

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460



received
5/29/08

Petitioner: 225 GREAT ROAD, LLC
Case No: 744A
Date Filed: March 28, 2008

The Littleton Board of Appeals conducted a public hearing on April 17, 2008, and May 15, 2008, at 7:30 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a variance/special permit from Section 173-35 of the Zoning Bylaw to allow for sign variances for the building at 221 Great Road, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on April 3 and 10, 2008, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, John Cantino, Julia Adam, Jeff Yates, and William Farnsworth, Members. Present but not voting were alternates, Cheryl Hollinger, Matthew Field, Marc Saucier and Rod Stewart.

The Petitioner, 225 Great Road, LLC, which is developing the parcel as a Toyota Dealership for Bob Moran Developer, LLC, represented by John W. Nidzgorski, presented a site plan of the building showing a proposal for several signs at the location. Some of the signs, proposed to be business signs whose contents relate exclusively to advertising and identifying the businesses on the premises, are proposed to be affixed to the face of the building as allowed by the Bylaw. The building inspector rejected the application for a sign permit, however, on the basis that the size of the proposed signs in the aggregate exceeded the size limitation and because the number of signs proposed exceeded the limitation of one sign per business as provided by the Bylaw. A free standing sign proposed to identify the premises, visible from Great Road, similarly was determined to be in excess of the maximum size and height allowed by the Bylaw. Additional signage was proposed to direct and route traffic through the premises and some of these were determined to be more advertisement in nature rather than directional. The applicant was directed by the building inspector to seek a variance.

In the initial presentation, the applicant stated that the request was being pursued primarily to satisfy the "Toyota" franchise standards for signage. The Board detailed the requirements for satisfying a variance, questioned the uniqueness of this business property, situated on Great Road in the midst of other business properties, and essentially encouraged the applicant to modify its request to meet the limitations contained in the Bylaw to the maximum extent feasible. The applicant agreed to a continuance for that purpose.

At the continued hearing, the applicant had revised its request substantially and the Board proceeded to identify the various signs proposed and the locations to be able to act on the request. The applicant cited as a basis for the variance that the building was unique due to the massive size of the structure, containing over 8200 square feet. The applicant pointed out that the total coverage of proposed signage on the building would be less than 2%. The property was also unique in that it is essentially the first business zoned property as one enters Littleton and it sits slightly out of sight over a hill on a state highway where speeds might be as much as 40 to 50 miles per hour on the approach. There was an argument that since the property would be a car dealership, signage had to be high enough to be seen over parked vehicles which might be covered with snow, and that it was necessary to get delivery, customer and employee vehicles off the highway and into and through the site efficiently and as safely as possible. The applicant stated that there would be a hardship to the patrons and to the general public if traffic trying to enter or exit the site was confused about which direction to turn.

A discussion ensued with the benefit of detailed site maps to identify each sign requested, its location, and the need (or absence of need) for a variance. In an effort to assist the zoning enforcement officer, the applicant's proposed sign site map dated 1/18/08, as revised through 5/8/08 was made a part of the record. Variances were requested to allow two dealer signs (Toyota and Scion) on the face of the building, together with the lettering, "Littleton", and door signs with Toyota and Scion depicting the correct entry for each business. Each of the signs were within the Bylaw limitations but aggregated would exceed the limit. In addition, three "Service" signs were proposed for the face of the building, one over each Service Bay. A free standing pylon sign at the road was modified to fall within the size and height limitations of the Bylaw. Signs 8, 9 and 10 on the plan were all directional signs. The Board reviewed each request to determine which, if any, still required variances. Chief of Police, John Kelly, spoke in favor of allowing signage which would facilitate safe access, egress and internal movement throughout the site. No abutters appeared in opposition. The hearing was closed.

FINDINGS: The Board found that the Applicant satisfied the requirements of uniqueness of the building and that there would be a hardship in some way to the applicant and to the patrons if traffic was not allowed to be efficiently routed throughout the site. The Board further found that there were essentially three separate businesses on the site: Toyota, Scion and "Service", and that each of these businesses were allowed separate attached building signs. The Board generally agreed that the "Littleton" identification might require a variance as might the door signs, but that the Toyota and Scion signs and logo fell within the size limitations for two separate businesses. The Board also deliberated whether the directional signs were exempt from the requirement of a variance. The Board found that the free standing pylon sign would not require a variance.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-35 to allow three "Service" signs on the face of the building facing Great Road, one on each Service Bay, as shown on the Plan, not to exceed 17 square feet in total, and provided they remain illuminated only during business hours. The Board found that the Toyota and Scion signs and logo on the face of the building did not require a variance. The Board voted unanimously to GRANT a Variance to allow the additional lettering of "Littleton" to be affixed to the front of the building as shown on the plan, notwithstanding that when aggregated to the business signs it might exceed 50 square feet. The Board voted unanimously to GRANT a Variance to allow the Scion and Toyota signs over the doors, not to exceed 7' and 5' respectively, as shown on the Plan to permit entry identification. The Board found that the free standing pylon sign was conforming and did not require a variance. The Board voted 3 to 2 to issue a recommendation to the Building Enforcement Officer that all of the directional signs for sales, service, parking, entering and existing were necessary and essential to routing traffic and were directional signs exempt from the zoning Bylaw.

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 Notice in the office of the Town Clerk.

Signed:

Julie A. Adam
Clerk, Zoning Board of Appeals

Date: 5/28/08

Book: 49686

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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