



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

2016 JUL 26 P 3:36
TOWN CLERK
FRAMINGHAM

BOARD OF APPEALS CASE NO. S16-06

PETITION OF FEDEX

DATE OF DECISION: JULY 12, 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 FEDEX (hereinafter the Applicant), for property located at 84 NEW YORK AVENUE (hereinafter the Site). This Decision is in response to a Petition for a Variance to the Sign Bylaw to install a new wall sign which does not conform to the Sign Bylaw (hereinafter the Application).

2. Applicant

Back Bay Sign for Blair Companies
65 Industrial Way
Wilmington, MA 01887

Property Owner

Framingham Express LP
co/ DANAC LLC
5404 Wisconsin Ave #301
Chevy Chase, MD 20815

3. Location

Property is located at 84 New York Avenue and is identified by Assessors' Parcel ID 095-83-9905-000 (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 JULY 12, 2016 the Board voted to DENY the requested VARIANCE to install a new wall sign by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	NO
ROBERT SNIDER	NO
JOSEPH NORTON	NO

5. Proceedings

The Application was received by the Board on May 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 June 21, 2016 at 8:30 PM in the Blumer Community Room of the Memorial Building. The Applicant was not able to attend on June 21 and submitted a written request to continue the hearing to July 12. The hearing was continued to July 12, 2016 at 8:00 PM. The Applicant consented to an extension of the decision deadline to August 31, 2016. The Sign Appeals Chairman Edward "Ted" Cosgrove opened the hearing on June 21, but there was no discussion. He was absent on July 12, prompting Mr. Ottaviani to assume the role of Chair for the hearing as per the Sign Bylaw.

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Mr. Ottaviani, Sign Board members Robert Snider and Joseph Norton, and Alternate Stephen Meltzer 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.

Mr. Jason Parillo of Back Bay Sign, representing FedEx, appeared at the hearing and explained that the company was looking to replace the existing silver colored sign with a new sign featuring the FedEx colors of orange and purple. The new sign would be the same dimensions, with 36-inch channel letters. Based on the building's 67-foot setback from New York Avenue, the Sign Bylaw allows for a sign with 24-inch letters. Mr. Snider argued that the Applicant had presented no basis for a Variance. Mr. Ottaviani concurred. The Board felt that with the addition of color to the sign, a compliant sign would be visible from the road.

6. Exhibits

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

- 6.1 Letter from the Building Official dated May 3, 2016 denying the application for a wall sign due to letter height.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on May 13, 2016.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Request for continuance to July 12 emailed from representative Jason Parillo, dated May 24, 2016.
- 6.5 Extension of Decision Deadline form, signed by Applicant and the Sign Appeals Chair, filed with the Town Clerk on July 7, 2016.
- 6.6 Sign packet submittal dated 1/28/16, prepared by Blair Companies, 5107 Kissell Ave., Altoona, Pennsylvania, including existing images and proposed renderings for monument sign and wall sign, and detailed drawings of the proposed channel letter wall sign.
- 6.7 Site plan entitled "ALTA/ASCM LAND TITLE SURVEY", dated 7/26/2013, prepared by Beals & Thomas, 144 Turnpike Rd, Southborough, Mass., not depicting any signage.

Exhibit 6.6 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 Technology Park (TP) zoning district.
- 7.2 On May 3, 2016, the Building Official denied a permit to install a new wall sign under §1.10.2.5 Chart 1 of the Sign Bylaw.
- 7.3 On May 13, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Variance from the Sign Bylaw.

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- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on June 6, 2015 and June 13, 2016 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting Members attended the hearing.
- 7.5 The Applicant is seeking approval of a Variance to the Sign Bylaw to install a new wall sign with dimensions greater than those allowed per the bylaw. Section 1.10.2.5 Chart 1 allows a maximum letter height of 24 inches for buildings with a 67-foot setback. The proposed sign would have 36-inch channel letters.
- 7.6 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.
- 7.7 The Board finds that there is no basis for a larger sign than what the Sign Bylaw allows, and that a scaled-down sign with 24-inch letters would be adequate for the location. The Applicant presented no factual basis to demonstrate a hardship as required for a Variance.
- 7.8 The Board therefore moved to DENY the Variance Application.

8.0 Appeals

Appeals, if any, shall be made pursuant to Sign Bylaw, §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: _____



Philip R. Ottaviani, Jr., Chairman
Acting on behalf of Edward Cosgrove, Sign
Appeals Board Chairman