

The January 7, 2015 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of the Town Hall.

Chairman Matthew Zuker called the meeting to order at 7:04 p.m. with the following members present:

Matthew Zuker, Chairman
James DeCelle, Vice Chairman
Craig W. Hiltz, Clerk
Mary Jane Coffey, Member
Susanne Murphy, Member (not present)
Timothy Foley, Associate Member

7:00 pm – Sign Design – Case #19-14

Matthew Zuker read the Public Hearing notice for **SIGN DESIGN, Case #19-14**, with respect to property located at 300 Boston Providence Highway (RTE 1), Walpole, MA and shown on the Assessors Map 28 and Lot No. 182, Residence B Zoning District.

The application is for:

A VARIANCE from Section 7.8.A. (1) of the Zoning Bylaws to allow an internally illuminated building sign.

Frank Gagliardi the Executive Director to the League School would like to have the sign lit from dusk till dawn (Mr. Gagliardi passed out a packet with pictures of the proposed sign to add to the record).

Mr. Hiltz noted that the application was signed by Sign Design the applicant's agent. On the application where the owner of property is to sign it states, "see letter of Authorization" however there is no letter of authorization attached.

Mr. Gagliardi stated that Sign Design was hired by the League School and the League School gave them the authorization to sign for them. However they should have attached the letter of authorization.

Mr. Hiltz noted that the Board does not have that information.

Michael Sullivan the Facilities Manager for the League School stated that they had checked with the Building Department to see what they could do regarding the sign. We pulled the permits for the sign but we were not sure how to navigate the process.

Mr. Hiltz mentioned that he is OK with Sign Design signing the application. However the application states that Sign Design is applying as the agent not the owner and the Board has no signature stating that Sign Design is authorized to do so.

Mr. Foley said that it is a procedural thing.

Mr. Hiltz said that we could take it in testimony, however if the agent was here and not the owner then he would have a problem with the application. It is on the record. Mr. Hiltz then asked the applicant if the applicant could submit a letter to the Board Secretary so they could have it in the file.

Mr. Foley said that it will actually help the case.

Mr. Gagliardi and Mr. Sullivan said they would submit the letter of authorization to the Board Secretary.

Mr. DeCelle asked where the sign is located.

Mr. Gagliardi said that it faces Route 1.

Mr. Hiltz stated that for a variance there has to be a hardship, issues with shape, topography and benefit the public. What is the nature of the property that you need the variance?

Mr. Gagliardi said that we would have to drill holes into the building if they did a different kind of sign. The school is a non-profit. Our builders have already installed the materials we need to light this internally lit sign.

Mr. Hiltz mentioned that the bylaws states that the back lighting of the signs is prohibited.

Mr. Zuker read comment letters into the record from the Conservation Commission, the Building Inspector, Town Engineer and the Fire Department. He read felt the Fire Department had a very good point and read their letter: Board of Appeals, The Fire Department has reviewed the League Schools variance application request to install an illuminated sign on their new additions to their school. Where the school is located at the bottom of a hill, the entrance comes upon you very quickly and we feel that the illuminated signage will assist in the fire departments response to this location. At this time the fire department has no objection to this request.

Mr. DeCelle asked if the sign is already up.

Mr. Gagliardi said yes.

Mr. Zuker wanted to know if it was already lit.

Mr. Gagliardi said no.

Mr. Foley felt that the Fire Department had some excellent comments.

Ms. Coffey noted that the lit sign should not pose a problem for any of the abutters since the abutters are behind the school and the sign is on the front of the school.

Mr. Zuker also felt that the Fire Departments comments were spot on and that it would benefit the Town to approve the variance.

Mr. DeCelle said the sign would help with visibility and safety.

Mr. Zuker asked if any members of the public wished to comment on the proposal. No members of the public wished to speak.

A motion was made by Mr. DeCelle, seconded by Ms. Coffey, to close the public hearing.

The vote was **5-0-0 in favor**. (Zuker, DeCelle, Hiltz, Coffey and Foley voting)

A motion was made by Mr. DeCelle, seconded by Ms. Coffey, on behalf of the applicant, to approve a Variance from Section 7.8.A. (1) of the Zoning Bylaw to allow an internally illuminated building sign.

The vote was **5-0-0** in favor (Zuker, DeCelle, Hiltz, Coffey and Foley voting); therefore the application for a **Variance** under Section 7.8.A. (1) is hereby **granted**, subject to the following conditions:

CONDITIONS:

1. As stipulated by the applicant at the public hearing, construction shall be pursuant to the plans submitted at the public hearing.
2. This Variance shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L.c.40A, Section 17, if substantial use has not sooner commenced except for good cause.

REASONS FOR DECISION:

It is the finding of the Board that the applicant was able to meet the requirements of Section 2.3 of the Zoning Bylaws.

1. *Owing to circumstances relating to soil conditions, shape or topography of such parcel or to such structure, and especially affecting generally such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant or petitioner.*

The Board finds that the applicant has shown substantial hardship due to topography and shape of the lot and the shape of the building. Where the school is located at the bottom of a hill, the entrance comes upon you very quickly. The illuminated signage will assist in safety for public safety officials, visitors and residents.

2. *Desirable relief may be granted without substantial detriment to the public good.*

The Board finds that the sign will enhance traffic safety site distance.

3. *Relief may be granted without nullifying or derogating from the intent or purpose of this bylaw.*

The Board finds that with the above listed conditions, the Variance may be granted without nullifying or derogating from the intent or purpose of this bylaw.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

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Minutes

A motion was made by Ms. Coffey, seconded by Mr. DeCelle to approve the December 10, 2014 meeting minutes as written.

The vote was **5-0-0 in favor.** (Zuker, DeCelle, Hiltz, Coffey and Foley voting)

A motion was made by Mr. Foley, seconded by Mr. DeCelle to adjourn the meeting at 8: 16 p.m.

The vote was **5-0-0 in favor.** (Zuker, DeCelle, Hiltz, Coffey and Foley voting)

Craig W. Hiltz
Clerk

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Minutes were approved on February 4, 2015.