.9 sq. ft., 4' high, 4' wide and 4" in depth.
- 7.17 The Applicant explained the nursery school became a wholly separate entity from the church in 2006 and the nonprofit school runs most of the year. The current nursery school sign is on Edgell Road and leads to the former parking lot which was converted to a courtyard which is no longer an access point for the school. The requested sign would be placed on Vernon Street adjacent to the school entrance, with lettering of sufficient size to be viewed from the road, which will improve safety for people accessing the site.
- 7.18 Board members agreed that the new sign location was a necessary change and that appropriate signage is critical for safety on the site.
- 7.19 The Variance standard established by the Town 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.
- 7.20 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. *Since the church and nursery*

school operate on the same, large parcel, appropriately sized and positioned signage is important for safe traffic circulation on the site.

7.21 The Board finds that relief from the Sign Bylaw can be granted without substantial detriment to the public good and surrounding properties, and without degradation of the neighborhood's visual environment. *The sign as presented is in keeping with the goals of the Centre Common Historic District, in which the property resides, as evidenced by the HDC approval, and will improve, not degrade, the neighborhood's visual environment.*

7.22 The Board therefore moved to APPROVE the Variance for the Framingham Centre Nursery School sign, subject to the following condition:

7.22.1 The sign shall be constructed as approved by the Framingham Historic District Commission on January 5, 2016 and installed as shown on the Plan.

8. Appeals

Appeals, if any, shall be made pursuant to Sign Bylaw, section 1.12.6.f. and shall be filed within sixty (60) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS

By: _____

Edward Cosgrove, Chairman
Sign Appeals Board