

**MINUTES  
ZONING BOARD OF APPEALS  
OCTOBER 1, 2012**

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Charles Barney (associate), William Byron (associate), Ruth Sudduth (associate) and Bruce Fletcher (associate). Also present was Michele Shoemaker who, as an abutter, did not participate in the Linear Retail hearing.

**Linear Retail Stow #1** – The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the petition filed by **Linear Retail Stow #1, LLC, Five Burlington Woods Drive, Burlington, MA** for variance under Section 6.3.3.2 of the Zoning Bylaw, "Signs", to allow replacement of the existing Shaw's and Shopping Center signs with new signs of 143 sq. ft. each at **Stow Shopping Center, off 117 Great Road**. The property contains approx. 13 acres and is shown on Stow Property Map R-30 as Parcel 13A.

Board members present: Edmund Tarnuzzer, Charles Barney (associate), William Byron (associate), Ruth Sudduth (associate), Bruce Fletcher (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on September 13 and 20, 2012. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Due to the large number of abutters, reading of the list was waived and a sign-in sheet passed around. Four abutters were present, two shopping center business owners and four Planning Board members. Mr. Tarnuzzer recited the criteria to be met for grant of variance.

The petitioner was represented by Attorney Mark Burrell; Gordon Whitman, V.P. of Leasing and Asset Management; William Bernard and Donald Reed of Barlo Signs. Mr. Burrell presented the petition by noting the applicant has been in conversation with the Planning Board concerning sign replacement since 2008. Since then the existing sign at the main entrance has greatly deteriorated. Additionally, it is crowded, difficult to read and detracts from the shopping center appearance. The proposal is to replace the signs at the East and West entrances. Mr. Burrell noted that the bylaw allows two free-standing signs of 20 sq. ft. each.

The existing Shaw's/Osco sign at the westerly entrance is too small to add additional tenant names. It will be replaced with one to accommodate Shaw's/Osco and at least six or seven others. The easterly sign will be replaced with one to accommodate twelve business names. It was believed the proposed signs will accommodate any new tenants in the future.

Drawings of the two new signs designated as B-09-12-4961, Rev.16 by Barlo Signs had been included with the petition. The "East Pylon" was shown as being 13'-2-3/4" wide overall and 13'-10-1/2" high overall. The top would be illuminated by recessed LED lights, while the main sign would be flood-lighted downward. The "West Pylon" was shown with the same dimensions and illumination. Mr. Whitman presented drawings of previous proposals that had been rejected by the Planning Board and noted that many concessions had been made. That board was said to be in support of the petition.

Mr. Burrell stated that in order to be visible, the signs must be at least 143 square feet in size. He believed the existing sign is detrimental to the public good. The new signs will not derogate from the intent and purpose of the Zoning Bylaw.

Mr. Barnard of Barlo Signs said they wanted to design the signs so the tenant names will be visible and legible. The names will be at least 6" high and in some cases 8". He noted that small tenants

are not too visible from Great Road and need identification. He also spoke of the Planning Board discussions that began in 2008. During that time, several plans were displayed and not accepted. They have worked long and hard on this. The signs are a source of advertisement for the tenants, especially the smaller businesses. The easterly sign will be placed four feet further back from the entrance than existing for improved sight distance. Standard lighting of 650 lumens and 150 lumens is proposed.

Mr. Reed said they had worked to create an image to the Town and one that Linear would be happy with. The proposed LED lighting at the top of the signs will mean no additional hanging fixtures. There will be separate soft lighting of the tenant portions.

A memo had been received from the Planning Board this day recommending approval of a variance, subject to certain conditions that involve issues not relevant to the variance as requested. Mr. Tarnuzzer pointed out that this hearing is involved in replacement of the existing signs only, and that is all this board is concerned with. The Planning Board has been in discussions with the petitioner related to the design and lighting, and that is separate from this hearing. Mr. Burrell verified the Planning Board has approved both the design and the lighting. The only issue is a variance related to size. Ernest Dodd of the Planning Board was in agreement.

Comments from the public: The signs should be placed in such a way to encourage business. Businesses must be identified.

The hearing was closed at 8:06 p.m.

**Edward Norris** – Board members E. Tarnuzzer, M. Shoemaker, C. Barney and R. Sudduth reviewed the draft decisions for variance and special permit, the hearing for which had been held on September 10th followed by a site visit on September 14th. There was no discussion. On motion of Ms. Sudduth, second by Mr. Barney, it was voted unanimously to grant the requested variances and special permit concerning the property at **266 Sudbury Road**. It was noted that Mr. Norris and Mr. Broggi were in attendance.

**Linear Retail Stow #1** – The members discussed the earlier hearing and were in agreement that the Planning Board issues as contained in its memo are not related to the request for variance to allow signs larger than allowed by the bylaw. The issues enumerated in the memo are not within the authority of the ZBA to address. It was suggested there might be a reference in the ZBA's decision to the Planning Board matters. On motion of Mr. Barney, second by Ms. Sudduth, it was voted unanimously by E. Tarnuzzer, C. Barney, W. Byron, R. Sudduth and B. Fletcher to grant the requested variance. Mr. Tarnuzzer was to draft a decision for member approval.

**Adjournment** – The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board