

## **ZONING BOARD OF APPEALS MEETING MINUTES**

Minutes of May 23, 2018

Hearing on the petition of Jeff Eller of 71 N. Sturbridge Road, Charlton, MA for a Special Permit to change existing sign to a digital sign on property located at Eller's Restaurant, 190 Main Street, Cherry Valley, MA

Members present: Vaughn Hathaway, Chair; David Kirwan, David Orth, Jim Buckley, Clerk; Jim Reinke

Alternate members present: Mary Moore, Dick Johnston

Meeting called to order at 8:00PM

Instructions given on hearing procedures

Mr. Buckley read the Notice, Application, Finding of Facts, letter from building inspector into the record

Submitted into evidence: Registered Plot Plan, several pictures of existing sign and picture of proposed sign

Correspondence received: Site Consideration from the building inspector, Board of Health, and Police Department read into the record by Mr. Hathaway.

Voting at tonight's meeting: Jim Reinke, Jim Buckley, Vaughn Hathaway, David Kirwan, and David Orth

Mr. Hathaway opened the meeting to the applicant to present his petition

Mr. Jeff Eller in attendance.

He wants to remove his existing sign and replace with a smaller digital sign.

Mr. Hathaway asked on whether the sign would be dimmed after dark.

Mr. Eller wasn't sure and hadn't given that a thought.

Mr. Orth said the Board generally requires digital signs be dimmed 5% to 10% after sundown, to not cause a distraction to drivers or abutting residents and to be static, meaning it doesn't change after dark.

Mr. Eller didn't have a problem agreeing with the Board, but because the sign was not installed yet, he wasn't sure if that was something that varied. Therefore, he was hesitant saying yes to 10% until he sees the sign turned on at 10%.

Mr. Reinke asked if animation was included on the sign.

Mr. Eller understood the sign changes are between 30-seconds to a minute and has the capability for moving animation. He wasn't interested with animation and just wanted to advertise the restaurant, but was open to any limitations or restrictions the Board recommended.

Mr. Hathaway asked if the sign was double sided and lit on both sides.

Mr. Eller said yes, both sides would be lit showing the same message.

Mr. Kirwan asked the context of the sign and was he able to get 2 messages on the sign.

Mr. Eller said it would advertise daily and weekly specials. The sign size is 8-feet x 3.5-feet and can fit 2 messages, but he will keep it simple as possible for drivers.

Mr. Kirwan agreed to adding a condition no changing message after dark.

Mr. Orth was concerned with the business being opened at night and not knowing whether there will be a distraction.

Mr. Buckley asked whether the sign would be off when closed.

Mr. Eller wasn't sure.

Mr. Hathaway asked if Mr. Eller was agreeable to a condition the sign be off when closed.

Mr. Eller would be agreeable.

Mr. Kirwan felt it becomes dangerous having scrolling messages and drivers approaching trying to read everything going on, versus something that stays on for 30 seconds and then rolls to second part of message.

Mr. Hathaway asked the Board recognizing this as a restaurant, on making a condition that the sign be static.

Mr. Orth would like to see the sign down to no more than 10% brightness after dark.

He was not as concerned with it being static because of the type of business.

Mr. Hathaway asked on a condition the sign be off when closed. He questioned whether it was necessary putting a condition on animation if the sign was off when closed.

All agreed the sign be off when business is closed.

Mr. Hathaway asked a time limit between messages and suggested 5 seconds.

Mr. Eller said 5 seconds between messages would be too fast and through the marketing research he's done, 30 seconds would be the fastest recommended.

Mr. Reinke considered any type of animation a distraction to drivers.

Mr. Eller wanted to keep the sign simple and asked what the Board considered animation.

Mr. Reinke would not want to see picture animation, for example, fireworks or pac-man.

Mr. Eller had no interest having moving animation on the sign.

Hearing no further discussion, Mr. Hathaway asked for a motion.

MOTION: Mr. Buckley moved to approve the petition of Jeff Eller of 71 N. Sturbridge Road, Charlton, MA for a Special Permit to change existing sign to a digital sign on property located at Eller's Restaurant, 190 Main Street, Cherry Valley, MA with the following conditions:

1) Sign to be turn off when business is closed; 2) No more than 10% power after dusk; 3) No more than 30-secondds between changes and 4) No picture animation other than transition

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Instructions given on the appeal process and the filing of this decision with the Registry of Deeds.

MOTION: Mr. Kirwan moved to close the hearing.

SECONDED: Mr. Orth – Discussion: None – VOTE: All in Favor

Hearing closed at 8:05PM

## **General Minutes**

### **Approval of Minutes**

#### 1/24/2018 – 190 Main St

MOTION: Mr. Buckley moved to approve the minutes of January 24, 2018 for 190 Main Street with minor typo corrections

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

#### 1/24/2018 – 36 Lake Drive

MOTION: Mr. Buckley moved to approve the minutes of January 24, 2018 for 36 Lake Drive with minor typo corrections

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

#### 2/21/2018 – 20/22 Lake Drive

MOTION: Mr. Buckley moved to approve the minutes of February 21, 2018 for 20/22 Lake Drive with minor typo corrections

SECONDED: Ms. Moore – Discussion: None – VOTE: All in Favor

### **Board Discussion:**

Mr. Hathaway received call from building inspector inquiring whether board would require a registered plot plan for a sign.

After some discussion, the Board agreed no registered plot plan needed, total square footage would be required.

MOTION: Mr. Orth moved to adjourn meeting

SECONDED: Mr. Kirwan – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:30PM

Respectfully submitted:

*Barbara Knox*

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