



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

BOARD OF APPEALS CASE NO. S17-02

2017 FEB 27 P 5:00

PETITION OF LITTLE ACORN CHILDREN'S CENTER

TOWN CLERK
FRAMINGHAM

DATE OF DECISION: FEBRUARY 13, 2017

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 LITTLE ACORN CHILDREN'S CENTER (hereinafter the Applicant), for property located at 300 PLEASANT STREET (hereinafter the Site). This Decision is in response to a Petition for Variances to the Sign Bylaw for multiple freestanding signs, face area, height, and width (hereinafter the Application).

2. **Applicant**

Little Acorn Children's Center
300 Pleasant Street
Framingham, MA 01701

Property Owner

Temple Beth Am
300 Pleasant Street
Framingham, MA 01701

3. **Location**

Property is located at 300 Pleasant Street and is identified by Assessors' Parcel ID 089-95-1546-000 (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 February 13, 2017 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
PHILIP R. OTTAVIANI, JR.	YES
JOSEPH NORTON	YES

5. **Proceedings**

The Application was received by the Board on January 19, 2017 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 February 13, 2017 at 7:45 P.M. in the Blumer Community Room of the Memorial Building. Board Members Edward "Ted" Cosgrove, Philip R. Ottaviani, Jr., Joseph Norton, and Alternate John "Rick" McKenna 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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Mr. Jeffrey Newman, the Applicant's sign contractor, introduced himself and the business owner, Ms. Lea Chin. He explained that Little Acorn Children's Center is seeking Variances for a second freestanding sign, sign face area, height, and width. He mentioned that his client was not allowed to add to the existing Temple Beth Am freestanding sign, making a second one necessary due to the nature of the business. Mr. Cosgrove requested that the Applicant add the street number to the sign and asked if Temple Beth Am voiced any objection to the proposal. Mr. Newman responded no. Mr. Ottaviani commented that it is difficult to distinguish the location of Ms. Chin's business and that the Professional zone requirements would be most appropriate to this site. Mr. Norton agreed with Mr. Ottaviani and commented that a street number should be added. Ms. Susan Bernstein (TMM7) voiced concern on the sign design and suggested it be modified to blend with the current freestanding sign. Mr. Ottaviani, Mr. Norton, and Mr. McKenna agreed with Ms. Bernstein. Mr. William Labarge (TMM 16) spoke in favor. Mr. McKenna commented that a modified sign would make the business more attractive. Mr. Cosgrove commented that design modification would be entertained and requested wooden or granite posts. He suggested that the Board take a vote, approving the dimensions of the sign with the addition of the street number and requested the Applicant return with an updated conceptual image to be reviewed with the ZBA Administrator. The Applicant agreed that the posts could be changed and the sign modified to fit in better with the existing landscape features.

6. Exhibits

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

- 6.1 Application filed with the Building Official for a permit to allow a second freestanding sign, denied on December 28, 2016.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on January 19, 2017.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Sign Officer comments, dated February 6, 2017.
- 6.5 Supplemental brief, dated January 16, 2017.
- 6.6 Images of existing freestanding sign and entrance sign, dated December 11, 2016.
- 6.7 Drawing set entitled "Job #: 56768", included sign panel and conceptual images, dated December 2, 2016, and prepared by Signarama, 280 Worcester Road, Framingham, MA 01702.
- 6.8 Site plan with hand written annotations showing locations of site signage entitled "300 Pleasant Street", dated January 14, 2017, printed from the Town's GIS program.

Exhibits 6.7 and 6.8 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 Family Residence (R-3) zoning district.

- 7.2 On December 28, 2016, the Building Official denied an application to add a second freestanding sign under §1.10.3.1 (g) and §1.10.3.2 Chart 2 of the Sign Bylaw.
- 7.3 On January 19, 2017, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining Variances from the Sign Bylaw.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on January 29 and February 5, 2017 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. One Town Meeting Member, Ms. Susan Bernstein, attended the hearing.
- 7.5 The Applicant is seeking approval to erect a second freestanding sign for a children's center. Two freestanding signs currently exist on the property, the first of which serves to identify Temple Beth Am; the second is a directional sign at the edge of the parking lot to the rear of the building. The Sign Bylaw prohibits more than one freestanding sign, and limits the size of a freestanding sign in an R-3 zone to 2 s.f., 2 feet in width and 4 feet in height. The Applicant proposes 8 s.f. in face area, 4 feet in width and 4.5 feet in height.
- 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 Applicant is proposing to add a second freestanding sign to identify a business located to the rear of the property. The Temple Beth Am sign is such that it cannot be altered to accommodate another panel. The sign will not cause adverse impacts to the neighborhood. The Applicant has agreed to change the design from PVC (vinyl) to a more natural material that fits into the surrounding neighborhood better.*
- 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. *In recognizing that the day care center is located in a residential zone, and that a literal enforcement of the Sign Bylaw would result in a sign that is much too small to effectively identify the business's location, the Board finds that the Office & Professional Zone dimensions are appropriate for the location. Natural materials will be used to respect the character of the neighborhood.*
- 7.9 The Board therefore moved to APPROVE the Variance Application, subject to the following conditions:

- 7.9.1 The sign shall be constructed and installed as shown on the Plans, but reduced in size to no larger than the maximums permitted in the Office & Professional zoning district.
- 7.9.2 The posts shall be changed to favor a more natural material and shall not be made of PVC.
- 7.9.3 A new conceptual sign plan, complying with all applicable provisions of the Bylaw, shall be submitted to the ZBA Administrator and approved by the Sign Board Chair prior to the issuance of any building permits.
- 7.9.4 The sign shall include the street address number.

8. 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,
Sign Appeals Board Chairman