

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Paul LaPerriere
Medway Realty, LLC
Petitioner

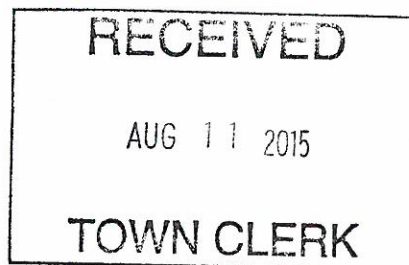
Owner Medway Realty, LLC
63 Atlantic Avenue
Boston, MA 02110

OPINION OF THE BOARD

REQUEST FOR A VARIANCE
Medway Shopping Center
98, 108 and 114 Main Street, Medway, MA

Hearing: October 1, 2014
Decision: July 22, 2015

MEMBERS PRESENT: David J. Cole, Chairman
Carol Gould
William Kennedy
Craig Olsen



*20 day appeal
August 31, 2015*

THE WRITTEN OPINION WAS DELIVERED ON August 5, 2015

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Law of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, Paul LaPerriere of Medway Realty, LLC, requests a Variance under Section V.R.8. Table 2 and 11.a) to replace the existing pylon signs for Medway Shopping Center at 98, 108, and 114 Main Street, Medway.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on September 17, 2014 and September 24, 2014. Notice also was sent to all "parties of interest" and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A Section 11.

The Public Hearing opened on October 1, 2014 and was continued without testimony to October 15, 2014. Additional sessions were held on October 15, 2014 and July 22, 2015. The Public Hearing closed on July 22, 2015. The Medway Zoning Board of Appeals Members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Anthony Biocchi (who has since resigned from the Board); William Kennedy; and Craig Olsen.

At the hearing, two members of the public spoke in opposition to the application and one tenant of the shopping center spoke in support. Comment letters from the Planning and Economic Development Board and the Design Review Committee were received and entered into the record.

Hearing Summary

The applicant, Mr. Paul LaPerriere representing Medway Realty, LLC, and their attorney, Ms. Bethany Bartlett of Sherin and Lodgen LLP, appeared before the Board to request a Variance to replace the existing pylon signs for Medway Shopping Center at 98, 108, and 114 Main Street, Medway.

The Medway Shopping Center is home to mainly local, small businesses that provide a variety of shopping and services. The existing pylon signs at the shopping center were installed on July 8, 1986 by the present owner after purchasing the property. The total sign surface area of the existing signs is 277 square feet and one sign is 18' high and the other is 12' high. The existing signs are grandfathered from meeting the current sign regulations in the Zoning By-Law, but any alteration would then require conformity with the regulations. According to the applicant, if the signs were to be brought into compliance it would decrease the size of the signage far below what presently exists. Therefore, the applicant has requested relief from some of the requirements of the sign regulations to replace and update the existing pylon signs in order to provide signage for all tenants in the shopping center.

Originally, at the October 2014 hearing, the applicant proposed new pylon signage totaling 700 square feet and more than 22 feet in height, which would be larger than what is permitted under the sign regulations in the Zoning By-Law. The applicant would like to accommodate all of their tenants with the same level of visibility and advertisement on the new signage. The applicant has stated the new pylon signs would promote the economic viability and growth of the shopping center. In addition, the improved signage may help to alleviate traffic bottlenecks from vehicles slowing down in front of the shopping center trying to identify businesses located therein as many are not listed on the existing pylons.

During the hearing, the applicant noted that the majority of the buildings at the shopping center are located to the rear of the lot with one pad site, housing Bank of America, located closer to Route 109. This configuration is different from the majority of the other shopping plazas along this segment of Route 109 within the C-I zoning district. The shape of the lot and location of the buildings makes the visibility for tenant signage located on the buildings very difficult for vehicular traffic to view. The Board expressed concerns of traffic slowing down to look at tenants which could create a safety hazard. The present pylon signs are not adequate to provide signage for each of the tenants in the shopping center, which puts the other businesses in the plaza at a disadvantage. The applicant stated that this situation is unlike the nearby plazas where tenants are able to advertise on the pylon sign. In addition, the applicant provided other examples of signs with large dimensions of neighboring centers along this portion of Route 109.

The applicant stated that as part of the Route 109 Transportation Improvement Project, the shopping center will receive a traffic signal at its main entrance. The shopping center's parking lot will be reconfigured to accommodate this traffic signal and the existing pylon sign will need to be relocated. The applicant will continue to work with the Route 109 Design Committee on the location of the sign and coordinate with them on the interior traffic flow for the signal. The applicant stated its long-term vision of adding a second floor consisting of residential units to the existing buildings and adding more commercial pad sites.

The Board questioned the applicant about the characteristics of their property and how this request meets the criteria for a Variance according to Massachusetts General Laws Chapter 40A and the Town's Zoning Bylaw. The Board inquired about the dimensions, scale, height and type of the signs being proposed, and the comparison of other neighboring signage. The Board recognized the need for all the tenants to have a presence on the pylon signs due layout of the buildings on the site but they expressed their concerned about the size dimensions being requested and being that much larger than the existing signs and that permitted by the sign regulations. The Board requested the applicant look at ways to reduce the scope of the requested relief and revise their plans accordingly. The Board suggested that the applicant meet with the Design Review Committee for input on the design before returning to meet with them.

At the July 2015 hearing, the applicant provided the Board with completely revised plans following a series of meetings with the Design Review Committee. Through reviewing a variety of options, the applicant was able to reduce the sign surface area and eliminate the need for relief with respect to the height of the sign. The applicant was able to decrease the scale of the signage but still be able to provide adequate and visible signage for all tenants in the shopping center. Instead of the multi-colored, columnar signs previously proposed, the applicant now proposed

two double-sided signs in the form of curved fieldstone walls not more than about 10 feet in height and carrying arrays of replaceable monochrome “tiles” identifying the individual businesses, the total sign area being just over 270 square feet. The Design Review Committee provided a second comment letter to the Board which was entered into the record. Board members generally commented favorably upon the revised design but expressed some concern that the limited 12 inch depth of the individual tiles might present difficulties in reading for passing drivers, and that the design of the signs would permit somewhat deeper tiles of about 15 inches without substantial changes to the overall appearance of the signs.

Findings:

By vote of 4-0:

1. Circumstances exist relating to the number of tenants on the subject lots and the large setback of the existing buildings from the right of way which apply to the subject lots but which do not generally apply to other lots in the Zoning District, thus justifying some relief from the provisions of the sign regulations of the Medway Zoning By-Law.
2. The number of tenants on the subject lots are sufficiently great that providing signing for all tenants on a single sign is impractical and accordingly dividing the signage between two discrete signs is advisable.
3. Location of the subject lots along Route 109, a heavily traveled right of way, renders it necessary to give careful consideration to readability of signs by drivers passing the subject lots and that sufficient readability cannot be achieved within the area limitations imposed with the sign regulations of the Medway Zoning By-Law.
4. The grant of the requested relief would not be substantially detrimental to the public good.

Relief Granted:

By vote of 4-0:

The Zoning Board of Appeals hereby grants to the applicant, Paul LaPerriere of Medway Realty, LLC, a Variance under Section V.R.8 Table 2 and 11.a) of the Medway Zoning By-Law to replace the existing pylon signs for Medway Shopping Center at 98, 108 and 114 Main Street, Medway MA 02053; in accordance with the revised plans, with a revision date of July 13, 2015, submitted and reviewed at the July 22, 2015 hearing and initialed by the Board, subject to the following terms and conditions:

1. Pylon signs shall be constructed substantially in accordance with the plans provided; in particular there shall be two pylon signs at locations indicated as Sign A and Sign B on the plans.

2. The total area of signage shall not exceed 340 square feet and the total area for two signs of the name of the plaza shall together not exceed 40 square feet.
3. Only external illumination of the signs shall be permitted.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

***IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW CHAPTER 40A,
SECTION 11, NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A
VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.***



David J. Cole, Chairman



Carol Gould

William Kennedy



Craig Olsen