



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

2016 NOV 29 P 3: 26

TOWN CLERK

BOARD OF APPEALS CASE NO. S16-11

PETITION OF ACCESS FRAMINGHAM TV

DATE OF DECISION: NOVEMBER 15, 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 ACCESS FRAMINGHAM TV (hereinafter the Applicant), for property located at 4 VERNON STREET (hereinafter the Site). This Decision is in response to a Petition for a Variance to increase the sign face area of an existing sign (hereinafter the Application).

2. Applicant

Access Framingham TV
4 Vernon Street
Framingham, MA 01701

Property Owner

C.J. Gordon Family Realty, LLC
957 Worcester Road
Framingham, MA 01703

3. Location

Property is located at 4 Vernon Street and is identified by Assessors' Parcel ID 090-34-4866-000 (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 November 15, 2016 the Board voted to GRANT the requested VARIANCE to increase existing sign face area by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

EDWARD COSGROVE	YES
JOSEPH NORTON	YES
PHILIP R. OTTAVIANI, JR	YES

5. Proceedings

The Application was received by the Board on October 5, 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 November 15, 2016 at 7:45 P.M. in the Blumer Community Room of the Memorial Building. Board Members Edward "Ted" Cosgrove, Joseph Norton, and Philip R. Ottaviani, Jr., and alternate Stephen Meltzer were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is

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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.

Access Framingham TV Executive Director Scott J. Mercer was present and explained the request to add an additional panel to the existing freestanding directional sign at the parking lot entrance. He explained that Access Framingham TV's wall sign is difficult to see on the other end of the building. The additional sign would measure 3 sq. ft. and would be located under the existing freestanding directional sign panel, which identifies Regional Home Care, a different tenant. Robert McArthur (57 Londonderry Road) spoke in favor of the proposal. Mr. Ottaviani spoke in favor of the proposal. Mr. Cosgrove stated that the next tenant will have a similar issue if the business is not clearly identifiable.

6. Exhibits

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

- 6.1 Application filed with the Building Official for a permit to add a second sign to the existing freestanding directional sign, dated August 26, 2016.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on October 21, 2016.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Letter from the Applicant explaining proposal dated August 26, 2016.
- 6.5 Comments from Building Official dated November 8, 2016.
- 6.6 Photographic rendering depicting current directional sign, proposed addition, and street view of business entrance, stamped "Received" by ZBA staff on October 5, 2016.

Exhibit 6.6 shall be hereinafter 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 parking lot for the premises is located within the Single Family Residence (R-1) zoning district. The building itself is located with the Neighborhood Business (B-1) zoning district.
- 7.2 On September 21, 2016, the Building Official denied the Application to add an additional sign to the existing freestanding directional sign under §1.9.8 (a) of the Sign Bylaw.
- 7.3 On October 21, 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 October 31 and November 7, 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 increase sign face area by adding an additional panel to the existing freestanding directional sign. The existing sign is a driveway directional sign. A freestanding sign is not allowed as the building is less than 10 feet from the Vernon Street right of way. The maximum sign face area for a driveway directional sign is 3 square feet. The Applicant is proposing to add a second 3-square-foot sign, for a total of 6 s.f. Only one directional sign is allowed per driveway.
- 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 business suffers from visibility issues due to the location. The existing wall sign is not visible at eye level and is located at the other end of the building, making the business difficult to find. A free-standing directional sign already exists on the property and the second panel would be a minor change.*
- 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 public access television station is an important community institution and the public needs to be able to find it. The second panel will not degrade the visual environment.*
- 7.9 The Board therefore moved to APPROVE the Variance Application, subject to the following condition:
- 7.9.1 The sign shall be constructed and installed as shown on the Plan. The additional panel shall not be larger than 3 square feet.

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: _____

Edward Cosgrove, Chairman
Sign Appeals Board