

Zoning Board of Appeals August 28, 2019 Meeting Minutes

Call to Order:

Mr. Brian Heath, Chairman, called the meeting to order in the Council Chambers located on the second floor of the Municipal Office building, 66 Central Square, Bridgewater at 7:00pm

Attendees:

Present: Brian Heath, Chairman, Gerry Chipman, Vice Chair, Anna Klimas, Member

Absent: Michael Mainvielle, Associate Member

Staff Present: Jennifer Burke, Director of Community and Economic Development, Steve Solari, Building Commissioner, and Jasmin Farinacci, Executive Administrative Assistant

I. 7:00 PM: Public Hearings*

350 Bedford Street – Variance

Sign Variance – Section 7.40

(cont. from August 14, 2019)

Present before the Board: John Connor, Oliari Co., LLC
Sean Maher, CNT
Lawrence Silva, Silva Engineering and Associates

At the last hearing it was discussed that there was a lot of space outside of the setback to place the sign. The applicant was asked to prove that there is not other area in which the sign could be placed. The applicant has supplied revised plans showing the landscaping and the utilities in the front of the building, including water, gas, electric, telephone, and security. Mr. Silva shows on an image that the entrance to the dome had changed from what is was previously. They are requesting the moving of the free-standing sign to ease the flow of traffic to the dome and ensure safety. The sign would have a 4' side setback instead of 12', but would meet the front setback requirements. When the front portion of the site was acquired, which created the new entrance, an easement was granted to the Town of Bridgewater to access the well fields. There are other easements in place to reach the well fields. The shape of the available land is a long, narrow strip, with utilities and easements, which make another placement of the sign difficult. The easements for the electric, water, and gas easements prevent placement on the other side of the entrance. Chairman Heath asks if the sign could be placed at a very specific area on the right side of the entrance. Mr. Silva states that would prevent access to the water line from the water department. There is a written electrical easement, that includes the overhead wires, which also prevents placement of the sign on the right side of the entrance. Mr. Silva states the soils in the front are primarily disturbed, imported soils that were filled for the routing of the utilities. There are existing trees and shrubs which also interfere with the placement of the sign in another location. The trees and shrubs also shroud the view of the sign from passing vehicles, which is a matter of safety. The hardship is related to the shape (due to utilities and shrubs and trees) and topography due to the soils on the lot. Mr. Silva feels that no one is effected by the Variance.

Chairman Heath states the size of the hold required is 48" x 16" and he does not feel that is a substantial size and does not see why this can't fit on the right side of the entrance.

Commissioner Solari states that if the sign were placed on the left side of the entrance, behind the brick wall, they would be outside of the setback.

Mr. Connor states that the electric easement is not a fixed easement, and that easement is subject to change at the will of the electric company which was discussed at the placement of the easement. The applicant did not choose the placement of the pole or the easement. The applicant has investigated placing the sign in other areas on the site, but were advised by Mr. Connor that he did not believe it was feasible to place the sign on another area on the site. Mr. Connor states it is a public safety Variance.

Mr. Maher reads the electric easement into the record which states that all structures are to keep clear of the easement and overhead wires. Mr. Maher states that this is primarily a subject of public safety. The original sign, which is not where the current sign is, had been struck by a vehicle previously.

Member Chipman states that he passed the site, and drove North on Route 18 and had 3 seconds from the time he saw the sign in order to make his turn. There is a narrow drive around the building to get around to the rear. The site lines are dramatically different from where the sign is to where the sign is proposed to be. Member Chipman states he feels that the Board has latitude to grant a Variance, even if it does not meet the letter of the law, and feels safety may be a hardship. Member Chipman states if the sign is placed in the proposed location the site lines are longer than if the sign is placed on the right-hand side of the entrance. Member Chipman states especially in the winter months, when it is dark earlier, and people are travelling out of town to the Dome, and with the speed limit being 50 MPH he can understand the safety concern. Member Chipman believes this proposal serves the public's best interest. Member Chipman asks if they heard from any safety officials on this matter.

Director Burke reads the letter from Fire Chief Levy into the record.

Member Chipman states when he made the drive for the site visit he was driving 35 MPH, and anyone going the speed limit would not have three seconds to make that turn once the sign is visible. Member Chipman states they rely on letters from officials because the Board are not experts in all areas. Member Chipman believes this is a truly classic case where the Board could use their ability to interpret the law in order to grant the hardship. Member Chipman states he does not believe they are setting a precedent and that it is not creating a hardship. Member Chipman asks that the Board consider these things in their decision.

Member Klimas asks if the Town is receptive to the option of a purchase. Mr. Maher states the Town is receptive to the option of purchase. Mr. Silva states that the purchase must go out to bid, and there is the chance the Town may not win the bid.

Chairman Heath asks what prevents the applicant from placing the proposed sign on the opposite side of the brick wall. Mr. Maher states that this placement also reduces the line of sight, and the sign would be in the sight line of the tractor trailers as they are attempting to pull out of the site as well. This also increases the risk of vehicles striking the sign.

Member Chipman states he would like to close the meeting and vote, but he feels the applicant has the right to request a continuance since there are only three members present this evening.

Chairman Heath states that he can see the argument of the easement but is not sure the sign couldn't be placed on the other side of the wall.

MOTION: Member Chipman moves to close the public hearing. Motion seconded.

VOTE: (3-0-0)

MOTION: Member Chipman moves that the lot provides a hardship, and there are no substantial derogations from the by-law or offence to abutters and moves to grant the Variance. Member Klimas seconds.

VOTE: (3-0-0)

II. Additional Board Business

- Minutes to be approved: 8/14/19

MOTION: Member Klimas moves to accept the minutes from August 14, 2019. Member Chipman seconds.

VOTE: (3-0-0)

- Director's Report, if needed

Director Burke states there are no upcoming matters for the scheduled September 11, 2019 hearing.

MOTION: Member Klimas moves to cancel the September 11, 2019 meeting. Member Chipman seconds.

VOTE: (3-0-0)

MOTION: Member Chipman moves to adjourn the regular meeting at 7:42 pm. Member Klimas seconds.

VOTE: (3-0-0) Mr. Brian Heath, Chairman, closed the meeting.