



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. S16-07

PETITION OF JOHN ZUCCHI

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 JOHN ZUCCHI (hereinafter the Applicant), for property located at 608 HOLLIS STREET (hereinafter the Site). This Decision is in response to a Petition for a Variance to the Sign Bylaw for a freestanding sign which does not conform to the Sign Bylaw (hereinafter the Application).

2. Applicant & Property Owner

John Zucchi
79 Main St. #205
Framingham, MA 01702

3. Location

Property is located at 608 Hollis Street and is identified by Assessors' Parcel ID 149-79-0824-000 (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 GRANT the requested VARIANCE to install the proposed freestanding 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.	YES
ROBERT SNIDER	YES
JOSEPH NORTON	YES

5. Proceedings

The Application was received by the Board on June 17, 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 July 12, 2016 at 8:30 P.M. in the Blumer Community Room of the Memorial Building. Board Members Philip Ottaviani, 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. John Zucchi, the property owner, was present and explained that the proposed sign is to replace a non-compliant freestanding sign for a meat market operated by a tenant. He distributed the latest version of the proposed sign, which is smaller than the proposal in the original submission. Mr. Ottaviani read comments from Suellen Seta, the Sign Officer stating the areas of nonconformity. Mr. Zucchi explained that there had been some difficulty in communicating the Town's requirements to the tenant and sign company, but that they had been able to significantly reduce the size of the sign. Mr. Ottaviani commented that the business is a pre-existing nonconforming use, set to the rear of the property behind the residence, and that they really need the sign for visibility. Mr. William LeBarge (TMM 16) and Mr. Fernando Castro spoke in favor of the application.

6. Exhibits

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

- 6.1 Application filed with the Building Official for a permit to install a new freestanding sign on the premises, dated May 5, 2016.
- 6.2 Letter from the Building Official dated May 24, 2016, denying the sign permit application.
- 6.3 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on June 17, 2016.
- 6.4 Filing fee in the amount of \$250.00.
- 6.5 Sign packet submittal stamped "Received" 6/17/2016 by the ZBA office, including:
 - 6.5.1 Existing conditions photo and rendering with proposed sign overlaid. Proposed size is given as 2.5' x 6'
 - 6.5.2 A hand-drawn sketch showing a previous iteration of the sign, the size noted as 3' x 6' with 12"-wide posts, and overall height of 7.5 feet.
 - 6.5.3 Sketch of glass-walled entrance, with dimensions 180" by 60".
- 6.6 Comments from the Sign Officer, Suellen Seta, explaining how the proposed sign is noncompliant.
- 6.7 "Town of Framingham Property Map", dated April 20, 2006, with hand-sketched building footprints, showing the approximate location of the meat market and overall dimensions of the property.
- 6.8 Site plan entitled "Plan of Land in Framingham, Mass.", dated April 25, 1980, prepared by Alfred Ewald, showing the property and structure occupied by meat market, but not showing current residential structure.
- 6.9 Letter to the Zoning Board of Appeals from John A. Zucchi, dated June 22, 2016, containing rendering of proposed signage, in addition to photos with measurements given.
- 6.10 Sign drawing received at the hearing on July 12, 2016, showing sign face dimensions of 6' x 2.5', overall height of 6 feet, and 6-inch-wide posts.

Exhibit 6.10 shall hereinafter be referred to as "the Plan".

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 General Residence (G) zoning district.
- 7.2 On May 24, 2016, the Building Official denied a permit to install a new freestanding sign under §1.10.3.2 Chart 2 and §1.10.3.1.(6)(c) of the Sign Bylaw.
- 7.3 On June 17, 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.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on June 27, 2016 and July 4, 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 to replace the existing nonconforming sign at the front of the property along Hollis Street, which has a sign face area of 32 square feet. The proposed double-facing sign is 6 feet wide by 2.5 feet tall, for a total of 15 s.f. of face area, with 6-inch-wide support posts and an overall height of 6 feet. The Sign Bylaw allows a sign with 2 s.f. of face area in the G zone, with a maximum height of 4 feet and a maximum of 2 feet between support posts. The proposed new sign will be significantly smaller than the existing noncompliant sign. The proposed 6-inch posts are compliant.
- 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 the nature of the use of the premises is such that a variance may be permitted without being contrary to the public good. *The meat market on the property is a pre-existing nonconforming commercial use in a residential zone, and is located to the rear of the property behind a residence. A visible freestanding sign along Hollis Street is needed, and the proposed sign will be less detrimental to the neighborhood than the existing sign.*
- 7.8 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 proposed sign will be an improvement over the existing sign and will not be detrimental to the visual environment of the neighborhood.*
- 7.9 The Board therefore moved to APPROVE the Variance Application, subject to the following conditions:

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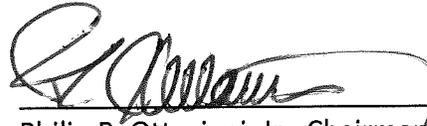
- 7.9.1 The sign shall be constructed and installed as shown on the Plan. The maximum dimensions allowed shall be 2.5' x 6' for the sign face area, 6" posts and 6 ft. in height.
- 7.9.2 Any noncompliant window signage, as determined by the Sign Officer, must be removed or replaced with compliant signage.

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