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MILLBURY, MASS

MILLBURY BOARD OF APPEALS

MINUTES

DATE: 12/11/13

TIME: 7:20 p.m.

Present: Chairman R.Valentino, H. Proodian, P. Nigosian, G. Hand

Petition for Sp. Permit for Jodi Healy

4 Sutton Road, Millbury, MA

R. Valentino explained that there were only four members present, and it was up to the petitioner whether to continue or not, since a vote in favor had to be at least four members.

Jodi Healy – agreed to proceed with the hearing.

Having complied with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, relative to advertising and notifying abutters, the Meeting was declared open by Chairman Richard Valentino

I am the owner of this property, and I have a real estate office there. I have gone through all the by-laws, and I am willing to comply.

This is for a Special Permit for an illuminated sign in the front window of the building. You can change the messages with this sign, and this type of sign has been useful in different communities for public messages. Basically, I plan on doing static messages relating to my business. This is a very dark corner, and any other type of sign is not too visible.

G. Hand – Have you used this type of sign in other communities?

J. Healy – Yes I have been involved with one and it worked well. It has been used as a community board also. I think one question is the brightness. The sign I am looking at has adjustments. There will not be anything flashing that is distracting. The sign is about the size of the middle window, but it is still smaller than what is allowed.

J. Healy

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G. Hand – Do you own the building?

J. Healy – Yes.

R. Valentino – What is happening with the other windows?

J. Healy – Just windows.

R. Valentino – This contract with the people you will be buying the sign from states that they are allowed so many minutes per day to do their own advertisements.

G. Hand – It says one minute per hour.

J. Healy – I am not giving them any advertisement.

R. Valentino – The Town is not interested in advertising for other areas. You could anybody advertising on that sign, based on this contract. My intent is to keep it for real estate and to help the community if we could.

H. Proodian – It is worded, “Ad Sponsored” in the contract.

J. Healy – That will get taken off. It will not be included. You can make it a stipulation with the sp. Permit.

R. Valentino – Do you have a final contract?

J. Healy – No, not unless I get the permit. This is just a sample.

H. Proodian – You will shut it off at 10:00 p.m.? Is this like a television screen?

J. Healy – Yes I will shut it off at 10:00 p.m. This is a static message sign. It will change at different intervals. It is lit, but it is less bright than an open sign as it changes during the day. This does not have motion like a digital sign, and it is not moving.

E. J. Mckee, (2 Singletary Rd.) – I oppose this. The intersection at W. Main St. and Sutton Ave. is very picturesque, and this is also a historical section. My pictures, (presented), show a poster of that area where many hours went into sprucing up that area. Paintings have been done of the square, and there is a memorial there. I am concerned about the ambiance. Also, traffic flow at that turn is tough. I am happy though that this is not a moving sign. I think this is aggressive and ill-mannered and should be denied.

J. Healy Pg. 3

J. Healy – The property issue does not have to do with the sign. That intersection is my property, and this is a different issue. There has been a lot of misunderstanding on who owns what property. We are working on that.

S. Vonebeta, Juniper Hghts., - I oppose this sign. I think it is a historic part of Millbury, and this sign is out of character. I think there is a safety issue with that intersection. To put a sign up in the middle of that will lead to problems. She mentioned the parking situation there, and I think she made that worse. The parking spaces there might not be allowed. I do not want to see a sign that is lit until 10:00 p.m. What is the brightness based on. Who determines that? What community advertisements will be there? She does not even know what the contract says. There are a lot of unknowns. There is a veterans' monument there, and this will be a flashing sign over that monument. This is too commercial for that spot.

Jodi Healy – An illuminated sign gives you the flexibility to change your message and commute with the public. You can restrict animation with the special permit. It is in my interest to keep it less bright. I want it pleasant to look at. The road issue is a different issue, and I could block off that entire road. I bought this that way, and did not expect this. I have had great feedback about what I have done with the buildings there. This is also in a residential area. It is a mill district.

H. Proodian – Some of what he says makes sense. I understand that you need a good sign, but it is a dangerous intersection.

J. Healy – It is more dangerous dark than it will be with lit sign. I have agreed to 25% brightness, and this is probably less bright than my open sign.

S. Vonebeta- Have you talked to the Veteran's Counsel about that memorial? They put flowers and flags up there.

J. Healy – The Town Manager was going to. I will even advertise for the veterans on the sign.

G. Hand – Is the memorial on your property?

J. Healy – it is possible. I took some huge metal signs off the building and other metal structures.

R. Valentino – Those roof signs were illegal to begin with. Did you get a permit for the parking lot?

J. Healy – I was told that they were grandfathered in. We had an engineer come, and I am within the setbacks of the town.

J. Healy

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R. Valentino – One of the biggest problems is the lining of that parking lot. No matter who you get there as a customer, they are not going to be there eight hours a day. Who else can park on that side, leaving the front empty. We do have the power to address it.

J. Healy – It is a separate issue.

R. Valentino – What are you going to do with the building in the back. That will cause more traffic.

J. Healy – the two-family is currently leased.

R. Valentino – You have a lot of parking in the back. I am surprised that there are not more accidents there with people going left so that they can turn right. This problem will be worse with the sign. You have the school buses, trucks, fire trucks, etc. If you blocked that, the fire trucks would have a hard time making that corner. The other thing is that they still have not determined who owns that property. It could still revert back to the town. In talking with the Building Insp., he finds this very hard to believe because of what it is going to do with the traffic. I cannot honestly vote for this until I see a contract that states that there will be no advertising from outside area. I talked to the Police Dept, and the Amber alert would not work on that sign anyway. He said that it is run by the state.

It is up to you if you want to address some of these issues, and get a guarantee that there will be no outside advertisements. We can continue this meeting to next month, and I can have the Building Insp. Here, and we can talk about the lines in the parking area. I have never seen this blocked off.

J. Healy – I have been working with the Town on this. I really want this fixed. The property is in between me, the State or the Town. The Town told me to do what I want with this.

There has all ready been a business there and a two family home. They did park in front. This is a completely different issue. I was told to do what I want. I have had no support. We did the lines to draw traffic away from the building.

R. Valentino – Bldg. Insp. Would shed more light on this. If we have to, we can get Town Counsel on this. I think this is Town Property.

P. Nigosian – If you could not get the sign with the ads, what would you do?

J. Healy

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J. Healy – Not put one in.

H. Proodian – The conflict between the road and sign is because it is a separate area all ready, but adding this sign adds more confusion there. The traffic impact with the sign will cause more confusion.

P. Nigosian – The other business had spot light there. I think this is a smaller sign.

H. Proodian – I am not against the sign, I am against where it is. I think of it like a television.

G. Hand – They have a sign like this on the mass pike. This is not new technology.

L. Mort – (Sign Committee) I live in the neighborhood and pass by there everyday. This is not an illuminated sign. This is an electric message center. You can put as many messages on as you want. I am sure it has the capability for animation. The intensity and the duration falls within the Planning Board. If you approve this, you are approving what is in the contract, and it states that she agrees to one minute for every hour for an additional message. Those messages might not have anything to do with this community.

P. Nigosian – We said that we would not approve this if the contract states that. If we make it part of our restrictions that she cannot do that, then she cannot.

J. Healy – We will be advertising houses we are selling. It might be Millbury, Sutton, Oxford, etc.,

G. Hand – We do not approve or disapprove the content. You are pulling the contract. We do not approve what is written on the sign. If you advertise a house for another town, we do not have jurisdiction over that. Everything in this packet, though, meets the by-laws in size.

Motion to close hearing by P. Nigosian seconded by G. Hand, Unanimous.

P. Nigosian – Can we only restrict the use? We cannot deny her putting a sign in.

R. Valentino – If there is reason.

H. Proodian – I believe there is a safety issue.

P. Nigosian – A sign of that size is small. It is smaller than what was previously there. The building has improved. The signs previously on there were much more unappealing than this. The safety issue seems to have to do with the intersection. There is a problem that needs to be

J. Healy

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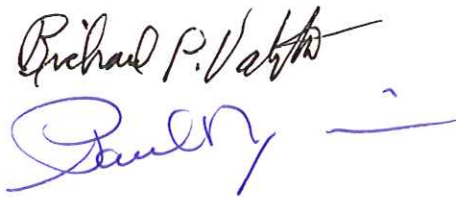
resolved, and it seems like she is trying. There is no one here from the Town to hear what is going on. She bought the property, hired an engineer, her attorney told her to protect her property. If you want to wait a month to have someone from the town here, I have no problem with that.

G. Hand – The by-laws say that you can have that sign. It says that it is not a safety issue. It is required by special permit. The sign can change messages every 5 to 7 seconds, so how is this a safety issue? The sign is attached to the building. It is a long distance from the edge of the road. I do not see a safety issue.

R. Valentino – I am going to recommend that we postpone the hearing. We can have the Bldg. Insp here, possibly Town Counsel.

P. Nigosian – made a motion to withdraw previous motion to close the public hearing, seconded by G. Hand, unanimous.

Hearing was postponed to Wednesday, January 29, 2014 at 7:00 p.m.

Handwritten signature of Richard P. Valentino in blue ink, with a horizontal line extending to the right.