

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

PROPERTY OWNER(S): 333 Westwood LP

PETITIONER(S): 333 Westwood LP
1 University Avenue
Westwood, Massachusetts 02090

LAND AFFECTED: 1 University Avenue
Westwood, Massachusetts 02090
Map 26, Lot 016

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, July 15, 2020 at 7:00 PM via remote participation to consider the Petitioners' request for a Special Permit pursuant to the Westwood Zoning Bylaw Section §6.2.15 [Special Permit - Signs] to remove a nonconforming sign and replace with two signs within the setback that exceed maximum requirements for size. Property is located in the Industrial District.

BOARD MEMBERS: John Lally, Chairman
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

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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.

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- 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.

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- 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.

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- 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.

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 1 University Avenue. The Petitioner proposes to replace a preexisting nonconforming sign and install an additional wayfinding sign. The proposed signs are located within the setbacks and exceed maximum size requirements in the Bylaw, thus requiring a special permit. The Board of Appeals is the Special Permit Granting Authority.
2. The Petitioner proposes to replace an existing sign within the front setback, measuring 6.7 feet from the property line.
3. The Petitioner proposes to construct a sign that is 40 square feet, where a maximum of 30 square feet is permitted by right.
4. The proposed signs will be illuminated and the timing of operation shall be consistent with that of the parking lot lighting.
5. The proposed signs will improve visibility for motorists locating the property.
6. 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.
7. The Petitioner meets all the requirements for a Special Permit 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 to construct and install two signs pursuant to Section 6.2.5:

1. The Project shall be constructed in conformity with the submitted plan prepared by TEC, 146 Dascomb Road, Andover, MA 01810, dated March 23, 2020 and consisting of one (1) page.
2. The signs shall be installed and operated with illumination only during such hours as permitted
3. 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.

Received August 4, 2020 @12:23PM
Westwood Town Clerk

RECORD OF VOTE

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

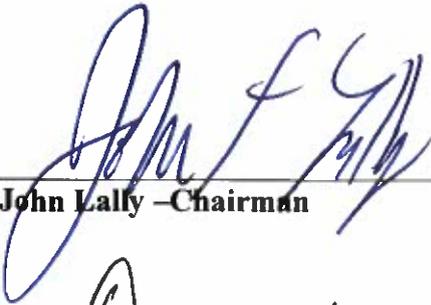
The following members of the Board of Appeals voted in opposition to the grant of the Special Permit amendment: None.

Received August 4, 2020 @ 12:23PM

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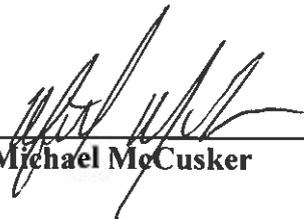
WESTWOOD ZONING BOARD OF APPEALS



John Lally - Chairman



Douglas Stebbins, Clerk



Michael McCusker

8/4/2020
Date

1 University Avenue