

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 13, 2011**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Jeffrey Dearing, Vice Chair; Brian Gildea, Clerk; Angelo Colasante; Kenneth Gordon; Carol Amick

ABSENT: Jeffrey Cohen, Chair

Mr. Dearing, Acting Chair, introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

PRESENTATION: Mr. Gildea read the notice of the hearing.

PETITION #019-11 – Cambridge Repro-Graphics, for 8 Oak Park Drive, seeks a Special Sign Permit per Article 40.4, Section 5 (D) of the Sign By-Law to locate wall sign above first floor, and per Article 40.4, Section 3 (A) (1) to increase front wall area to 20%.

Craig Murphy, of Cambridge Repro-Graphics, introduced himself and said that the company LogixHealth would like to put its logo along the second floor of the building at 8 Oak Park Drive. He said that the request to put the sign above the first floor requires a Special Permit from the ZBA, as does the size of this sign, which is slightly larger than is allowed under the Sign By-Law. He noted that the sign will not be illuminated. Mr. Murphy explained said that they propose to add a strip of green along the center of the building which will contain the address, but his understanding is that the address is not considered a sign and therefore doesn't need to meet any size requirements.

Mr. Gordon asked how big the proposed sign is. Mr. Murphy said it will be 60 square feet. Mr. Gordon asked whether the sign will be affixed to the building. Mr. Murphy said it will be; the lettering is $\frac{3}{4}$ inch thick, probably flush to the building but at the most one inch away.

Ms. Amick asked whether the tile shown around the window is part of the proposal. Mr. Murphy replied that it is not; it was simply used during the design process for the scale rendering, but it will not actually be on the building.

Mr. Colasante read the definition of "Sign" as stated in the Sign By-Law: "Any temporary or permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls attention, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of

doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building.” There was extensive discussion about this definition and whether an address on a building should be considered a sign.

Ms. Amick said she could go either way on whether to consider the address a sign. She asked whether anyone knew whether the Code Enforcement Director considers addresses as signs or issues Sign Permits for them. Scott Gould, the ZBA assistant, said he didn't believe that Mr. Laskey issues Sign Permits for address lettering, but he will ask him about it.

Mr. Gordon asked the applicant whether the green color is part of LogixHealth's image or color. Mr. Murphy said that it is not part of the logo but it is part of the corporate colors, as they have that color on the letterhead; the freestanding sign out front will reflect that color as well.

Mr. Dearing opened the hearing to the public.

The Board discussed the interpretation about how to read the first two sentences of Article 40.4 Section 3(A)(1) of the Sign By-Law: “One (1) wall sign not to exceed an area equivalent to ten percent (10%) of the first floor front wall area of a business or fifty (50) square feet, whichever is smaller, may be attached to any wall of a building. An increase in area up to twenty percent (20%) of the first floor front wall area may be allowed by Special Permit from the Board of Appeals.” Mr. Gildea said he thinks that this section means that a sign itself can be increased by up to 20% of the first floor wall area. Mr. Gordon and Ms. Amick argued that this interpretation means that the part about “50 square feet, whichever is smaller” becomes moot. Mr. Gildea said his recollection of the way the Board has ruled in the past is that the first sentence refers to what an applicant can do as of right and the second refers to the limit of what the Board can grant by Special Permit, so any limitation in the first sentence doesn't apply to this second sentence. Mr. Dearing agreed with Kenneth Gordon and Carol Amick.

Mr. Murphy asked whether the Board could allow the strip of green paint on the building without the address on it. The ZBA members talked in more detail about whether the paint color tying in with the corporate logo is a sign. Mr. Gordon said that just a color on a building could be construed as a sign; for example, if the Pepsi headquarters had a strip of paint the same size and location of this one that had the Pepsi colors in it, it would be considered a sign, since it ties in with the corporate logo; he said he feels this does the same. Mr. Gildea said he wouldn't consider paint on a building, regardless of the color, to be a sign. Mr. Gordon pointed out that the freestanding sign on this lot is also the same color green, so this strip of green on the building is intended to do more than just be an attractive color; it is specifically designed to tie the building in with the sign, and therefore that part of the building, in his opinion, becomes a sign in itself.

Mr. Murphy said the address and green strip of color probably isn't as important to his client as the actual LogixHealth sign itself, so perhaps the Board could just grant the sign. He stated that another possibility is to just have a thin strip of green under the logo to tie

in with the freestanding sign. Based on this comment, Mr. Gordon reiterated his view that the strip of green on the building should be considered a “sign” in view of its definition in the by-law.

Ms. Amick suggested that perhaps the applicant would want to go back to his client and talk about these possibilities and come back to the next meeting with a new design or a different option as to what to do with the green color or the address. Mr. Murphy agreed that a continuance would probably be the best idea. Ms. Amick said that in the meantime, Mr. Gould will find out whether a Sign Permit was ever permitted for the building address, and to find out whether Mr. Laskey has ever considered address letters as signage.

MOTION:

Mr. Gildea moved to continue Cambridge Repro-Graphics, for 8 Oak Park Drive, seeking a Special Sign Permit per Article 40.4, Section 5 (D) of the Sign By-Law to locate wall sign above first floor, and per Article 40.4, Section 3 (A) (1) to increase front wall area to 20% to January 27, 2011 at 7:30 PM.

Ms. Amick seconded the motion.

Voting in favor: Dearing, Gildea, Colasante, Gordon, and Amick

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Murphy thanked the Board members for their time and said he would see them in two weeks.

MOTION:

Mr. Gildea moved to adjourn the meeting.

Ms. Amick seconded the motion.

Voting in favor: Dearing, Gildea, Colasante, Gordon, and Amick

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:20 PM.

Respectfully submitted,

Scott Gould
ZBA Assistant