

MINUTES
Town of Hubbardston Board of Appeals
Meeting Held August 5, 2019
Senior Center, 7A Main Street

Members Present: Chairman Scott Janssens, Gail Orciuch, William Homans, Andrew Baum, David Leger, Al Afonso (arrived at 7:02pm) and Secretary Joyce Green.

Absent: None

Others Present: Pamela Hill, Edward Blanchard (Lions Club), Pati Burke (Lions Club), Bobbie Thibault, Peter Jefts.

Meeting was called to order at 6:54pm on a motion by Bill Homans, seconded by Andy Baum and so voted 4-0.

General Business:

- Minutes approved from July 8, 2019 on motion by Bill Homans, seconded by Gail Orciuch. Vote 4-0-1 in favor with Andy Baum abstaining.
- New Associate Member David Leger was introduced and welcomed.

Chairman Janssens explained that we were awaiting the arrival of the fifth member of the board before opening the public hearing and asked if anyone present had any general questions.

Abutter Peter Jefts asked why this application had not gone through the Planning Board. Chairman Janssens pointed to Hubbardston Zoning Bylaw 17.12 Appeals Process that states "Any sign bylaw appeal will be held in accordance with Article 11 of the Hubbardston Zoning Bylaws." Mr. Jefts wanted the board to consider the impact on residents of Main Street who would have to live with any illuminated signs daily. Mr. Jefts left the meeting.

Appeal of the Ruling of the Building Commissioner at 7 Main St & 40 Main St
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7:08pm Motion to open public hearings for both 7 Main Street and 40 Main Street made by Bill Homans, seconded by Gail Orciuch and so voted.
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Chairman Janssens asked if there were any conflict of interest on the part of board members. Bill Homans stated he was an abutter and as such would recuse himself from the public hearing. Chairman Janssens stated that as a member of the Lions Club he has chosen to recuse himself as well and passed his duties to Vice Chair, Andy Baum. Both members left the room.

Acting Chair Andy Baum explained the procedure for the hearing. It was stated that a super majority or 4 votes would be needed to approve these applications. In this case, due to 2 members recusing themselves, the Associate Member will be the fourth voting member.

Mr. Blanchard, representing the Hubbardston Lions Club, reviewed their applications; size of the sign itself is 4' by 6' or 24 square feet. The base would be concrete with stone posts on the sides and a gabled roof with wood shingles, similar to the existing sign at Charlie Clark Corner. Pati Burke, also speaking for the Lions Club, stated that wireless internet may be brought into the Fire Station, making it possible to use a laptop to change the message on the electronic sign.

Mr. Blanchard stated that the Lions' motto is "We Serve" and that these signs would be paid for by the Lions and donated to the town. Control of the messages on the signs would be by both the town and the Lions Club. There is a timer that can be used to turn off the illuminated message when desired, such as after 9:00pm.

Mr. Blanchard stated that they would like both hearings to be voted on but that the Lions Club is not planning to go ahead with both signs at this time. They are prepared to construct and donate the sign to be located at 40 Main Street, replacing the existing wood sign at Charlie Clark Corner.

Acting Chair Baum asked the board for their questions. David Leger asked about the availability of electricity at the Fire Station. Mr. Blanchard stated they have been told there is power to the current sign at Charlie Clark Corner but that after construction the town would be responsible for electrical costs.

Albert Afonso had several questions. Regarding Article 17.3.3 (3) that states "Signs may be illuminated only between one hour before opening and one hour after closing of business to which the sign applies," he asked Mr. Blanchard if the Lions Club is willing to only have the sign illuminated from 7:00am to 5:00pm. Mr. Blanchard thought it would be better to keep it on later, maybe until 8:00pm or 9:00pm but if that was a condition the board put on their decision, they would abide by it. Member Afonso asked if Article 17.4.3.3 Municipal Signs gave a

reason for the Building Inspector to allow the sign without requiring the variance. [Signs serving municipal purposes such as advertising a public event, locations or identification of public buildings or property or the location of land or buildings open for the public benefit may be permitted by the Building Inspector after consideration of the proposed sign in context of its purpose and its compatibility with surrounding neighborhood.] It was stated that the only reason for denial given to the Lions Club was regarding the illumination of the sign and that if the Building Inspector had felt the signs fell into the municipal category, he would not have denied the permit applications. Member Leger pointed out that the signs would not actually be municipal property until after they were constructed and donated to the town, therefore Article 17.4.3.3 would not apply.

A letter dated July 26, 2019 had been received from abutter Carol Pearsall of 6 High Street and was read into the record. Her concern was for any bright or flashing lights that the sign may have and asked for the board to consider the effect on the neighborhood when making their decision.

A discussion on the type of lights on the proposed signs ensued and the possibility of adjusting the intensity. Pati Burke stated she had inquired about muted colors to be used on the sign and it could be turned off at night in consideration of the neighborhood.

With respect to Article 5.7, regarding corner vision at any intersection, Mr. Afonso asked if the sign was to be located 30' off the street as required. Pati Burke stated that the current sign is 29' from the edge of the street but that they could move the new sign back one foot in order to conform with the bylaw. Mr. Afonso asked if a cost analysis had been done as to the cost of the electricity required after construction. Mr. Blanchard stated that it had not but with the illumination being LED, there would be a minimal cost. Mr. Afonso asked about Article 17.3.6 Sign Height since the subject lot is raised up from the road surface. It was determined that this was not in the purview of this variance application since the Building Inspector's only reason for denial was the illumination.

Abutter Pam Hill spoke in favor of the sign at 40 Main Street with limiting the hours of illumination, however she felt the location at 7 Main Street would be a safety hazard and too much of a distraction near the crosswalks to Center School and the Post Office.

Acting Chair Baum asked if there was any other information the board felt they needed. Gail Orciuch stated she would like to be able to see how bright the lights would actually be and what the sign would look like.

Motion: Gail Orciuch, to close both public hearings. Second: Albert Afonso. Voted 4-0 in favor.

Discussion: David Leger asked if approved, would this be setting a precedent. Mr. Baum explained that variances are not precedent bound. Each application is taken on its own merits based on soil conditions, topography, or substantial hardship as stated in the law.

Mr. Baum stated that in his opinion he is treating this as a request for a variance because that is the wording used in the denial letter from the Building Commissioner. The application was submitted as an appeal of the Building commissioner's decision but also had other wording indicating the applicant was looking for a variance. The board will treat this as a variance request.

Mr. Baum reviewed the reasons for granting a variance. Ms. Orciuch stated that she is concerned only with the illumination since that is the reason for the denial. She isn't sure they have provided enough for her to vote in favor because there are other ways to do the signs.

Mr. Afonso agreed with Ms. Orciuch's thoughts and stated that a better location would be at the Rec Field, where the current electronic sign is located. He is also uncomfortable with other issues including sign height, corner vision and distance from the street. While both Mr. Afonso and Ms. Orciuch like the idea of the sign and appreciate what the Lions Club wants to do for the town, Mr. Afonso feels there are too many things in the bylaw that could be reasons to deny.

Mr. Leger agrees with other members with respect to the 7 Main Street location but would be comfortable voting in favor of the sign proposed for Charlie Clark Corner.

Mr. Baum was a proponent of the sign at 40 Main Street but not the 7 Main Street. Since it appears that the board does not have enough votes to approve the application, Mr. Baum asked the applicant if they wished to withdraw without prejudice. This would allow the applicant to return with a similar proposal at a future date. If the board votes to deny these applications, the applicant could not submit any similar proposals for a period of time. Mr. Blanchard stated that due to the input received tonight, especially for the sign proposed at 7 Main Street, he

believes the board should vote and the Lions Club will accept that vote. He did not feel the Lions Club would have a lot more energy to redesign a sign and return with an alternative.

Motion: David Leger, to deny variance for proposed electronic sign at 7 Main Street, Map 8A, Parcel 11. Second: Albert Afonso. Vote: 4-0 in favor of denial.

Motion: David Leger, to approve the proposed electronic sign at 40 Main Street (Charlie Clark Corner), Map 5C, Parcel 87. Second: Andrew Baum. Vote 2-2, motion is denied.

Applicants and abutters thanked the board and exited the meeting.

Board members Scott Janssens and Bill Homans returned to the meeting.

There was some discussion about the findings/reasons for the written decision. The secretary will draft a decision for the board to approve and then board members will have to come in to sign the decision.

8:44pm Motion to Adjourn made by Gail Orciuch, seconded by Bill Homans and so voted 6-0 in favor.

Respectfully Submitted,

Joyce Green, Secretary

Approved by Vote of Board Date: Aug 19, 2019

Board of Appeals Sign-In Sheet

Public Hearing

August 5, 2019

NAME (please print)

ADDRESS or TITLE

Pamela Hill

2 Brigham St.

Karl Benz

2 main st.

Bobbie Thibault

4 Elm St.

Peter lefts

11 Main St

51) BLANCHARD

23 E COMET POND ROAD



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Massachusetts

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AGENDA-Board of Appeals

Date:

Monday, August 5, 2019 - 6:45pm

Senior Center, 7A Main St

Related Event:

[Board of Appeals](#)

6:45pm General Business

7:00pm Public Hearing; Application from Hubbardston Lions Club to overrule the decision of the Building Commissioner for denial of a permit for an electronic message board with internal illumination for property located at 7 Main St, Assessors Map 8A, Parcel 11. Relief is sought pursuant to MGL Ch. 40A, Sec 10 and Hubbardston Zoning Bylaws Article 11.

7:05pm Public Hearing; Application from Hubbardston Lions Club to overrule the decision of the Building Commissioner for denial of a permit for an electronic message board with internal illumination for property located at 40 Main St, Assessors Map 5C, Parcel 87. Relief is sought pursuant to MGL Ch. 40A, Sec 10 and Hubbardston Zoning Bylaws Article 11.

Any other business not reasonably anticipated by the chair.

Chair: Scott Janssens

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July 26, 2019

I appreciate that the Hubbardston Lions' Club is looking to donate information sign(s) and would hope the new sign is styled in keeping with the center of town.

That said, I do have concerns about the type of sign proposed for 40 Main Street (which also has frontage on High Street).

My concern is that bright or flashing lights would be difficult to live with. Even though the sign planned to replace the existing sign is not visible from our house, the "bounce" of the lights would be. And this bounce could be created from attention getting flashes or even changes of information.

We are already subjected to the direct brightness of the re-activated street light at Williamsville Road as well as at least 3 (and up to 5) lights from three sides of the GFA bank (in addition to vehicles using the drive through at all hours of the night). Unavoidable headlights from vehicles turning from Williamsville Road and some emergency vehicles also flash on our house.

With the improvements planned for the High Street end of Main Street under the Town Center project, there are also proposed flashing lights at the crosswalk. More flashing lights possibly to live with.

As I have seen in other towns, bright flashing signs in a well lit area may not be as objectionable but when they are in an unlit, low light or residential area they are much more invasive.

I do agree that center of town signage that is easy to see and update is an asset but I am again concerned about the amount of light and flashing that goes with a larger, fully illuminated sign.

At a Selectboard meeting and a recent ZBA meeting there was mention that the lights could be dimmed or on a timer - but who would determine what was needed and when? And how much dimming could be done - possibly defeating the purpose? Once a sign is installed and in operation it is too late to say there are too many bright - or flashing - lights.

The Main Street end of High Street is not typically considered the center of town, which has more lighting, and has been a quiet, residential section since we have lived here. I would hate to see that change now. Please consider how this type of sign would affect your home or neighborhood before making any decision.

Thank you.

Carol Pearsall 6 High Street Hubbardston, MA

Rec'd
8/5/19