

Town Of Dighton



Town Of Dighton
Zoning Board of Appeals

December 16, 2015

Members Present:

Kenneth Pacheco
Robert Adams Sr.
Brett Zografos

Peter Caron
Greg Logan

ZBA administrative Assistant

Rosalind Grassie

Call to Order:

Vice Chairman Kenneth Pacheco introduced the Board and asked for a motion and a time to adjourn the meeting.

Motion Robert Adams Sr. second Peter Caron to adjourn the meeting at 8:30 PM.

New Business:

Case # 25-15 1209 Somerset Avenue Special Permit for Signage
Kenneth Pacheco explained the hearing process and asked the clerk of the Board Robert Adams Sr. to pick three (3) voting members

TOWN CLERK
DIGHTON
MA

2016 JAN 21 AM 8:03

RECEIVED

Kenneth Pacheco recused himself and joined the audience.

Voting members picked were:

Robert Adams Sr. Brett Zografos Peter Caron

Chairman Peter Caron read the legal notice posted in the Taunton Daily Gazette. He commented that a lot of relief is being requested.

Atty. Robert Fredericks: presented the case. He stated that Mr. Don Backlund of Farrell Backlund Insurance was with him this evening and is the principle owner of 1209 Somerset Avenue.

Kent Pacheco

Mr. Fredericks wanted to remember Mr. Don French who recently passed away due to an illness. He was a good friend to all and a direct abutter.

He then explained that Farrell Backlund had been before the Board 3 or 4 years ago to construct a new building on the corner of Center Street and Somerset Avenue. The purposed was to modernize the building that was near falling down. That modernization is complete. Sullivan Dental Office has moved in and there is one vacant office left to rent. There are (3) three businesses so it is just as it was before. He referenced the detail sheets. The proposed signage is not digital. It is a static sign. It will be illuminated similar to signage down the street. It will not be impede traffic views. He also mentioned that by moving the building off the intersection they actually improved the site line. He explained that there was other signage on the side of the building and he brought the Boards attention to the next page of the speck sheet that showed the details and locations as well as the nature and the quality of the signage. See attached.

Peter Caron: asked about the previous signage with a clock and a request to reuse that signage to help keep some of the historic value.

Mr. Backlund: explained that the Gooding Clock Sign was hanging in the Insurance Company and it would be available to anyone who wanted it.

Robert Adams Sr: I don't believe there was a condition on it.

Peter Caron: Then my concern is how bright is it going to be? It is in a residential neighborhood. Is it far enough away from the intersection to not affect people? He explained that the Town is in the process of adopting new by-laws because there are electronic signs already in the works. The current signage is a little restrictive as far as the size. Are you saying that it is far enough away from the intersection that it is not going to have any....Are there certain hours that the lights will on?

Atty. Fredericks: Customarily most businesses put it on a circuit and put a timer on it because they don't want to pay for the electricity.

Peter Caron: The signs that are on the building are not lit and are going to stay that way, correct? He also mentioned that one of the things that are going to be in the bylaws is when a business leaves that signage come down in a certain amount of time and be replaced with something vacant and not just turned around.

Robert Adams Sr.: This is the sign that you are going to put up and in that location? Looking at this sign the house on the corner seems to stick out further on the opposite corner than the sign does. I don't know that it would be of any ... if this is in fact where you are going to put it. My other question is why are you requesting 7 different waivers? Why so many?

Atty Fredericks: What I did when I looked at the waivers was to look at any regulation that might apply and ask for a waiver to make sure that we caught any that might apply. That includes some generals as well as the specifics.

Robert Adams Sr.: with that it would include anything in the future if you decide two years from now you don't want that sign we might be granting permission on something here that doesn't cover this sign.

Atty Fredericks: what I would suggest is that you approve and adopt that as an exhibit to any approval that you accept.

Robert Adams Sr. I am alright with that.

Peter Caron: I think the only by law you need is the dimensions. I am not so sure all the others should be there. I think all the others could be removed and that would alleviate all Bob's concern about approving something that might not necessarily fit in the future. But I can certainly amend that and go with the proper one.

Greg Logan: my concern is the traffic study. The sign being there is only 48" inches off of grade and you also have trees on the other side of that. You have people pulling out of the parking lot and it might be a little difficult to see. You have a lot of shrubbery below on the 4' foot line there. But if you are saying the stone wall is on your property the car would go beyond the stone wall to be able to see out. I also understand the concern about raising the height of the sign and it then being too tall. A tractor trailer would not be able to see over it.

Brett Zografos: My concern is I where glasses and cannot see far. At night I am blinded by lit up objects, head lights, signs things like that so my concern is with it being almost eye level with vehicles how lit up would it be and would you be able to control the level of illumination?

Atty. Fredericks: By internally illuminating you are not really creating a lot of exterior illumination. The sign itself restricts the light flowing out of the sign.

Abutters:

James Varley 1247 Somerset Avenue:

My concern is the size of this sign. The structure is 12'6" by 8'2" wide and it is so low that you can't see behind it because of the shrubbery. He

stated that his other concern was about the illumination. When would the sign be lit 24-7? He then asked about the location of the sign in relation to the stone wall and the building.

Atty. Fredericks stated that it would be almost flush with the foundation and be just inside the stone wall.

Robert Adams Sr. Would you like to see it smaller?

Atty Fredericks: Explained the specifications of the sign, There is a (2) two foot triangle piece at the top, then a (3) three foot sign and a (3) foot sign on the posts. Four feet to the bottom of the first sign, then two three foots, now you are at ten tow foot peak.

Don Backlund: The designer tried to take the architecture of the building and design a sign that complimented the architecture. It could be made much squarer....

Greg Logan: when you came before us to knock the building down wasn't it one of the things we talked about? It would be a better to set the building back from rt. 138 for increased visibility? So we could see and now we are putting a sign in to block visibility again.

Robert Adams Sr: It is way off the corner

There was discussion about how far away the building and signage is from the intersection and if visibility would be affected.

Kenneth Pacheco 1860 Milk Street: His concern is the brightness of the sign. I know a gauge called a lumens has been discussed with regards to the new by-law. Do you know how bright it is going to be? If it is going to be on till 9:00 PM. There are residents around there...

Atty Fredericks: What I would suggest to that concern is that you make the lumens preference a condition of your decision.

Kenneth Pacheco: I would like the Building Commissioner to discuss the lumens with us.

Building Commissioner: Explained that the town is just in its infancy of creating a by law that would regulate LED Reader Board signs and things of that nature. The only lumens language that we have on by law now is in Industrial areas. We don't have anything for residential or business areas. He explained that they were attempted to make this by law somewhat blanketing where it targets LED but it also gives a lumens intensity too other signs in town. His guess is that the by law that does have some authority over pretexting signs. I don't know that I can give you a lumens intensity match right now...I don't think this meeting will close today.

Peter Caron: This case will probably be taken under advisement. There will probably be restrictions on the hours and the vacancy. I would also like to discuss the signs that are already on the building but also the brightness. Do you know what Fall River uses as a brightness gauge now? We can add this as a condition now and the engineer will add it. That would be grandfathered in the event that you come up with something that is going to be less if you come up with something that is going to be more, then they have the option of increasing it.

Building Commissioner: I think we can have that data available by the time we have a decision.

Peter Caron made the suggestion to take this case under advisement. He asked the Board to take into consideration the hours that this will be illuminated as well as the vacancy signs.

Before we take this under advisement.... The signs that are on the building, is that over kill? This sign will be 8x12 and on the building facing route 138 you have the insurance sign is that going to stay as well or will that be coming down?

Don Backlund: That will be coming down.

There was a discussion regarding small advertising signage like the signage on rt. 44 near Don's Music and it was decided that no miscellaneous stick in the ground temporary signage be allowed.

Motion Peter Caron second Robert Adams Sr. to take under advisement

All in Favor

Aye

Case # 21-15 2589 Pleasant Street

Greg Logan

Zackary Caron

Brett Zografos

Motion Kenneth Pacheco second Greg Logan to replace Zachary Caron with Robert Adams Sr.

All in Favor

Aye

Kenneth Pacheco asked the Board and the building commissioner if they had any questions regarding this case.

Motion Robert Adams Sr. second Greg Logan to approve.

All in Favor

Aye

Peter Caron: They will not be able to have an easement unless they want to reapply.

Greg Logan: We have a meeting on the 20th right? Ok, so that would be before...

Robert Adams Sr. Where you aware of this Joe?

Peter Caron: The letter has to come in before that date and we will have it on...

Rosalind Grassie: It is going on the agenda for January?

Peter Caron: The letter will go on the agenda. We can read it. I think it should be read because it deals more with the public and tax dollars and it's not just being on file

Building Commissioner: They have to submit a site plan to me that shows access from Rt. 138.

Peter Caron: The biggest concern is the access from the frontage.

Kenneth Pacheco: That is fine it would have saved them a little bit of time if they did that from day one. They wouldn't have had to come to us for a variance but....

Peter Caron: They still needed to come to us for the triangle and setback variances.

Kenneth Pacheco: I get that, the easement was the issue

Building Commissioner: They still have to apply to Mass DOT for a curb cut. If that is denied then they will be back here.

Kenneth Pacheco: It is their call.

Peter Caron: One thing that we didn't put on the agenda but I would like to discuss is the many solar farms that are going to be coming before us. I have to submit a budget to the Selectmen and then it gets reviewed by the finance committee, we have meetings. We have already talked about a few things with the budget. One of them was raising our fees which we adopted, the second one was the stipend increase along with the increase for the secretary the third thing is these solar farms are going to require more than just one meeting at a considerable expense to the town. If you can imagine now for an example a 40B comes in and all of us can attest to this because we have all sat on one. We charge them \$300.00 an application fee but we spend hundreds of hours of our time. Because these solar farms are going to require multiple trips to the site between our department, building, and planning we have increased our fee from \$750 to \$1500.00. Now when we submit our budget for Fy17 you are going to be able to put your mileage in and get reimbursed for that no more of us and that is why I am talking about these site visits because we are going to have

multiple visits to these sites and if it is going to be \$30 per person for the six of us for every time we have to go out there, one you should be reimbursed and two the applicant should have to pay for that and is going to pay for that with the increase in fees. We have researched the fees other local communities charge and we are in line with them.

Robert Adams Sr: Are they changing the zoning? Different areas that are zoned residential and farming now that they are producing electricity it is no longer a residential...

Peter Caron: I don't know if the planning Board is going to adopt anything.

Tom Pires: We have talked about it briefly

Robert Adams Sr. If they are producing electricity and not growing vegetables it is a marketable business. It is not a ...

Tom Pires: The only change might be a ground mounted solar for personal use.

Robert Adams Sr. I'm not talking about personal use.

Tom Pires: You are talking about large arrays on several acres where they are going to profit.

Peter Caron: The building inspector has a substantial fee for them because as he explained to me they make millions.... I forget what your fee is but I think it is in the area of \$100,000.

Building Commissioner: \$120,000

Peter Caron: Now a 40B costs an applicant \$300.00 for us to literally put in the amount of time that we do and now I was made aware of 3 potential 40B's that are waiting until the March alarm clock to go off. By May or June we will have (2) brand new 40B projects because we no longer fall under the safe harbor act.

Robert Adams Sr: Up the street is not going forward?

Peter Caron: no, it is under appeal. The appeal is going forward and Dean said today it is up over \$100,000 in fees to the Town.

The Board: Who appealed that?

Peter Caron: As far as I know there was a resident that approached the Selectmen asking them to pay for the appeal and it was thought that it was only a \$100 or \$200 bill but it is in excess of \$100,000. The appeal is against the conservation committee for their procedure and the second part of the appeal is the 100' wetlands buffer instead of the 25' buffer. Even though we granted it the conservation still wants the 100' buffer. I don't think they will get that because the State says it is fine. I think the applicant has a legitimate gripe when it comes to the conservation committee dropping the ball.

Kenneth Pacheco: Who is appealing that then?

Peter Caron: The conservation committee has no money so it has to come from the town. They don't put money aside in the beginning like we do.

Let's bring it back to the \$1500 for the solar farms and does anybody want to go off the property to see the sign?

Robert Adams Sr: I would like them to down size it.

Greg Logan: Do we have to notify them?

Peter Caron: Yes will have to. Yes we will call them it will have to be posted.

Greg Logan: Let's do it after Christmas

Peter Caron: We will do it after Christmas. We will only need one site visit. That night we can vote on it and make our conditions. It can be down scaled it can be that size. It is up to you guys. What does Dunkin Donuts have down the road?

Greg Logan: It is narrower. It's the square footage. We have 9 square feet. It is the by law 3x3. It is off the road and I am not sure of the square footage

Peter Caron: It is off the road. It is tall and narrow.

Robert Adams Sr.: We should down size it. I think Dunkin is zoned commercial, this is residential. To down size it would be more in uniform with everything around it.

Motion Peter Caron second Kenneth Pacheco to adjourn the meeting at 8:00 PM.

All in Favor

Aye

Aluminum frame sign - option 2

- 1 1"x 1" square tube aluminum frame
- 2 .040 aluminum face
- 3 SC L-Moulding - painted to match 75% black
- 4 digitally printed graphics on pvc vinyl with lustre overlam



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 THE ART OF COMMUNICATION
 170 Liberty Street - Boston, MA 02201

No.	Description	Date
01	Production	01-13-15

Client: Forrell Backlund
 Insurance Agency, LLC

Sheet Title:
 Aluminum Frame
 Building Signage

Project Number:
 66791

Scale:
 10%

Project Developer:
 Ron Ferrigno

Designer:
 BM/DL

Sheet Number:
G02.00

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