

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 15, 2009**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Jeffrey Cohen, Chair; Herbert Aumann, Vice Chair; Jeffrey Dearing, Clerk; Paul Bauer; Robert Ellis; Brian Gildea

ABSENT: Louise Maglione; Robert Barton

PRESENTATION: Mr. Dearing read the notice of the hearing.

PETITION #020-09 – 7:30 P.M. – CONTINUATION – Flatbread Bedford, Inc., at 213 Burlington Road, seeks to appeal the Building Inspector's decision to not allow more than one freestanding sign on premises. If the Board overturns this decision, applicant seeks a Special Sign Permit per Article 39.5 Section 2(A) of the Sign By-Law to illuminate freestanding sign.

Mr. Cohen read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

Mr. Cohen said that, although this is a continuation, there was no substantial information heard at the last meeting; the Board mostly just gave a list of material that the applicant needed to come back with. He designated the voting members as himself, Mr. Aumann, Mr. Dearing, Mr. Bauer, and Mr. Ellis.

Jonni Jackman, the applicant for Flatbread, said she has prepared a new packet of the materials that the Board had requested at the last hearing. She said the company hopes to put a freestanding sign towards the end of the walkway that leads into the restaurant. She said the restaurant is very hard to find and many people walk straight into the building into the offices instead of turning left to go into Flatbread.

Mr. Cohen asked if the applicant has considered a wall sign instead of a freestanding sign. Ms. Jackman said she thinks a freestanding sign will be more visible on the walkway and more helpful to not only let people know where the restaurant is but also to deter people from walking into the office building, which happens often. She added that she doesn't think it will be seen from the road.

Mr. Aumann asked the applicant to describe the sign. Ms. Jackman said it is four feet high and approximately six feet wide. She said there used to be a wooden oval sign on the building, which they hope to use as the centerpiece of this sign.

Mr. Aumann said he wonders if the sign will look more substantial than one might believe from the photograph showing the placement of the sign. Ms. Jackman said the photograph does not show the sign to scale; it only serves to show the placement of the sign, as the Board had asked.

The Board referred to Article 39.4 Section 5(B) of the Sign By-Law, which reads: "Additional freestanding or ground signs may be permitted for the purposes of identifying entrances within the area served by the directory. These signs shall be restricted to identifying the owner and the use of the driveway and shall not exceed six (6) square feet in area nor five (5) feet in height." Mr. Bauer said he feels these sign meet that criteria and the Board can use that section to justify a choice to overturn the Building Inspector's decision. Mr. Cohen said he feels that paragraph was written specifically for a campus setting, such as MITRE, to direct traffic towards a certain buildings.

Mr. Bauer said he has no problem with this sign. He said he understands the reason for the request and feel the request is justified. Mr. Ellis agreed. He pointed out that Jim O'Neil, a Bedford resident who cares a great deal about the signage in town and helped write the Sign By-Law, supported this sign at the original hearing, so that should be taken into account. Mr. Cohen said that, with all due respect to Mr. O'Neil, whose opinion the Board always takes seriously, his words are appreciated but should not be taken as automatic approval.

Mr. Cohen said he took pictures of the area and does believe the sign will be seen from the street. He said the issue he has here is that Bamboo and The Melting Pot have wall signs over their doors and this sign will not be in keeping with the signage scheme at the site. He stated that a wall sign over the door would be more attractive and more in keeping with the existing signage.

Mr. Bauer pointed out that the Board allowed Bamboo to have two large bamboo posts used as ornamentation and an entrance demarcation. He said the Building Inspector had told the applicants for Bamboo that they needed to appear before the Board to allow the bamboo posts, because he determined that the posts were signage. Mr. Bauer said the Board allowed the posts and overturned the Building Inspector's decision. He said that if the Board overturns his decision now, it will be for a much better reason than simple aesthetics. He said the Board might want to alter the size of the sign and make it slightly smaller, but he has no problem with the overall concept. Mr. Dearing agreed, noting that a small sign along the walkway will not stand out too much but could help point people in the right direction and help avoid confusion.

Mr. Cohen said this request is forcing the Board to interpret the Sign By-Law differently than it normally would. Mr. Bauer said the Board often interprets the Sign By-Law differently than it was originally written, because when it was first written it did not take into account many of the changes that would happen in Bedford in the future, such as a mixed use property like this one.

Mr. Cohen asked whether anyone on the Board would be adverse to having a wall sign here instead of a freestanding sign. Mr. Ellis said that there are certain buildings in town, such as those at the Great Road Village shopping center, where D'Angelo's is located, that the Board has complained about in regards to having too many signs. He said he would like to avoid seeing this building cluttered with wall signs. Mr. Dearing added that this proposed sign is also more pedestrian friendly and would not look out of place along this walkway.

Mr. Bauer pointed out that the Sign By-Law specifies that no sign shall be more than twenty square feet, so this sign would have to conform to that. Mr. Aumann agreed that that would be fair.

Mr. Bauer reiterated that he has no problems with this application. Mr. Aumann said he doesn't have a problem with the concept but wants to be sure that the size is correct. The Board members talked about the size of the posts and the height and width of the sign.

Mr. Ellis asked whether the wood would be cedar. Ms. Jackman said she believed it was going to be pine. He said he would prefer to see cedar. Mr. Bauer agreed. Mr. Dearing said he would also not want to see it pressure treated. Ms. Jackman said they would never have pressure treated wood for the sign.

The Board discussed in further detail the size of the sign. Mr. Dearing made some changes to the dimensions labeled on the exhibit. Ms. Jackman said those changes were fine; she initialed the exhibit.

Mr. Cohen asked whether this illumination will be tied in to the same timer that controls the illumination for the wall sign. Ms. Jackman said it is, so the sign will be turned off during the appropriate hours.

Mr. Cohen opened the hearing to the public. With no comments or questions from those in attendance, Mr. Cohen closed the public hearing.

DELIBERATIONS:

Mr. Cohen said there are two questions before the Board tonight: 1) whether to overturn the Building Inspector's decision to not allow the sign; and 2) if the decision is overturned, whether to allow illumination of the sign. He said he was ready to hear a motion to overturn the Building Inspector's decision, and explained to the applicant that motions are always made in the affirmative.

MOTION:

Mr. Dearing moved to uphold the Building Inspector's decision to not allow more than one freestanding sign on premises for Flatbread Bedford, Inc., at 213 Burlington Road.

Mr. Aumann seconded the motion.

Voting in favor: Cohen
Voting against: Aumann, Dearing, Bauer, and Ellis
Abstained: None

The motion did not carry, 1-4-0.

Mr. Cohen said the updated application packet has a catalogue cut of the light fixture. He asked whether there would only be one fixture. Ms. Jackman said that was correct. Mr. Cohen said the Board has also been given a letter from an electrician that the illumination will not exceed 75 foot lamberts, so all the necessary paperwork has been submitted.

MOTION:

Mr. Dearing moved to grant to Flatbread Bedford, Inc., at 213 Burlington Road, a Special Sign Permit per Article 39.5 Section 2(A) of the Sign By-Law to illuminate freestanding sign, in accordance with plans marked Exhibits A-1 through A-11. Sign will be in conformance with Article 39.4 Section 5(B) of the Sign By-Law and may not be illuminated between the hours of 11 PM and 6 AM.

Mr. Ellis seconded the motion.

Voting in favor: Aumann, Dearing, Bauer, and Ellis
Voting against: Cohen
Abstained: None

The motion carried, 4-1-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Sign Permit at the Code Enforcement Department.

Ms. Jackman thanked the Board for its time.

PRESENTATION: Mr. Dearing read the notice of the hearing.

PETITION #022-09 – 7:30 P.M. – Sign Concepts Group, for Citrix Systems, Inc., at 14 Crosby Drive, seeks a Special Sign Permit per Article 39.4, Section 5(D) of the Zoning By-Laws to allow a wall sign to be located above the first floor and Article 39.5, Section 2(A) to allow exterior illumination of a wall sign.

Mr. Cohen read a letter from Gerald Kaplan, of Sign Concepts Group, requesting a continuation to the January 29 meeting date.

MOTION:

Mr. Dearing moved to continue Sign Concepts Group, for Citrix Systems, Inc., at 14 Crosby Drive, seeking a Special Sign Permit per Article 39.4, Section 5(D) of the Zoning By-Laws to allow a wall sign to be located above the first floor and Article 39.5, Section 2(A) to allow exterior illumination of a wall sign to January 29, 2009 at 7:30 PM.

Mr. Bauer seconded the motion.

Voting in favor: Cohen, Aumann, Dearing, Bauer, and Ellis

Voting against: None

Abstained: None

Mr. Ellis moved to adjourn the meeting.

Mr. Aumann seconded the motion.

The meeting adjourned at 8:20 PM.

Respectfully submitted,

Scott Gould
ZBA Assistant