



ZONING Board of APPEALS
 166 Boulder Drive
 Fitchburg, MA 01420

MEETING MINUTES – TUESDAY FEBRUARY 9, 2021
MEETING TIME: 6:00 PM

1. **Call to Order** LM **PLEDGE OF ALLEGIANCE** ALL
2. **Communications** LM **ATTENDANCE:** Lauren McNamara (Chair),
 Michael McLaughlin (Co-Chair), Anthony Zarrella, (Clerk) Joseph Byrne, Brian Gallagher, Jeanne Hudson & Greg Babineau
3. **ABSENT:** None
4. **Hearings**
5. **ALSO IN ATTENDANCE:** Mark Barbadoro (Building Commissioner)

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2020-25	Brian LeClair	0 FISHER RD	6:00PM

Continuance:

Remand by order of the Land Court to consider anew and application for a Variance under §181.961 to construct a single family dwelling with less that the lot width required be section §181.414 located in the Residential B District Map S11 Block 4 Lot A, with the issues for the Board’s consideration on remand to include at least: (i) whether, absent a variance, the Plaintiff will suffer a “substantial hardship, financial or otherwise” and whether said hardship is sufficient justification for the grant of a variance or was self-imposed; and (ii) whether the grant of a variance is otherwise “without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of” the Zoning Ordinance

The presentation was given by Brian LaCrair, stating that they did reach out to the neighbor, who expressed interest in purchasing the land. However, we disagreed on the land, so that's why I'm here. They decided that they weren't any longer interested.

LM – Did you said, they were not interested?

BL - As I said, we did not come up with an agreement. So, we disagreed as we were hoping for

LM – Do you have anything else to add at this point?

BL - I don't. I think everything has been on the table from the last couple of meetings with Atty. Adam Costa

LM – My understanding by reading this is now you're looking at one lot versus two?

BL – Obviously, I was hoping for the two buildable lots, and that's where this has started. I don't know what the Board thinks about that, but that's why we did this continuance.

LM – Is anyone in favor of this petition from the audience? None

LM – Is anyone seeking information? None

LM – Is anyone in opposition?

Christine Fagone abutter of 162 Fisher Road, so we did try to agree with Brian on buying the property. We were looking to purchase the full deeded lot, which is almost 5 acres. They were only looking to sell a portion of that, which initially must have been two parcels with the town. Now it is deeded as one lot, so we were looking to buy

the whole thing. They wanted only to sell a portion of it, about 2.6 something acres, which is directly behind my property. Still, we couldn't agree on the value of that portion.

BL - She is correct; we had miscommunicated. I was willing to offer her the Fisher Road lot because they had two lots separated in taxes. So, she wanted both lots; that's kind of where we had this missed up.

LM – But, when you purchased this, you bought both lots, correct?

BL - Yes, I purchased both lots

Mrs. Fagone - There's one Deed for both lots

LM – Right, so there are two parcels, one Deed. You purchased two lots, one Deed from the seller.

BL - Yes

LM - Christine, do you have anything else to add? We understand where you stand on things, and there's no sense in going over all of that again.

Mrs. Fagone - I think we've been through all the wetlands and all that in the past meetings. All I can say is that there are at least two little streams behind us that run right through where I believe they want to place the home, and then there is also in the pinch point area where they're looking for the Variance. Multiple trees have fallen in the last year to six months, and they've fallen by the roots, which I'm not an expert on but leads me to believe that it's just so wet that whenever there's a storm, they can stay up. So, I think I don't know, and I'm not trying to make it difficult, but to me, I don't see how it's possible.

Russell Foster abutters 115 Ashby State Road. Do you still have the paperwork I sent in about two months ago?

LM - Yes

Mr. Foster – Those paperwork copies are to deal with attorneys, looking at the land prior to this. How they suggested, that could do no more building. I deal with a lot of flooding that comes onto my land; any additional construction would flood my property even more. Now I know that he wants to build a house, and I'm not sure what his final plans are, but it seems that creating a single home and all the things he's going through isn't profitable. I think he's going to plan to build more than one house; that's my guess at this point. A single-family home is not going to be profitable as far as I can see. I also know that Christine offered him more than what they pay for the land. He still turned it down, so he had the chance to get away from his obligation, but he chose not to. He wants to build houses, but the problem it's going to flood my land. The court case that was putting in because Mr. Lekas built a house at 140 Fisher Road caused all kinds of flooding on my property, and we had to put all types of drainage pipe, and those 12" pipes are still there. Suppose he plans to come down to Ashby state Road. In that case, the land drops off about 20 feet before it gets back to the street level, and all that's wetlands, as I said before, any more buildings are going to cause me more problems.

If the Board is still confused about which way to go, I suggested it welcome you all comedown and take a look at the property with me. I would gladly give you a tour of what I'm talking about, and you can see that it's a total wet area. This location is always wet. Still, in the summer, there is all marsh down to your knees with water to walk through. I wanted you to be aware of that and what I'm dealing with as far as the water situation. Also, there was a ruling by Judge Thomas Dooley years ago. Attorney Ward said that should do no more building on this land. It would cause further damage to my property and other properties around, so it's something to consider.

Mrs. Fleming and Attorney Zarrella visited to take a look at my property. They were amazed at the different heights in the land looking from Ashby State Road. It seems like it's level; you walk in 30 feet, it drops off 20 to 15 feet, and it's all mush. As Christine mentioned, all the trees die because they can't get enough oxygen due to the wetland. I've owned my property for 25 years, and I have put in some pumps and permanent drains. I've done everything to alleviate the water problems. However, I still get flooding in the backyard when we have heavy rains. Any additional buildings would flood me out completely.

LM – Are you staying for the rest of the meeting? In case other board members have any questions.

Mr. Russell - Yes

LM – Anything else you would like to add?

Mr. Russell - I suggested Mr. LeClair did we feel that he's lost that much money, he the sell the tax write off donated to the population land or do whatever he wants to do, but I don't wish his problem to become mine

MM – Just for clarification, the applicant before us, Mr. Brian LeClair, Attorney Costa, is not present?

LM – I think that's the case.

MM - I want to make sure I understand everything, Mr. LeClair, you purchased a Deed that shows one lot, but there's a division line. Old assessor line on the map that kind of cuts the parcel into two pieces.

BL – Yes, that is correct

MM - What's your intent for the lot of lands that you purchased?

BL - I was hoping for two buildable lots, but I can offset the cost of one.

MM - Do you have one buildable lot?

BL - Yes

MM – Do you have an approved lot from the building Department?

BL - That would be a question for Adam Costa and my surveyor, but at the best of my ability, I believe I do so

MM - Have you met with the building commissioner for determination, and do you have a letter of approval for a building lot?

BL - I would have to refer this question to Adam Costa if he has it. He has been handling this, but I don't believe I have a letter from the building inspector.

LM – Could we ask Commissioner Barbadoro, if anything has been issued

Commissioner Barbadoro: Nothing is being issued in regards to whether it is buildable. I can tell by looking at it that there is one buildable lot here. The problem and my understanding are that there were two separate lots at some point and that the assessors had assessed them as two individual lots. Still, through a sale of the property, placed those two different lots on one Deed. So, that's why there's an assessor's demarcation line running down the middle. The assessors are looking at it as though there are two lots at the last meeting Atty. Adam told us that, and Vinny corroborated that those two original deeds follow the contour lines at the assessors have drawn on their GIS. So, the way they stand now, in my view, is that one the northernmost lot has sufficient area and frontage to be buildable also has sufficient lot width. The one that fronts on Fisher Road have a pinch point. Suppose you build a house beyond the pinch point. In that case, it will violate the zoning by-law because we have a minimum lot width requirement. That lot width requirement means that you can't build a house beyond a point in an oddly shaped lot that isn't a minimum of 50 feet wide. If you put the house further back, it's where the wetlands are, and that's the reason why a Variance is needed; that's my understanding.

MM - That's useful information for everybody. I've gone down to the property quite a few times around the land's perimeter in total. As everybody has stated, there seems to be an extreme amount of water in rivers, brooks, streams, swamps. Brian, have you been to the Conservation Commission regarding whether you're able to build on the land-based on the extreme amount of water in the brooks and streams are on the property?

BL – Obviously, I would leave that up to the professionals to build this, but to answer your question, no, because I needed the Variance to make that process even happen. So, that's the next building block; as I said, if this Board granted the Variance, it would have to go through the conservation committee, but I haven't got there yet.

BG - Referencing at the pinch point on the second proposed parcel, can somebody give me an idea of what the width of that pitch point is?

MM - It's about 19 and a half feet, I believe.

BG - Quite different in the 50 feet that are required, correct?

LM - The other thing is that still falling to the Conservation, some of these things belong to Conservation before he comes to us.

BG – Building Commissioner, about the pinch point that we're talking about, it's 19 feet from what the applicant has stated, and you said it was 50 feet that are required, correct?

Commissioner Barbadoro - I did say that, and I will triple check to give you the exact number. All the residential lots require 50-foot minimum lot width, and that lock width has to extend to the precise point of the house location.

GB - The question here seems that the building lot would create an unreasonable drainage hardship on abutters. It appears to be a significant amount of history presented to the Board. In the past has occurred some considerable expense to abutters, their own expense to solve that problem. I'm hearing that we need to come before that in the process of having the conservation approval, but it seems that it's a moot point in this case. The pinch point and what we're talking about because it appears that this may not be a buildable lot and needs to have somebody take a look at it. My primary concern is the unreasonable abutters draining traction. I'm not sure what the procedure should be here, whether we would have to approve this for the petitioner to go to Conservation.

LM – We can grant a continuance, and the petitioner could go to Conservation

GB - It's not only the pinch point at 19 and a half feet, but the pinch point also seems to be against the wetland as well. So, it's not only a narrow area but also traveling through that wet area. Two big problems here, but I think that the question that needs to answer is, would it even be approved? or if we need to approve the petitioner's request here for that to happen, I guess that's a procedural question

BL – I would like to mention that I'm not professional, but the builders would ensure proper drainage.

LM – No, always

LM- I am going to read what's the court has said: (With the issues for the Board's consideration on remand to include at least: #1 whether, absent a variance, the plaintiff will suffer a "substantial hardship, financial or otherwise" and whether said hardship is sufficient justification for the grant of a Variance or was self-imposed; and #2 whether the grant of a Variance is otherwise "without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of" the Zoning Ordinance

JS - How long have you own the property? When did he purchase it?

BL - I've owned for about two or three years.

JS - Before you purchase the property, did you do due diligence and investigated what you wanted to do with the property. Indeed you reviewed the building jacket?

BL – Yes, I did

JS – So, before you purchased it, were you aware of that pinch point?

BL - Was I aware of the pinch point, yes.

JS – Okay, I feel it to self-imposed hardship. You knew what you were getting into when you roll the dice.

Building Commissioner - I did want to remind everybody that the judge didn't like the idea of a self-imposed hardship being the criteria for denial. So, that's not to say that you couldn't deny it; I'm just saying that that language was something that the judge found problematic, which is one of the reasons why it's back here. Creating problems for other people lots and other things are on the table, I didn't say they weren't before. A self-imposed hardship last time was the argument made that they had created that pinch point by creating the rectangular shape adjacent lot. The judge made a finding that was not a self-imposed hardship. So, you could make a finding one way or another, based on other facts.

LM – However, Mr. LeClair knew that there was a 19 1/2-foot pinch point and decided to move forward purchased the property, which caused the self-imposed or not. It is a fact.

LM - When I have purchased the property, we did walk the land, and they told me that it fit the criteria for two buildable lots. So, that's made me purchase it.

LM – Who told you that, and did you get it in writing?

BL – No, I didn't get it in writing

LM – Was anyone from the City saying that?

BL - No, no one from the City of Fitchburg said this. I was gathering information before I decided to buy the land.

JS - Is your heart set on doing two buildable lots? Have you looked into another design?

BL - I'll be honest if I build my house and give it two buildable lots. It could help the cost out on the 2nd house. I will build my house on one and sell the second lot. Financially, it would make it easier on me. I know it's worth more if I have two buildable lots, so if I have one lot, I can sell one and invest that money towards my house. So, that was where I was going with this.

LM – Joe Byrne, one of the Board Members, is currently having some technical difficulties participating in this case. Still, he has expressed that the petitioner should go to Conservation first. Also, he feels that he didn't do due diligence prior to purchasing; that should be the owner's responsibility to provide those evidence.

BL - I could be wrong on this, but Adam had told me I need to get the Variance first, then go to Conservation. I was following the lead.

LM - I'm not sure what he communicated to you or what the building Department communicated to you, but is that what Adam is telling you? He is your console. So, is you call if you want to ask for a continuance or to move forward. We heard three or four members say that you probably go Conservation first. You should perhaps have done due diligence ahead of time. I think you can feel how members are feeling.

BL – Yes, I would ask for the continuance again, I think Adam Costa should have been on, so if I can get a continuance, it would be best.

LM – I also would recommend that you have him involved that, you should have him go to Conservation with you and do that before coming back to us.

BL - I'll talk to him; I'm trying to do everything in order.

LM – So, if we were to grant a continuance, would you like to go a couple of months?

BL - I don't know how fast the conservation committee acts, so I don't know how quickly that process goes

LM – Commissioner Barbadoro, do you know when Conservation meets next, and when do you have to have the application in?

Building Commissioner - I think that the issue will be more that he will need to hire an engineer. He's going to have a layout of the property and have to get it flagged and all that.

BL - I believe that is all done.

Commissioner Barbadoro: As long as you've got house layouts and you can show where it's going and what you're going to be doing, then they meet monthly. So, I couldn't perceive taking more than a month or two so

LM - If you have that and you feel confident to go to Conservation, you should get into the meeting agenda. We could put you up for two months, and if you find that you can come sooner, just let us know.

MM - For the record, there's no written procedure whether Zoning Board or in any instance whether it's Planning Board or vice versa, the same with the Conservation Commission. When an applicant has to go before multiple boards, the conditions usually put on the other boards typically become part of the conditions of the granting of a variance, if it's get granted. We're looking at a lot of land tonight before us, I've obtained all the information from the applicant, and I'm personally ready to move to a vote. The Conservation Commission isn't going to change how I look at the criteria for the Variance.

LM – Let see if the other members would like to extend him the courtesy of going to Conservation or moving to a vote.

BG - I am I agree with Michael.

Js - let him go to Conservation, let them have that opportunity.

GB - I would say go before Conservation; that makes a difference because of the abutters' concerns. I'd like to have that concern alleviated.

LM - I like to give the constituent every opportunity, so I think to go to Conservation and then come back in a month. If you can't make it then come back in two months

MM - Commissioner, does Conservation Commission require application notification to the public and all that?
Building Commissioner – Yes

MM - We will also need a mutual agreement of extension.

LM – Yes, the secretary will have to send that to the petitioner

Commissioner Barbadoro: We will send one. As Michael suggests, it's always good practice. I think we're still in COVID says Clock suspension mode if you will, so I'm not sure that we would violate it, but I think it's always good practice to do it anyway.

LM – Yes, I agree. If we stated in any meeting minutes, we should be okay now.

MM - Motion on ZBA-2020-25 under §181.961 and §181.414 to **Continue** with the Petition to **April 13th, 2021**

BG – Motion Seconded

Roll Call Vote 5 – 0 to **Continue** to **April 13, 2021**

ZBA-2021-01 Barlo Signs/Jenn Robichaud 370 LUNENBURG ST 6:15PM

Dimensional Variance under §181.5351 and §181.5354 to replace an existing monument sign with a free standing sign D/F LED illuminated pylon with EMC 25' height, less than 8' from Quade, and exceeding 100SQF in area located in the Central Business District Map 36 Block 24 lot B

The virtual presentation was given by Brandon Currier from Barlo Signs on behalf of the petitioner. Also, Patrick Assioun, the property owner, was present, seeking relief for overall square footage and height. As you're all aware, it is a unique location. Many other businesses surround this property, located on a moderate speed limit road. With

this site specifically, we are already facing the challenge of being deeply set back from the wayfinding public's path. In addition, and for motorists' safety, the sign's location is set back over a roadway on an island. This sign will allow the proper identification of its tenants. All while keeping the passing by motorists safe and engaged, especially during a time like this, when ongoing pandemic. We want to ensure that each of the businesses here in this building can succeed with equal identification. This sign is designed to fit cohesively with the landscape and reflect the building's architecture and style. That it represents will be utilizing top-aligned materials, paints along with energy-efficient LED's to illuminate the tenant panels for their specific branding. In conclusion, we feel that this is a respectable request. It will help aid the wayfinding public to each of those businesses while continuing to allow traffic to be undisturbed and distraction-free for those passing by motorists.

LM – Is anyone here in support of the petition to please raise your hand? None

LM – Is anyone seeking any information in regards to the petition? None

LM – Is anyone in opposition? None

BG - I had gone out to the site and took a close look at it. I notice that it's pretty much on the city boundaries. Notice some residential property that's across the Street, probably on the Lunenburg side. In previous cases, we have time constraints when the light and when the sign would be lift, so I think that's something we need to consider. In this particular one, I understand that they need a more prominent sign due to the setback they are affronting. Each panel's size appears to be about 44 feet 3 inches. I think it's something that would aid motorists and potential patrons of the building to see exactly where they're going. I'm looking pretty favorably on this. I like the fact that they sent their proposed literature pretty straightforward, and I think its design is pretty attractive, and it would complement the area.

JS - It just the dentist going in, and are those other two companies also going in?

BC - Those are the three tenants that will be utilizing the signage for that building, yes.

JS – Is that's going to fill the building?

BC - I believe so; UMass is already there currently.

JS - My curiosity question is, if someone moves out and another company moves in, do those signs interchangeably?

BC – Absolutely, though speaking to the final circle to those flat face, so that material removed replaced and whatnot.

JS - Are those moving screens? Are we going to have a flag-waving or something similar?

BC – Nope, I noticed that someone mentioned in EMC. This proposed sign doesn't contain EMC motion either. This sign is just three static dividers.

JS - I'm okay with this.

PA - What I wanted to say is, right now, we have one tenant who is UMass. Medical Quest lab is looking at going in, as well as the Dentistry in Braces.

MM - What's the overall height of the sign?

BC - The overall height of the sign is called out as 25 feet

MM - Maximum sign height allowed is 24 feet, correct?

BG – Yes, is correct.

MM- So, we're looking for a height variance of a foot; what else? What's the overall square footage?

LM - 191 square feet

MM - I don't see a denial letter, so Commissioner, can you fill us in on what we're looking at?

Commissioner Barbadoro – yes, the signage area is slightly too much, and the height is about a foot too much. The signs are supposed to be less than 8 feet unless there are more than 200 feet from the roadway, and this one is 7 foot 4. So, it is slightly too low. It is somewhat too high, a little too much area.

MM – We have a one-foot height request, a relief for one foot in height, and a relief for less than 1-foot bottom height.

LM - Yes

MM - What's allowed, and what's the request?

LM – The request is 191, I believe, and 100 is allowed.

MM - Is that correct, Commissioner?

Commissioner Barbadoro - 100 is allowed. In 181.5351 top of any freestanding sign shall not exceed 24; the same section requires 8-feet or more from the bottom so that drivers can see by. Also, 181.5354 subsection A and B – Area requirements cannot exceed 100sqf.

MM – So, we go from 100 to 191

LM – Right

MM – Does this sign to meet the 10-foot setback?

Commissioner Barbadoro – It does

MM – What is the visibility there to any residential property. As a Board Member, I always put myself as a homeowner that abuts these signs, and I'm very cautious about the visual impact that this can have. I wouldn't want to have any lit sign shining in my windows, so I don't know if the applicant intends to speak to that in regards to any abutters.

BC - I can say that, so I heard a couple of things while you were discussing. You mentioned the 8-foot underneath for passing by motorists, as you can see on the site plan. This sign is set back off the road quite a bit; for that reason, we lowered the sign's underneath height. As far as residences in the area, I've been through this area before. You are more familiar with it than I am. Still, bypassing through, the only residences I saw were down that pleasant Street behind the Pet Store. One is by the hairdresser area. Which isn't in Direct Line of sight to the sign. Then I believe it's around back there are residential neighborhoods as well, so this is only going to be scheme passerby, and it's not going to be in a close enough region to shine directly into anybody's windows as you mentioned

MM – How far is the setback from the city property line?

LM – The sign was on the island in the parking lot

BC – It's way off the road's beaten path because as you're coming into the City, the corner, the weight of that Street is eased. If that sign were right next to the road, it would distract motorists passing by. When this property was built, it pushed the sign back quite a bit, but as the sign is there right now, you cannot put any real tenant information on a sign that size. You can see how having small signage would distract motorists because, as they pass by, squinting to try to read what was in that area and have their eyes off the road for more time.

MM - My question was, how far off the city property it is, but you don't need to provide that because it's probably a good 20 plus feet, maybe even more.

BC - I'm trying to find a number for you; the plan we got was on file and didn't have any specific numbers. There's a scale that I see a different part of the map that shows an 18-foot mark, so if I use that 18-foot mark from the property line, I would say at least 20 to 25 feet back from the property line. The property lines show up about where the fire hydrant is located; on that first median, it's closer to the road.

GB - You've got this set up as a 3-panel sign that's the intent

BC - That is correct

BG - I'm curious about the building. How many tenants do are intended to be in that building, do we know?

BC - It is an 18,000 square foot building. I don't think having more than three would be an efficient use of space; that's why it was chosen to be like this.

BG – So, if you did divide it up into full of, that sign would have to be the sign, and it would become a four-panel sign. Can you make it into a four-panel if that ever occurred?

BC – Yes, the panels can be adjusted accordingly based on that, so they wouldn't need to, for say, add onto that sign to get more panels

BG - One last question I did visit the site; it is set back significantly from the road. I understand the concern there is visibility for the building; there is a tree next to the existing sign. I'm assuming that trees would have to come down.

BC - I believe so, but again let me double-check my photos here.

BG - I'll be shocked if you can get this sign in there without doing that.

BC - I see that tree; we might be able to with some trimming of the tree's side, but we would like to try to keep the landscape. Especially trying to do our part with the environment, so we have to tear the tree down in the worst-case scenario. We could find a spot to put another tree up to balance that off.

JB - On the last page of the application is a diagram of the new building plus the parking lot.

I'd like to know if those circles on the strip where the sign is supposed to be are trees?

BC – Yes, it is a landscape diagram, and those represent trees in Bush

JB – So, we are going to have a lot of green space in this parking lot.

BC - That is correct

LM - I don't have any questions because it sounds that it is going to be a freestanding style, looking for an additional foot in height. Dimensionally looking for 91-square feet, it's going to be LED illuminated pylon and will not be movements in each of the businesses.

BC – Correct, there will be no movement. All of the imagery on design is static.

LM - Will do have the ability to turn off or at least go to the lower level at a specific time evening?

BC - Are you inquiring about a timer?

LM - A timer to go down and so it's not so intrusive at nighttime or intrusive to some neighbors and people driving in the dark

BC – Yes, it can be something that can be work in

LM - What would be the proper timing of that?

BC – I'm not 100% familiar with your City's bylaws with lighting. Do you have any specific bylaws saying when signs can be operational after a business closes?

LM - We take it as a case by case

BC – Typically, what we like is to have the sign turn on at dusk and then turn off 2-hours after the last business closes

LM - And when is that issue?

BC - Right now is UMass, and they close at 8:00 PM.

LM – That's the latest?

BC - As of right now, yes.

LM – So, 10:00 PM will be what you are looking for on daily basics

BC - Yes

LM - To clarify, is the sign staying in the same position? when treating and all about you are not moving up to any side

BC - Correct, we are keeping the sign in the same spot.

LM - I wanted to make sure because I am concerned about this because it is a curve on this location, and people try to read and go around a little bit of banding.

BC – Exactly, and that's why as I mentioned in my presentation that we thought this would be a respectable size because of that corner specifically, and we know how distracted drivers are as is. So, we didn't want to have it was too small that drivers would be taking their eyes off for that extra amount of time.

BG - He did say that he would like to have the light go off two hours after the last business closes. I'm wondering what time you would like to put the light on in the morning. I know that it's dark in the morning now, and perhaps 6:00 o'clock.

LM – He did say that usually set up to when dusk and then we turn it up two hours after the businesses closed

BG - Adjust between dusk than in the morning

JS - 6:00 AM to 10:00 PM that's reasonable. I have no problems with it. I'm glad they put in a couple of trees.

GB - I have no conditions beyond what's about has already been stated.

JB - Don't we have a standard condition to put on signs?

LM – Those are for electronic and moving and the Department of Transportation, but those do not apply to this

MM – In favor, In that particular neighborhood, it's a predominantly commercial and retail business. Then it would be of interest to the neighborhood. Petition meets the criteria for a Variance.

MM - Sign will be static, no flashing or animation - Maximum height 25 feet - Ground to bottom of sign clearance seven and a half feet – Sign not to exceed 191 square footage - Sign to turned at dusk to 10:00 PM.

MM - Motion on ZBA-2021-01 under §181.181.5351 & §181.5354 to **Grant a Dimensional Variance** as requested with the following conditions:

1. Sign will be static no flashing or animation
2. Maximum height 25 feet
3. Sign ground to bottom clearance not less than 7 ½ feet

4. Sign area not to exceed 191 square feet
5. Hours of operations: to turn on at dusk and to turn off 2-hours after last business closes or no later than 10:00 PM

JB – Motion Seconded

Roll Call Vote 5 – 0 to **Grant** the **Variance** with conditions

6. MISCELLANEOUS

Election of Officers:

LM – We need to elect our Board positions for the current year

LM - do we want to vote on this evening?

LM – Does anybody had any interest in any positions? For Chair, Vice-Chair, and Clerk

LM – Anthony was a Clerk, and now he is leaving us

AZ – Yes, so we need a Clerk.

AZ - I'm going to abstain from any vote, by the way, since I won't be here for whoever ends up getting elected. So, I feel like I shouldn't get a say in who is going to be

LM - Somebody wanted to nominate a Clerk position. Is anyone have any interest in being nominated?

LM - I'd like to nominate Joe Byrne as a clerk for 2021

BG – Motion Seconded

The Zoning Board of Appeals by roll call voted unanimously to nominate Joe Byrne as a Clerk for 2021.

LM - Does anyone have any interest in Vice-Chair?

LM - Do you have any interest in Chair?

MM - I would be more than happy to serve the Board in any capacity they wish

JH - I nominate Michael McLaughlin as Vice-Chair.

JB – Motion Seconded

The Zoning Board of Appeals by roll call voted unanimously to nominate Michael McLaughlin as a Vice-Chair for the 2021 year.

JH – Nominate Lauren McNamara as a Chair for the 2021 year

JB – Motion Seconded

The Zoning Board of Appeals by roll call voted unanimously to nominate Joe Byrne as a Clerk for 2021.

MM - On behalf of the Board, I would like to say you do a tremendous job. We all appreciate what you do. To everybody on the Board, it's a hard, difficult Board to be. We make difficult decisions, and everybody does a great job. I've been on it for 20 years, and I have to say we have one of the best boards that I've seen in many years. You're a good leader

7. ADJOURNMENT