

## **Zoning Board of Appeals Meeting Minutes**

Minutes of January 20, 2016

Continued Hearing from December 9, 2015 on the petition of Cumberland Farms of 100 Crossing Blvd., Framingham, MA for a Variance to construct one (1) freestanding sign to be located on the corner of South Main Street and Pleasant Street, Leicester, MA

Members present: David Kirwan, Chair; Jim Buckley, Clerk; Vaughn Hathaway, Paul Schold and David Orth

Alternate members present: Dick Johnston, Jim Reinke and Mary Moore

Meeting called to order at 7:00PM

Mr. Orth recused himself and stepped down as voting member due to a conflict of interest, because he works there.

Instructions were given on the hearing procedures.

Voting at tonight's meeting: David Kirwan, Paul Schold, Mary Moore, Jim Buckley and Vaughn Hathaway

Mr. Kirwan read into the record, new email correspondence received from Jeff Taylor, Building Inspector, regarding the requirement of a special permit for a changing sign.

Mr. Kirwan opened discussion to the applicant.

Mr. Marc Belanger, Bohler Engineering, representing Cumberland Farms, made the presentation.

Mr. Belanger submitted a revised site plan, showing a slight change on the size of the sign.

The previous plan showed a 12 foot high and 6 foot wide sign, with 30-square feet of signage.

The revised plan shows a 10-foot high and 5 foot wide sign, with 25-square feet of signage.

As mentioned, Cumberland Farms is also requesting a special permit for the changeable display between the two prices, which is similar to what Cumberland's currently has out there already.

A special permit was issued for the current sign in 2013 and at this point, Cumberland's would like to request this sign be added and understood that a new hearing may be required.

The intention of this plan is to have a second sign and to have it similar to the first sign with a changeable display.

Mr. Kirwan confirmed that the revised plan shows a 2 foot reduction in height and a 2 foot reduction in width. Mr. Belanger agreed.

Mr. Hathaway said he goes by Cumberland's all the time and felt the other sign was very visible. He asked if a second changeable sign was really needed.

Mr. Belanger said the second sign is primarily for vehicles traveling north on Pleasant Street, because the first sign isn't really visible until after you pass it.

Mr. Hathaway disagreed because he was able to see it very easily before reaching the intersection.

Mr. Belanger said Cumberland Farms is requesting to have a second sign and felt it was necessary at this location to provide production to the store.

Mr. Kirwan said his understanding was that the revision would be dramatically smaller and would be more of a directional sign, either just before or right after the entrance drive on Pleasant Street. He pointed out other Cumberland Farm stores that had the small ground level signs that were purely arrow signs, pointing the way into the parking lot.

Mr. Belanger explained that the revised plan submitted was the proposal Cumberland Farms sent to him and would like to do. He did mention the Board's concerns to them and this is what they want proposed.

Mr. Schold said at the last meeting during discussion, it was pointed out that there was a historic district across street, although it was technically understood; Cumberland's wasn't in the historic district. But he understood from the last meeting that there would be a 50% reduction in size and there would be some consideration taken on eliminating the changeable sign section.

He didn't understand why there needs to be illuminated flashing sign in that area and felt a smaller lighted sign would serve the purpose and shouldn't cause Cumberland Farms any great revenue loss.

Mr. Johnston said looking at this at the standpoint of a stranger in Town, he felt an entrance sign would suffice and did not need to be a changeable sign. When approaching the driveway on Pleasant Street and knowing where to turn, would do the trick and once reaching that point, the driver can see the pricing without another sign.

Mr. Kirwan said he travels through that area frequently and has often stopped for gas at the Cumberland Farms station. He will admit having missed that driveway at night, but agreed a huge neon flashing sign was not needed in order to bring that to his attention.

Mr. Belanger explained the height was 10-feet, which is the standard street sign and only 5-feet wide, which is really not a big sign.

Ms. Moore asked the 12 foot by 6 foot sign originally proposed for this site is the size of the 1<sup>st</sup> sign that is there now. Mr. Belanger said yes.

Mr. Buckley noted these were two separate lots and he understood the reason for the need of a variance, because it's being considered as one continuous use. He doesn't really have a problem allowing a sign there because on his way to the meeting, he drove by that area and agreed a driver can drive right by the entrance.

He said these were two separate lots and if there was a different business going in at that corner, they wouldn't need a variance for a sign.

He understood that was what's being heard and what the Board would be voting on, but didn't understand the issue of another sign.

Mr. Hathaway understood what Mr. Buckley was saying; because that was his initial thought that these were two separate lots, but it's one continuous use. His concern was with the changeable part of the sign. He didn't have a problem with there being another sign, but felt it was overkill having it changeable. He also agreed that if there was another owner, there could be another changeable sign, with a special permit.

Mr. Belanger said the changeable part of the sign with the numerals is only 1-foot high and felt it wouldn't be a very big sign.

Mr. Reinke said he felt the Board would not be able to act on that portion of the sign, because it needs special permit approval and a recommendation from the police chief, which is a requirement stated in the Bylaws.

Mr. Kirwan asked if the variance should be continued in order to give the applicant the opportunity to apply for a special permit.

Mr. Hathaway agreed with the Board not being able to act on the special permit part of this and in fairness to the petitioner, he would want to discuss whether they would want to file for a special permit. The Board wouldn't vote in favor of a special permit at this meeting and suggested having the petitioner continue.

Mr. Belanger asked if the Board had a certain sign size & height in mind.

Mr. Kirwan gave an example seen at another Cumberland Farms which was a directional sign and not lit. It appears to be around 4 feet wide by 3 feet high with an arrow pointing in.

Mr. Belanger said a directional signage was not in the proposal because Cumberland's wants a sign that can be seen before reaching the driveway entrance.

Ms. Darlene Eager said she was present at the last meeting and felt it was clear what the Board was asking for. She understood the sign would be redesigned to a 4 x 3 foot directional welcome sign that can be lit, with an arrow pointing the way in. She felt it was not just a safety issue, but also with the aesthetics and maintaining the integrity of the Center of Town.

Mr. Ray Sabol, 2 Victor Ave said after listening to the discussion regarding this sign being for business profit, he agreed that this sign was for profit. He moved to Town around 4 months ago and the first traffic accident he also got in was at that driveway, because he had no idea it was there. He felt a small sign just having Cumberland Farms this way, would fit the needs of Cumberland Farms and show drivers the entrance.

Ms. Eager felt no one really knows what this driveway will mean to the real traffic that travels through during heavy commuter times. She would like to see from the police report, how many accidents occur there because the set up now will have cars turning right during certain hours and turn left during certain hours. Drivers will be busy reading the signs to see what they are supposed to do. She felt this will create a problem, especially without some kind of traffic study for the impact.

Mr. Kirwan explained the Zoning Board is not able to address that concern and can only hear specifically to the sign.

Mr. Hathaway asked Mr. Belanger if he would be willing to bring back to Cumberland's reducing the size of the sign and removing the changeable portion. Mr. Belanger said yes.

Mr. Hathaway said the Board would need to continue.

Mr. Schold felt the sign presented was too big and a 10-foot flashing sign was not needed there.

Mr. David Orth, 921 Main Street asked what happened to the proposal for the monument sign, because it wasn't presented tonight as a possibility. He asked if it was brought to Cumberland's Corporate at all and if so, what their response was.

Mr. Orth noted that one of the requirements for a variance is to show hardship and asked if this would be considered a self-imposed hardship.

Mr. Belanger said the purpose of the second sign; Cumberland Farms requested to demolish the building on that lot and extended the driveway to acquire access from Pleasant Street.

He explained the hardship would be the unique shape of the lot, because the site is not visible coming up Pleasant Street towards Main Street.

Mr. Orth said his question was why this would not be considered a self-imposed hardship.

Mr. Belanger said Cumberland's has gone through the trouble of doing this work, in order to clean up the site and center of Town. They are just looking to be able to utilize this driveway as best as possible.

Mr. Hathaway felt a smaller sign could be possible and wanted to make sure that drivers had visibility under the sign and not have it interfere with seeing traffic.

Ms. Moore said she understood the new proposal was going to be similar to what is at the new Cumberland Farms further up on Main Street.

Mr. Belanger said he wasn't aware until today what Cumberland's new design proposal was going to be.

Mr. Schold said the original Exxon Station use to have their sign out on the corner point of the lot. Was there consideration on putting the illuminated sign there and then have entrance signs at the driveway.

Mr. Belanger said the corner point will eventually be subdivided and gifted to the Town.

The Board briefly discussed and suggested what they considered to be a smaller lit sign that's more fitting with that particular stretch of the road.

With no further discussion; Mr. Kirwan asked for a motion to continue.

MOTION: Mr. Hathaway moved to continue the hearing on Cumberland Farms to February 3<sup>rd</sup> at 8PM

SECONDED: Mr. Schold – Discussion: None - VOTE: All in Favor

Meeting adjourned at 7:33PM

Respectfully submitted:

*Barbara Knox*

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