

**DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD**

RECEIVED

By Town Clerk at 4:27 pm, Jan 27, 2020

PROPERTY OWNER(S): Roche Bros. Supermarkets, Co.

PETITIONER(S): James Sperber
Roche Bros. Supermarkets, Co.
338 Washington Street
Westwood, Massachusetts 02090

LAND AFFECTED: 338 Washington Street
Westwood, Massachusetts 02090
Map 23, Lot 217

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, January 15, 2020 at 7:00 PM in the Champagne Meeting Room, Carby Municipal Office Building, 50 Carby Street, Westwood, MA 02090 to consider the Petitioner's request for a Special Permit pursuant to Westwood Bylaw Section 6.2.15 [Signs, Special Permits] for directional signs that exceed required size and total amount of signs. The Petitioner has also requested a Variance pursuant to Section 6.2.6.4 [Signs Allowed in LBA and LBB Districts, Materials] to construct signs with a supporting structure constructed of metal. Property is located in the Local Business B District.

BOARD MEMBERS: John Lally, Chair
Douglas Stebbins
Michael McCusker

APPLICABLE SECTION OF THE ZONING BYLAW

6.2 SIGNS

6.2.1 **Purpose.** The purpose of this Section is as follows:

- 6.2.1.1 to promote the public safety and convenience of streets, highways, sidewalks and other pedestrian spaces, and public and private property within public view through the location, sizing, and aesthetics of signage;
- 6.2.1.2 to reduce distractions, hazards and obstructions from signage that will have an adverse impact on vehicular safety;
- 6.2.1.3 to discourage excessive visual competition in signage;
- 6.2.1.4 to ensure that signage will adequately aid communication and orientation, identify uses and activities, and express local history and character; and

6.2.1.5 to preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context.

6.2.2 **Definitions.** For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 2.0 of this Bylaw.

6.2.2.1 Awning Sign A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or other area or space.

6.2.2.2 Banner A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

6.2.2.3 Billboard An off- premises sign which is either a freestanding sign larger than one hundred (100) square feet, or a wall sign covering more than ~~ten~~ fifteen percent (15%) of the area to which it is affixed.

6.2.2.4 Changeable Sign A sign whose wording, design, or appearance changes periodically, or whose illumination is not kept constant in intensity at all times or which exhibits changes in light, color, direction or animation.

6.2.2.5 Construction Sign An on-premises sign at a site under construction or to be developed to identify the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.

6.2.2.6 Development Identification Sign A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.

6.2.2.7 Directional Sign A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. "No Parking", "One Way", "No Outlet", and "Do Not Enter" are examples of directional signs.

6.2.2.8 Directory Sign A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.

6.2.2.9 Facade The exterior surface of a building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space owned or leased by the occupant of the building.

6.2.2.10 Flag A sign, frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

- 6.2.2.11 Freestanding Sign A sign structurally separate from a building or structure that is attached to or part of a self-supporting structure.
- 6.2.2.12 Historic Designation Sign A sign listing only the date of origin, historic name, original owner, or official historic designation of a historic building or structure.
- 6.2.2.13 Illuminated Sign A sign illuminated by electricity or other artificial light including reflective or phosphorescent light and shall include the location of the source of illumination.
- 6.2.2.14 Internally Illuminated Sign A sign which utilizes translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through.
- 6.2.2.15 Landmark Sign An older sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Commission.
- 6.2.2.16 Marquee Sign A sign painted on, or attached to, a sheltering structure of permanent construction projecting from and totally supported by the wall and/or the roof of a building.
- 6.2.2.17 Moveable Sign A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs, sandwich signs and A-frame signs.
- 6.2.2.18 Municipal Sign A sign installed by the Town.
- 6.2.2.19 Off-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises, or the business transacted on a premises or advertises the property itself or any part thereof for sale or lease which is located elsewhere than the premises where the sign is maintained.
- 6.2.2.20 On-Premises Sign A sign that advertises, calls attention to or identifies an occupant of a premises on which the sign is maintained, or the business transacted on a premises or advertises the property itself or any part thereof as for sale or lease.
- 6.2.2.21 Projecting Sign A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that any part of said sign extends more than six (6) inches from the wall surface of that building or structure.
- 6.2.2.22 Real Estate Open House Sign A temporary sign announcing a real estate open house during which an agent or owner will show property for sale or lease.
- 6.2.2.23 Real Estate Sign A temporary sign advertising property being sold or leased.

- 6.2.2.24 **Roof Sign** A sign erected, constructed and maintained wholly upon, connected to or over the roof, gutter line, top of wall coping or parapet of any building or structure.
- 6.2.2.25 **Sign** Any temporary or permanent lettering, word, numeral, billboard, pictorial representation, display, emblem, trademark, device, banner, pennant, insignia or other figure of similar character, located outdoors or visible outdoors, attached to, painted on, or in any other manner represented on a building or other structure, and which is used to announce, direct, attract, advertise or promote.
- 6.2.2.26 **Special Events Sign** A temporary sign that advertises a charitable, nonprofit or civic event, which event may include an open house, registration or similar event associated with a charitable, nonprofit or civic organization.
- 6.2.2.27 **Temporary Sign** A sign that is used temporarily and is not permanently mounted. Posters, construction signs, seasonal business signs, real estate signs, yard sale signs, special event signs, banner signs and open house signs are all considered to be temporary signs. Hand-held signs are excluded.
- 6.2.2.28 **Video Media Display** Any video display which is used to announce, direct, attract, advertise, or promote. Video media display shall not include displays used solely for the purpose of operating a device to conduct business on the premises, such as video display portions of ATM machines, gasoline dispensers, or vending machines.
- 6.2.2.29 **Wall Sign** A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.
- 6.2.2.30 **Way Finding Sign** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. “Retail Center Parking”, “Shuttle Bus Stop Ahead”, “Exit to Providence Highway”, “Additional Parking in Rear” are examples of way finding signs.
- 6.2.2.31 **Window Sign** A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

6.2.3 **Sign Permits.** No sign, including a temporary sign, shall be erected, displayed, altered or enlarged until a permit for such action has been issued by the Building Commissioner. Applications may be filed by the owner of the land, building or structure, or any person who has the authority to erect a sign on the premises. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems and location with all relevant measurements. The Building Commissioner shall act within thirty (30) days of receipt of such application and required fee. Sign permits shall be issued only if the Building Commissioner determines that the sign is in compliance with all provisions of this Section and the State Building Code. Notwithstanding the above, historic designation signs, temporary real estate signs, temporary political signs, temporary special event signs, real estate open house signs, and

yard sale signs shall not require a sign permit.

6.2.4 Municipal Signs. Notwithstanding any provisions to the contrary in Section 6.2 or elsewhere in this Bylaw, municipal signs of any type, number, size, and material are permitted in all districts as authorized by the Town Administrator.

6.2.5 Signs Allowed in Residential Districts. The following signs may be erected or maintained in Residential Districts provided such signs are in compliance with all conditions set forth in this Section: Wall signs and freestanding signs.

6.2.5.1 The maximum number of signs shall not exceed one sign for each lawful dwelling unit on the premises, indicating the name of the owner or occupant and/or the address of the building, plus one (1) additional sign pertaining to a permitted accessory use, plus one (1) additional historic sign.

6.2.5.2 The maximum area of each sign shall not exceed one (1) square foot.

6.2.5.3 The sign surface shall be wood or synthetic material made to resemble wood. The supporting framework shall be wood or granite, or synthetic material made to resemble wood or granite.

6.2.5.4 Notwithstanding the above limitations on number and total area of signs, standardized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.

6.2.6 Signs Allowed in Local Business A (LBA) and Local Business B (LBB) Districts. The following signs may be erected or maintained in Local Business A and Local Business B Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs and window signs.

6.2.6.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign, plus one (1) additional historic sign.

6.2.6.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed seventy-five (75) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed twenty (20) square feet each.

6.2.6.3 The total square footage of all signs associated with any commercial establishment shall not exceed ten percent (10%) of the facade attributed to that commercial establishment.

6.2.6.4 The sign surface of any sign other than an awning sign shall be wood or synthetic material made to resemble wood. The supporting framework of any sign other than an awning sign shall be wood or granite, or synthetic material made to resemble wood or granite.

- 6.2.6.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.
- 6.2.7 **Signs Allowed in Highway Business (HB), Industrial (I), Industrial Office (IO), and Administrative-Research-Office (ARO) Districts.** The following signs may be erected or maintained in Highway Business, Industrial, Industrial Office, and Administrative-Research-Office Districts, provided such signs are in compliance with all conditions set forth in this Section: Awning signs, development identification signs, directory signs, freestanding signs, marquee signs, projecting signs, wall signs, wayfinding signs, and window signs.
- 6.2.7.1 The maximum number of signs shall not exceed the number of commercial establishments located on the premises, plus one (1) additional sign.
- 6.2.7.2 The maximum area of one (1) sign associated with a commercial establishment shall not exceed one hundred (100) square feet, and the maximum area of all other signs associated with that same commercial establishment shall not exceed thirty (30) square feet each.
- 6.2.7.3 The total square footage of all signs associated with any commercial establishment shall not exceed fifteen percent (15%) of the facade attributed to that commercial establishment.
- 6.2.7.4 The sign surface and supporting framework shall be of a material in compliance with the applicable provisions of the Massachusetts State Building Code.
- 6.2.7.5 Notwithstanding the above limitations on number and area of signs, standard-sized directional signs and parking restriction signs shall be permitted as approved by the Building Commissioner.
- 6.2.8 **Prohibited Signs.** The following signs shall be prohibited in all districts except as specified herein:
- 6.2.8.1 Billboards, roof signs, moveable signs, changeable signs, off-premises signs, including off-premises commercial directional signs.
- 6.2.8.2 Flags, buntings, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices; except that temporary exhibition associated with the commemoration of national holidays, shall be permitted, and properly displayed official flags of governmental jurisdictions and decorative flags on residences shall be permitted.
- 6.2.8.3 Signs advertising any defunct commercial establishment or organization, except landmark signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- 6.2.8.4 Sign, other than traffic, regulatory or directional signs, which use the words “stop”, “caution”, or “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble universal “stop” or “yield” signs in shape and color.

6.2.8.5 Signs or sign structures projecting or extending over a public way, including a sidewalk.

6.2.8.6 Notwithstanding the above provisions, municipal signs of all types shall be permitted in all districts as authorized by the Town Administrator.

6.2.9 Dimensional Requirements.

6.2.9.1 **Sign Area Requirements.** Maximum sign area requirements shall be as set forth in Sections 6.2.3 through 6.2.5. Sign area measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which encompasses all of the letters and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

6.2.9.2 **Sign Height Requirements.** No part of any sign, or light fixture illuminating said sign, shall be at a height greater than the maximum height permitted pursuant to Section 5.4 of this bylaw for the building or structure to which the sign pertains. No part of any sign, or light fixture illuminating said sign, shall be higher than the highest point of any building or structure on the same premises. In the case of a sign located on a lot where there is no other structure, no part of said sign, or light fixture illuminating said sign, shall exceed a height of ten (10) feet above ground.

6.2.9.3 **Sign Setback Requirements.** Signs exceeding one (1) square foot in area shall be set back at least fifteen (15) feet from the edge of roadway pavement, except for temporary signs which shall be set back at least ten (10) feet from the edge of roadway pavement, but in no case shall signs be placed within the public right-of-way without written permission from the Board of Selectmen. All signs shall meet side and rear setback requirements for accessory structures as set forth in Section 5.2 of this bylaw.

6.2.10 **Illumination and Movement.** Sign illumination and movement shall be prohibited except as specified herein.

6.2.10.1 **Illumination in Residential, Local Business and Administrative-Research-Office Districts.** Illumination of any sign within a Residential District, Local Business District, or Administrative-Research-Office District shall only be external

illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting. Internal illumination shall not be permitted. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.2 **Illumination in Highway Business, Industrial, and Industrial Office Districts.** Illumination of any sign within a Highway Business, Industrial, or Industrial Office District shall be external illumination by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign. In all cases illumination shall only be by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

6.2.10.3 **Prohibited Means of Illumination.** Illumination of signs by neon or external florescent lighting shall be prohibited in all districts. Changeable signs, variable lit signs, and variable message signs shall be prohibited in all districts, except that signs or portions of signs displaying time, date and/or temperature shall be permitted provided that such signs meet all other provisions of this section. Variable message municipal signs, used to provide public information, traffic or safety messages, shall be permitted in all districts.

6.2.10.4 **Prohibited Means of Sign Movement.** Movement of a sign body or any segment thereof, by rotation, revolution, up and down movement, or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, shall be prohibited in all districts.

6.2.10.5 **Video Media Display.** Video media display shall be permitted in Local Business and Highway Business Districts, only as follows:

6.2.9.5.1 No video media display shall be positioned so as to be visible from any public way, including any sidewalk, whether such display is located on the interior or exterior of a building or structure.

6.2.9.5.2 No more than four (4) video media displays shall be permitted on any property at one time.

6.2.9.5.3 No single video media display shall exceed one and one-half (1-1/2) square feet in area.

6.2.11 **Temporary Signs.** Temporary signs shall be prohibited except as specified herein.

6.2.11.1 **General Provisions for Temporary Signs.**

6.2.11.1.1 Temporary signs may only be installed with the permission of the property owner. Temporary signs to be placed on Town property require the prior written permission of the Town Administrator, and shall be in full conformance with applicable town policy for said signs.

- 6.2.11.1.2 Temporary signs must be removed within the period of time specified herein.
- 6.2.11.1.3 Temporary signs shall not be attached to utility poles, fences, walls, trees or other vegetation, nor shall they be installed upon a sidewalk or public way.
- 6.2.11.1.4 No temporary signs shall exceed twenty (20) square feet in area, unless otherwise provided herein.
- 6.2.11.1.5 There shall no more than two (2) temporary signs installed on any premise at any one time.
- 6.2.11.1.6 No temporary sign shall be installed such that the highest point of said sign is more than three (3) feet above ground level, unless otherwise provided herein.
- 6.2.11.1.7 Temporary signs shall not be illuminated.

6.2.11.2 **Temporary Real Estate Signs.** A maximum of two (2) temporary real estate signs shall be permitted, where such signs may be maintained on a property listed for sale or lease during the period of such listing, and shall be removed by the owner or agent within thirty (30) days of conveyance. Such signs shall advertise only the property on which the signs are located. Where permitted, temporary real estate signs shall be limited to the following maximum area requirements:

- 6.2.11.2.1 In Industrial and Industrial Office Districts such signs shall not exceed thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.
- 6.2.11.2.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.
- 6.2.11.2.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.
- 6.2.11.2.4 In Residential Districts such signs shall not exceed six (6) square feet and shall not be installed such that the highest point of said sign is more than three (3) feet above ground level.

6.2.11.3 **Temporary Construction Signs.** A maximum of two (2) temporary construction signs shall be permitted in non-residential districts only, where such signs may be maintained on a building or property undergoing construction during the period of construction, and for not more than thirty (30) days following the completion of said construction, but in no case longer than six (6) months, unless such period is

extended in writing for good cause by the Building Commissioner. Where permitted, temporary construction signs shall be limited to the following maximum area requirements:

- 6.2.11.3.1 In Industrial and Industrial Office Districts such signs shall not exceed thirty-two (32) square feet; and shall not be installed such that the highest point of said sign is more than eight (8) feet above ground level.
- 6.2.11.3.2 In Highway Business and ARO Districts such signs shall not exceed twenty-four (24) square feet; and shall not be installed such that the highest point of said sign is more than six (6) feet above ground level.
- 6.2.11.3.3 In Local Business Districts such signs shall not exceed twelve (12) square feet; and shall not be installed such that the highest point of said sign is more than four (4) feet above ground level.
- 6.2.11.4 **Temporary Political Signs.** Temporary political signs shall be permitted in all Districts, and shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.
- 6.2.11.5 **Temporary Banners.** Temporary banners announcing charitable, nonprofit, or civic events to be held within the geographic boundaries of the Town of Westwood, shall be permitted for a period of time not to exceed thirty (30) consecutive days prior to the event. All temporary banners shall be removed within ten (10) days after such event. Such banners may be erected across public ways with the prior written permission of the Town Administrator upon such terms and conditions as it shall determine, including size, location and design.
- 6.2.11.6 **Temporary Special Event Signs.** Temporary special events signs, including off-premises temporary special event signs, shall be permitted for a period of time not to exceed fourteen (14) consecutive days prior to the advertised event. All temporary signs shall be removed within two (2) days after such event. Temporary special event signs shall be limited to no more than (6) square feet in area, and to no more than three (3) feet in height. No more than one (1) temporary special event sign shall be displayed on any property at any one time, and no more than four (4) temporary special event signs shall be displayed on any property during the course of a single calendar year. Temporary special event signs shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.
- 6.2.11.7 **Real Estate Open House Signs.** Open house signs, not exceeding six (6) square feet in area, shall be permitted only on the property which is for sale or lease, and/or at nearby intersections to guide potential buyers to that location, and shall only be permitted during the hours of the open house. Real estate open house signs shall not require a permit from the Building Commissioner pursuant to Section 6.2 3.

6.2.11.8 **Yard Sale Signs.** Yard sale signs, not exceeding six (6) square feet in area, shall be permitted only on the property engaged in the yard sale, and/or at nearby intersections to guide potential buyers to that location, and shall be removed within twenty-four (24) hours after the yard sale.

6.2.12 **Nonconforming Signs.**

6.2.12.1 Nonconforming signs and sign structures may continue to be maintained but shall not be reconstructed, remodeled, relocated, reworded or redesigned unless it is brought into conformity with all provisions of this Zoning Bylaw.

6.2.12.2 Nothing in this Section shall be deemed to prevent the repair and maintenance of a nonconforming sign including general maintenance, repainting and replacement of inoperative or deteriorated parts of the sign face. Supporting structures for nonconforming signs may be replaced, providing that such replacement brings the structure into more conformity as to height, setback and other requirements.

6.2.12.3 A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after it is shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action brings the sign and sign structure into conformity with all provisions of this Zoning Bylaw.

6.2.12.4 A nonconforming sign or sign structure shall be removed within thirty (30) days if the building or structure containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the appraised value of the building.

6.2.13 **Sign Materials and Maintenance.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent. All signs and support structures shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. The Building Commissioner may order the repair of a sign that is not secure, safe or in good state of repair by written notice to the owner. If the defect in the sign is not corrected within thirty (30) days of said written notice, the Building Commissioner may order the removal of the sign or impose fines as specified pursuant to Section 10.1, Execution and Enforcement.

6.2.14 **Sign Removal.** Any sign which has been ordered removed by the Building Commissioner or which is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within thirty (30) days of the written notice.

6.2.15 **Special Permit.** The Board of Appeals may grant a special permit for a sign that does not comply with sign area, height, or setback requirements set forth herein, or which exceeds the maximum number of signs permitted, provided that said sign is otherwise in compliance with all other provisions of this section, and provided further that the Board of Appeals makes the following

findings:

- 6.2.15.1 Applicant has adequately demonstrated that compliance with the provisions of this Section will be an undue hardship.
- 6.2.15.2 Sign scale is determined to be in reasonable relation to the scale of the building or structure and the sizes of signs on nearby structures.
- 6.2.15.3 Sign size, shape and placement serves to define or enhance architectural elements of the building or structure such as columns, sill lines, cornices and roof edges.
- 6.2.15.4 Sign design is harmonious with other signage on the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials.
- 6.2.15.5 Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, and surrounding neighborhood.
- 6.2.15.6 Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic.

FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at 338 Washington Street. The Petitioner proposes to install a series of 6 directional signs on existing cart corrals in the supermarket parking lot. The proposed signs are greater than 1 square foot and exceed the maximum number of signs permitted, requiring a special permit. The Board of Appeals is the Special Permit Granting Authority.
2. The proposed signs are to be constructed of aluminum with a white background and mounted on existing cart corrals constructed of metal, requiring a variance from 6.2.6.4 which requires the sign surface and supporting structure to be constructed of wood, granite or synthetic material to resemble wood or granite. The Board of Appeals is the Variance Granting Authority.
3. The Petitioner proposes to construct 6 signs that are each 88.25" by 16.5", for a total of more than 10 square feet, where a maximum of 1 square foot is permitted by right.
4. The proposed sign will not be illuminated.
5. The size of the proposed signs and material of the supporting framework is necessitated by the size and existing framework of the cart corrals, which were approved for installation by Administrative Environmental Impact and Design Review (EIDR) on April 17, 2019.
6. The Board finds the cart corral structures to be uniquely irregular with no comparable structures located within the zoning district in which the supermarket lot is located.

7. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioner's construction, and having particular expertise in said local conditions, have taken a view that any adverse effects of the Petitioner's construction will not outweigh its beneficial impact to the Town, or the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site.
8. The Board specifically finds that owing to circumstances relating to the shape, soils or topography of this parcel and the structures thereon that especially affect such land or structures 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 Petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.
9. The Petitioner meets all the requirements for a Special Permit and Variance pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit and Variance to construct and install 6 signs conditioned upon the following:

1. The Project shall be constructed in conformity with the submitted plan prepared by i.d. Sign Group, PO Box 506, S. Easton, MA 02375, dated October 17, 2019 and consisting of one (1) page.
2. The sign shall be constructed with a white sign surface.
3. The signs shall be installed in conformity with the sign location plan submitted by the Petitioner to the Board on December 18, 2019.
4. This Special Permit shall take effect on such date as a copy of this Decision has been recorded by the Town Clerk. The Petitioner is responsible for recording a copy of the Decision in the Registry of Deeds and indexing such Decision under the name of the property owner of record and the parcel address. A copy of these recordings shall be provided to the Building Commissioner, Town Clerk and the Board of Appeals.
5. This grant of Variance shall be exercised in accordance with Section 10.4 entitled Variances and Section 10.4.9 entitled Lapse as follows:

10.4.9 Lapse. Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse. The Board of Appeals, in its discretion and upon the written application of the Applicant, may extend the time for exercise of the variance for a period not to exceed six (6) months provided that the application for such extension is filed with the Board of Appeals prior to the expiration of the one (1) year period. If the request for an extension is not granted, the variance may be reestablished only after notice and new hearing pursuant to M.G.L. Chapter 40A, Section 10.

RECORD OF VOTE

The following members of the Board of Appeals voted to grant the Special Permit and Variance for the above mentioned project: John Lally, Douglas Stebbins and Michael McCusker.

The following members of the Board of Appeals voted in opposition to the grant of the Special Permit and Variance amendment: None.



WESTWOOD ZONING BOARD OF APPEALS

RECEIVED

By Town Clerk at 4:27 pm, Jan 27, 2020

John Lally - Chairman

Douglas Stebbins, Clerk

Michael McCusker

1/27/2020

Date

338 Washington Street

