

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460



Petitioner: FIBA Technologies, Inc.
Case No: 828A
Date Filed: January 31, 2014

received

May 1, 2014 10:20 AM

The Littleton Board of Appeals conducted a public hearing on March 20, 2014 at 7:30 P.M., continued to April 17, 2014 at the Shattuck Street Municipal Building, Littleton, for a variance/special permit from Section 173-35 C (3) of the Zoning Bylaw to allow a sign variance for an attached building sign to exceed the size allowed by the zoning bylaw at Petitioner's business at 53 Ayer Road, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on March 6 and 13, 2014, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, and Jeff Yates, Members and Patrick Joyce and Rod Stewart, Alternates. Present and not voting was Alan Bell, Alternate.

The Petitioner, represented by counsel Andrea W. McCarthy, presented facts to support the request for a variance. The property consists of a 62+ acre parcel with an existing building 363,950 square feet in size. The property is zoned industrial. The building sits back quite a distance from the street and is at a substantially lower elevation than the street. The street is a state highway with high traffic count and the supporting properties are industrial as well so there are multiple traffic trips by large trucks to the property and the surrounding properties daily. The building has multiple truck bays facing the street and has been improved with an attractive office façade in front. The Petitioner's business is manufacturing and testing gas containment and distribution equipment so they build and ship large trucks and trailers. They are requesting a sign attached to the front of the building which consists of their typical logo and brand identifier 7' x 6" in height, 16 feet long, with a second sign beneath it consisting of their name in relief lettering affixed directly to the façade. The name lettering will measure 3' x 6" in height, 50 feet long. The bylaw restricts signs to a size which, when grouped together, will not exceed 15% of the exterior of the wall surface or 50 square feet. Petitioner's requested sign will exceed 50 square feet but will cover far less than 15% of the façade of the building. The Petitioner reasoned that the excessive size was necessary due to the unique nature of the building façade being so massive and the distance from the street requiring identification and directional safety for patrons and others entering the area.

Abutters were present and had an interest in the aesthetics, but after reviewing the plans were satisfied and favorable to the request. No abutters appeared in opposition. The Board requested a continuance for the petitioner to put a mock up on the face of the building so the size could be viewed prior to voting. The Petitioner did attach a mockup viewed by all voting Board members. At the continued hearing, board members generally agreed that while quite large, the mockup demonstrated that the lettering as proposed will not substantially derogate from the intent of the bylaw, due to the size of the building and the setback from the street.

FINDINGS: The Board discussed at length the requested variances and determined that the petitioner satisfied the requirements for finding that the property was unique in nature and adherence to bylaw would present a hardship to the applicant.

DECISION: The Board voted unanimously GRANT a Variance from the requirements of Section 173-35 C (3) to allow two signs to be affixed to the façade of the building substantially as shown on the proposal and signage plans of Michael Morel, dated July 21, 2013, as submitted to the Board.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

This Variance/Special Permit shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex South District Registry of Deeds, in accordance with the provisions of M.G.L.C. 40A, Sections 11 and 15, stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

If the rights authorized by this Variance/Special Permit are not exercised within two (2) years from the date of granting it shall lapse in accordance with the provisions of M.G.L.Ch. 40A Section 10 or Section 9.

Signed: 

Date: May 1, 2014

Jeff Yates, Clerk, Zoning Board of Appeals
Book: 60128 Page: 229