

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 27, 2011**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Jeffrey Dearing, Vice Chair

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

PETITION #019-11 – CONTINUATION – 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%.

Mr. Cohen explained to the Board members that Mr. Dearing, the Acting Chair at the last meeting, contacted him after that meeting and said he felt the Board may have ruled in error and had misinterpreted the Sign By-Law differently than how it always has in the past, specifically in regards to the section that reads: “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.” He said that Mr. Dearing realized after the meeting that the ZBA members have always read this section as meaning that they can allow by Special Permit a sign that is up to 20% of the first floor wall area. Mr. Cohen confirmed this interpretation is indeed how the Board has always ruled in the past. Mr. Dearing had asked whether the Code Enforcement Office could get in touch with the applicant and ask him not to spend the time and money to come to this meeting tonight when it is something the Board can easily grant as of right. Mr. Cohen agreed to this and the applicant was called and told he did not need to appear.

Mr. Cohen stated that he will be invoking the exception to the Mullins Rule tonight; he has read the minutes of the last meeting and has familiarized himself with the application, and will be the fifth voting member in Mr. Dearing’s absence.

As a formality, Mr. Cohen opened the hearing to the public. With no one from the public in attendance, Mr. Cohen closed the public hearing and went right into deliberations.

DELIBERATIONS:

Mr. Cohen said the Board is being asked to grant a Special Permit for a wall sign that is

above the first floor of the building and is larger than allowed by right under the By-Law. He said the Board almost always allows signs to be located above the first floor in industrial districts such as this, and he also feels that this sign increase is reasonable.

Mr. Gordon said that he looked at the decision that the Board made for the Boardroom Bistro sign, at 54 Middlesex Turnpike. He said that sign is much bigger than 60 square feet and the Board granted it without any problem, and that was because the proposed sign was under 20% of the first floor wall area. He said the wording in the Sign By-Law is ambiguous but he feels that allowing 20% of the first floor wall area, as opposed to a 20% increase in the size of the sign, is a reasonable and appropriate interpretation, one that he can support for signs such as this.

The Board members discussed addresses on buildings and whether they should be considered signage. Mr. Gordon said that the definition of "Sign" in the Sign By-Law includes "Indication of premises," so he would consider an address to be a sign. Mr. Cohen said that his interpretation of that language is that signage indicates the use of a business but not an address. He added that the Fire Department requires addresses to be listed on buildings, which is another reason he doesn't think they should be considered signage. He noted that the Sign By-Law is full of small flaws and ambiguous wording that desperately needs to be revised, and that revision will be discussed during the Board's business meeting after this application is voted on. Mr. Colasante said that he doesn't particularly like the notion of considering an address to be a sign, but a strict interpretation of the By-Law would indicate that an address should be considered a sign. He said that when the Sign By-Law is revised, this is one of the first areas that should be looked at.

Mr. Colasante asked whether the Board members have a problem with the green paint on the building. Mr. Gildea said he considers the lettering of the address to be a sign, but he did not have any problem with the green band and did not consider it a sign. Mr. Colasante agreed.

Ms. Amick said she actually feels the opposite of Mr. Colasante and Mr. Gildea, in that she feels that if the address were on the building without the green background, she wouldn't consider it a sign; but once the green background is put there, it ties in with the corporate colors and the freestanding sign and she would then consider it to be a sign. She said that even if the address is considered a sign, however, it is still under 20% of the first floor wall area and she therefore would have no problem approving it. She added that the address issue should be resolved because she wants the Board to be consistent and fair to all applicants.

Mr. Cohen said that there is clearly some disagreement among the Board members as to whether an address should be considered a sign, but they do all seem to be in agreement that, regardless of whether the address is a sign, the dimensions are still under 20% of the first floor wall area and are thus within the limitations of the Sign B-Law. He said he feels that this sign meets the conditions of a Special Permit, in that it is not injurious or

detrimental to the neighborhood and is in keeping with the intent and purpose of the By-Law. The other Board members agreed.

MOTION:

Mr. Gildea moved to grant Cambridge Repro-Graphics, for 8 Oak Park Drive, 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%, in accordance with Exhibit A.

Ms. Amick seconded the motion.

Mr. Gordon said he wanted to confirm that the ZBA is not making any kind of finding here that they do or do not consider an address as a sign, and they are just ruling on this particular application. Mr. Cohen said that was correct; they are only ruling on this one application as submitted.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

BUSINESS MEETING:

Mr. Cohen said the Board received a memo from the Planning Board recently stating that they were considering proposing an amendment to the Zoning By-Law allowing four houses on a common driveway instead of two. He said that the Fire Department weighed in and said they were opposed to this amendment, so the amendment has been tabled for the moment, and the Board therefore doesn't need to discuss it as originally planned.

Mr. Cohen said the other item he wanted to talk about is in regards to a memo he received at the end of December from Richard Reed, the Town Manager. He explained that the Selectmen are planning a review and revision of the Sign By-Law and they have invited any and all members of the ZBA to join this review committee. Mr. Cohen asked whether any Board members would like to attend these meetings. Mr. Colasante said he would be interested in joining and would appreciate it if Mr. Cohen could find out how often the meetings will be held. Mr. Cohen said he would do that and would be happy to have Mr. Colasante at the meetings with him. He stressed that all members who do not join this committee will be able to have input and make suggestions for the change to the By-Law.

Ms. Amick asked whether the Chair knew if any members of the Historic District Commission (HDC) had been asked to be on this review committee as well; she said she thinks it is important that the HDC be invited because the Historic District is the heart of Bedford. Mr. Cohen said that he would also like to think that the HDC has been invited

and cannot imagine that they weren't.

The Board members discussed the Sign By-Law in more detail and talked about various signs throughout Bedford.

Mr. Gildea moved to adjourn the meeting.

Ms. Amick seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:25 PM.

Respectfully submitted,

Scott Gould
Zoning Board Assistant