



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
12/31/2008 XX

Petitioner:	Omni Ventures Littleton, LLC
Address:	194 Great Road
Case No:	755A
Date Filed:	

The Littleton Board of Appeals conducted a public hearing on September 28, 2008, with continuations to October 23, 2008, and to November 20, 2008, and to December 11, 2008, at the Shattuck Street Municipal Building on the petition of Omni Ventures Littleton LLC for a variance from the requirements of the Littleton Zoning Bylaw, Section 173-36, to allow a larger multi-colored sign for The Learning Experience daycare facility in a residential district located at 194 Great Road. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton on September 4 and 11, 2008, and by mail to all abutters and parties in interest. Present and voting: Sherrill Gould, Chairperson, Julia Adam, and Jeffrey Yates, Members, and Marc Saucier and Rod Stewart, Alternates.

Sue Sullivan, P.E., representing the petitioners, presented a site plan with locations of the requested signage. Proposed signage includes a temporary free-standing sign during construction, a permanent free-standing sign, and a sign attached above the entrance of the building. The proposed temporary sign is a 4' by 8' decal mounted between two white posts; the proposed permanent free-standing sign is approximately 18 square feet; and the proposed sign over the entrance is approximately 10' by 4'. All signs are designed with the multi-colored words "The Learning Experience Child Development Center" and the logo of a blue elephant. In addition to the requested signs, columns adjacent to the front door are multi-colored blocks with numbers and letters. The permanent free-standing sign is to be located 2' off the front property line which is approximately 21' from the edge of the travel lane of Great Road, and is to be illuminated with uplighting from two ground level spot lights. The Littleton sign bylaw for residential zoning would allow an unlit sign of 3 square feet of a single color on a white background at this location. Petitioner subsequently amended the application by withdrawing the request for the sign over the doorway.

Petitioner has received Site Plan Approval from the Planning Board and has received a Board of Health permit with variances related to the slope of the property.

Petitioner argued a hardship in that the property is located on a busy state road that has a speed limit of 45 mph and a 60' right of way which results in the property line being approximately 19' from the edge of the traveled way. There is an existing stonewall along the property line which is a visual barrier to a small sign. The topography of the site slopes away from the roadway making the sign less visible from a distance. Petitioner argued that desirable relief may be granted without substantial detriment to the public good since the site is located in an area with relatively few residences. Further argument was made that relief from the sign requirements would result in a sign that would benefit the public by making the sign clear at a greater distance to allow a driver to safely slow down and enter the site.

FINDINGS: The Board found that the petitioner's argument of hardship due to the location and topography of the property was reasonable and that some variance in the signage requirements is desirable to create a safe entrance into the site. The Board determined that the columns of blocks with numbers and letters located on either side of the entrance constitute signs and require variance from the bylaw. The Board further determined that the signage request, as amended, could be granted without substantial detriment to the neighborhood.

DECISION: The Board voted unanimously to GRANT the petitioners a variance from the requirements of Section 173-36 to allow the following signage at 194 Great Road:

- 1) a temporary free-standing sign of approximately 3' by 6' throughout the construction period designed substantially as presented to the Board; and
- 2) a permanent free-standing sign of approximately 3' by 8' located approximately 2' off the property line as represented in the drawing number C-2.2 dated 10/3/08 and entitled "Monument Signage", except that multi-colored lettering will be allowed. The sign may be illuminated with uplighting during operational hours of the daycare center.

The Board voted, with four votes for and one abstaining, to GRANT the petitioners a variance from the requirements of Section 173-36 to allow the following signage at 194 Great Road:

- 1) wall signs on each side of the front entry way consisting of columns of multi-colored blocks with letters and numbers.

Appeals, if any, shall be made pursuant to G.L. 40 A, Section 17, and shall be filed within 20 days after the date of filing of this notice in the office of the Town Clerk.

Signed Julie A. Adam
Clerk, Zoning Board of Appeals

Date 12/30/08

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I hereby signify that twenty days have elapsed since the filing of the above decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy Attest _____ Date _____
Town Clerk, Littleton, Massachusetts