



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN

DIRECTOR

STAFF REPORT

REPORT DATE

June 29, 2018

PLANNING BOARD MEETING

July 11, 2018

Case #18-32: GROUND SIGN SITE PLAN REVIEW

4317 Acushnet Ave.

Map: 136A Lot: 55

Owner: Paul T. Tetrault
Trustee of the Paul T.
Tetrault & Susan L.
Tetrault Living Trust
1070 Tobey Street
New Bedford, MA

Applicant: Poyant Signs, Inc.
C/o Stephanie Poyant
125 Samuel Barnet
Blvd.
New Bedford, MA
02745



Overview

Request by applicant is for **New Ground Sign Site Plan** approval for a new pylon sign for Tetrault Insurance, located at 4317 Acushnet Avenue in a in a Mixed Use Business [MUB] zoned district. The proposed sign will replace the existing monument sign located in front of the building. Site Plan Review is required for commercial or industrial ground signs under Chapter 9 Comprehensive Zoning Section 5427.

Background

The applicant appeared before the Zoning Board of Appeals on April 12, 2018 for an Administrative Appeal (Case 4319) and a Variance (Case 4317) for the installation of a ground sign with an Electronic Message Cabinet (EMC). The electronic message board portion required the ZBA's determination as the zoning ordinance prohibits "Any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature" per Chapter 9 section 3222 concerning prohibited sign types. Additionally, due to the proposed sign area square footage exceeding 25 square feet, a Variance was required as well.

The Zoning Board of Appeals granted both the Administrative Appeal and the Variance at the hearing on April 12, 2018, providing relief for the EMC use and the proposed sign area of the new sign. Decisions for both cases were

stamped by the City Clerk's Office on April 26, 2018 and have been attached as supporting documentation to this staff report.



Existing Conditions

The existing 9,488 SF corner lot has 100' of frontage on Acushnet Avenue and 94.5' on adjacent May Street. The property site includes a single story office building (44'x24') which serves as the office of Tetraault Insurance, with an eleven-space parking lot in the rear, or west side of the property. There is an existing 43.8 SF internally illuminated ground sign located in front (east) of the building along Acushnet Avenue; as well as two internally illuminated wall signs (one on the south façade and one on the north façade).

The property is located in the far north end Sassaquin neighborhood. The properties along Acushnet Avenue in this area are zoned Mixed-use Business. Directly abutting the property to the north is another office building, and diagonally northeast across Acushnet Avenue is Sassaquin Pizza. Surrounding businesses also feature ground signs. The neighborhood behind, or west of the property is zoned Residential A [RA]. Single family residential dwellings abut the property in the rear (west) and south across May Street. A two-family dwelling is located diagonally southeast across Acushnet Avenue.

Proposed Conditions

The petitioner proposes to remove all the existing signage on the property and install a new ground sign in the same location as the existing ground sign. The proposed ground sign would consist of an electronic message cabinet, and would have an overall sign area of 55.34 SF (of which ZBA relief has already been granted for both items). The sign as proposed would consist of a single sign with two components: an upper, internally



illuminated sign cabinet (8.2'x5.06') and lower electronic message board (8.2'x2.4') below. The sign as proposed would have an overall height of 11'-1 ½" from the ground to the top of the sign and the height from the ground to the base of the sign (electronic message board) would be 3'-4.5".

The internally illuminated upper cabinet would have a white lexan face with burgundy vinyl applied over and be illuminated with white LED illumination. The lower cabinet will be a 16mm full color electronic message center.

Site Plan Approval

Site Plan Review is required for commercial or industrial ground signs (Ch. 9 Section 5427)

In considering Site Plan Approval for the proposed project, the Board must find the plan to meet a number of objectives identified in Section 5470 of the City's (c.9) Zoning Ordinance including:

- **Adequate access to each structure for fire and service equipment;**
- **Adequate provision for utilities and stormwater drainage;**
- **Site alteration shall be designed after considering the qualities of the specific location, proposed land use, the design of building form, grading, egress points and other aspects of the development** so as to:
 - Maximize pedestrian/vehicular safety to/from the site;
 - Minimize the obstruction of scenic views from publicly accessible locations;
 - Minimize visual intrusion by controlling layout/visibility of parking, storage and outdoor service areas viewed from public ways and residential areas;
 - Minimize glare from vehicle headlights and lighting fixtures;
 - Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity;
 - Ensure compliance with the Zoning Ordinance;
 - Minimize damage to existing adjacent public ways;

The proposed sign exceeds the maximum size and has a digital message center. The sign has already received approval for these items from the Zoning Board of Appeals. The decision of the ZBA cannot be altered by the Planning Board in regards to the proposed sign's size or electronic message cabinet component.

The sign location as proposed is appropriate as it is along the commercial frontage and is in the same location as the previous sign. It is similar to other monument signs in the immediate area, and has minimal impact on vehicular traffic as it is setback from the roadway. In light of these circumstances staff finds that, with the conditions presented under "staff recommendations", this proposal satisfies these zoning code objectives.

Review Comments

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

Comments from city departments were not received as of the writing of this report. Any comments received will be made available at the public meeting.

Master Plan Goal

The proposal is consistent with the Master Plan in that the proposed sign would support the active use of an existing commercial property.

Materials for Consideration

The plan set consists of the following sheets, prepared by Poyant Signs:

- ✚ Cover Sheet
- ✚ Sheet 1 Sign Location Plan
- ✚ Sheet 1C.1 Sign Elevation and Photo Comparison of Existing and Proposed
- ✚ Sheet 2A.1 Photos of Existing
- ✚ Sheet 1 Sign Location Plan

Staff Recommendations



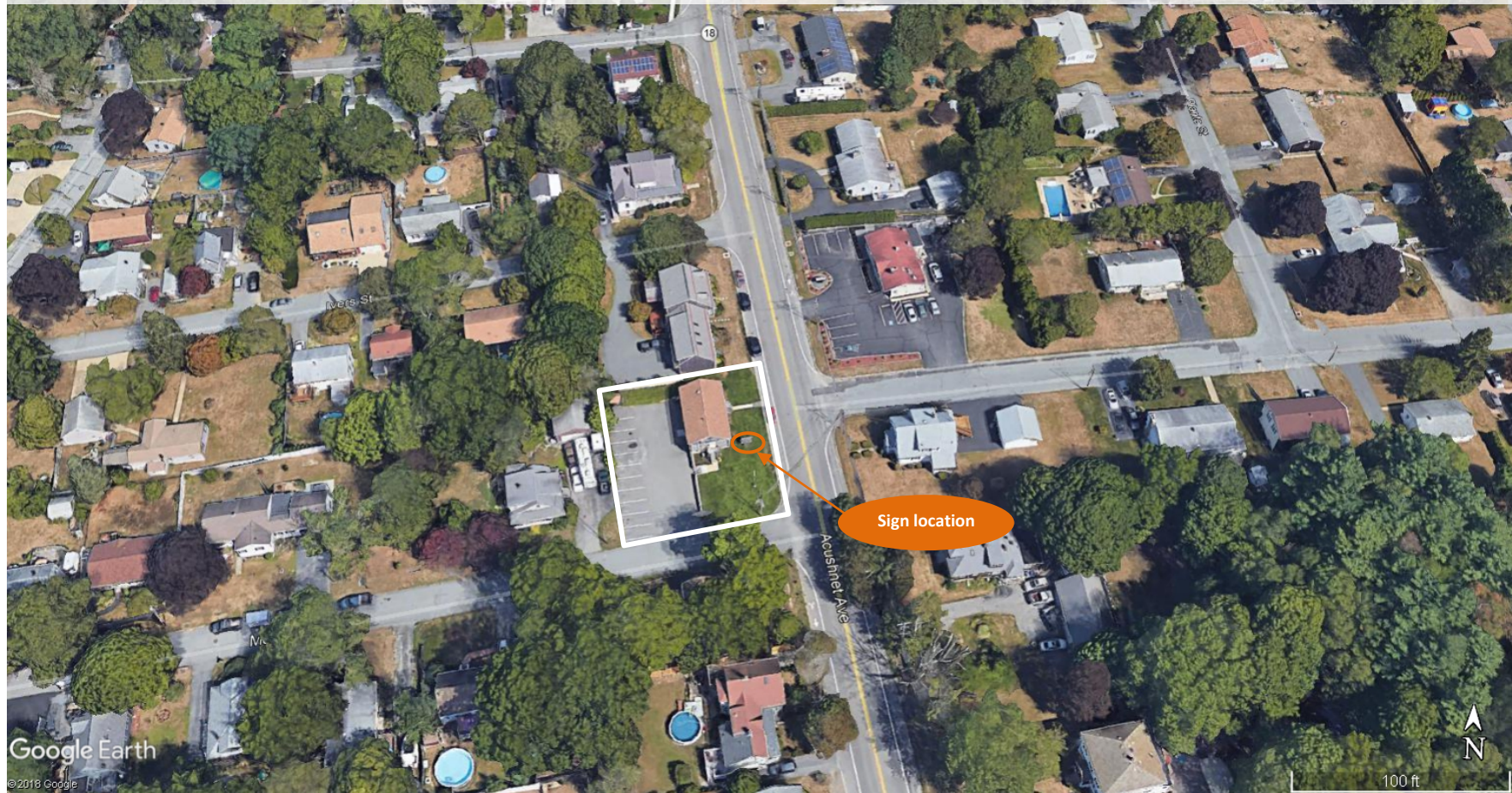
Site Plan Approval. Having reviewed the submitted materials, planning staff offers the following recommendations for conditions to the Planning Board should it act favorably on the requested site plan approval for the project:

- That the following general conditions be applied to this decision:
 - The project shall be completed according to the plans, notes, reports, and specifications submitted for consideration and final approval by the Planning Board.
 - The applicant shall submit final plan revisions to the Planning Division in the following formats: one (1) -11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
 - The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be provided for the Planning Division Case file folder.
 - The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
 - The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or they will lapse.

Materials Provided by the Applicant are available at: <http://www.newbedford-ma.gov/planning/planning-board/planning-board-agenda-info-2018/>)

4317 Acushnet Avenue Map: 136A, Lot: 55

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.





ZONING BOARD of APPEALS

City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508) 979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

| | | | | |
|-----------------------------------|---|----------------------|--------------------|---------------------------|
| Case Number: | #4318 | | | |
| Request Type: | Variance | | | |
| Address: | 4317 Acushnet Avenue | | | |
| Zoning: | Mixed Use Business (MUB) | | | |
| Recorded Owner: | Paul T. Tetrault | | | |
| Owner Address: | 1070 Tobey Street, New Bedford, MA 02745 | | | |
| Applicant: | Poyant Signs Inc., Stephanie Poyant Moran | | | |
| Applicant Address: | 125 Samuel Barnet Blvd, New Bedford, MA 02745 | | | |
| Application Submittal Date | Public Hearing Date | Decision Date | | |
| January 22, 2018 | April 12, 2018 | April 12, 2018 | | |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 136A | 55 | 8718 | 229 | |

Registry of Deeds/City Clerk Use Only:

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NEW BEDFORD, MA
2018 APR 26 P 4:04
CITY CLERK

A Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district. The petitioner proposes to install a ground sign with an EMC (electronic message cabinet) as plans filed.

Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the Conditions as described in the attached decision. (See Attachment)

A copy of this Decision was filed with the City Clerk of the City of New Bedford on April 26th, 2018. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

4/26/2018

Date

Allen Decker, Clerk of the Zoning Board of Appeals

APPLICATION SUMMARY

The petitioners propose to install a ground sign with an EMC (electronic message cabinet) as plans filed, which requires a Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district.

1.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Proposed Plan Set, drawn by Poyant Signs, dated December 20, 2017, including:
 - Sign Type 14268. 1C-R2 – 1C1
 - A. Sign Elevation – Front View
 - B. Sign Elevation – Side View
 - C. Photo Comp - Existing
 - D. Photo Comp - Proposed
 - Sign Location Plan I
 - A. Photo Comp – Proposed

Other Documents & Supporting Material

- Completed Petition for a Variance Form, stamped received by City Clerk's Office January 22, 2018.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated January 29, 2018.
- Staff Comments to the ZBA from the Office of the City Planner, dated April 12, 2018.

2.) DISCUSSION

On the evening of the April 12th, 2018 meeting, board members: Deb Trahan, Allen Decker, Leo Schick, Robert Schilling and John Walsh were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Kirsten Bryan (Acting City Planner, Planning Division) were present during proceedings for the subject case review.

Clerk Decker made a motion, seconded by Mr. Walsh to receive and place on file: communication from the Commissioner of Buildings and Inspectional Services, Danny D. Romanowicz, dated January 29, 2018; communication from the Office of the City Planner dated April 12, 2018; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified. With all in favor, the motion carried.

Chair Trahan then declared the hearing open.

The petitioner, Stephanie Poyant Moran of Poyant Signs, Inc., on behalf of their client Paul T. Tetrault, is seeking to use the existing sign structure, currently 43.82 sq. ft., including a manual reader board portion. The top cabinet of the proposed sign would be refaced and painted. Ms. Poyant Moran stated the request includes an electronic message center replace the reader board. The message center will show public service announcements, including daily time and temperature. She noted the sign will not

flash or scroll, and explained the static screen changes every ten seconds, per Highway Safety standards. Ms. Moran stated the request is that the bottom portion of the sign will be on from 6:00 a.m. to 10:00 p.m. She stated the sign will be no different from other area signs, such as Walgreens.

Ms. Poyant Moran stated that she had already appeared before the Planning Board for site plan review as required. She stated that as a result, the height of the sign has been reduced to meet the code of 15'. Ms. Poyant Moran stated that she and client have also agreed on a 6' setback, and are appearing before the Zoning Board of Appeals regarding square footage only. Ms. Poyant Moran noted an outstanding issue remains in regards to sign location on the property. She stated a certified site plan will be submitted following the hearing. Ms. Poyant Moran also added that the proposed sign would be located as far west on the property as possible and still be visible.

Ms. Poyant Moran described the proposed site area and stated that she and her client are seeking approval of a 37 s/f sign to ensure readability from the highway off-ramp, giving drivers time to decide to pull in. She explained the factors necessary to accomplish this, such as lettering height.

In response to Chair Trahan, Ms. Poyant Moran stated that the sign will not flash, and will have static LEDs meeting regulations.

Following the petitioner's testimony, Chair Trahan invited to the podium anyone wishing to speak in favor of the application. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Chair Raffa-Trahan invited to the podium anyone wishing to speak in opposition of the petition. No one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Alan Wolstenholme said he was not expressing opposition but wanted to share information of lighting, such as the brightness of the sign face in daytime and evening based on candelas or nits. Mr. Wolstenholme requested was interested in learning of specific information regarding the brightness of the sign.

Ms. Poyant Moran stated she could provide the answer to the board in response to Mr. Wolstenholme's inquiry. In response to Chair Trahan, Ms. Poyant Moran stated that the proposed sign was no different than any other sign that Poyant Signs Inc. installs.

In response to Mr. Schilling, Ms. Poyant Moran said the sign is perpendicular to the road. She also noted that the sign will only be lit at night.

Ms. Moran stated that another gas station/food store is expected to open nearby, and Dunkin Donuts is looking to catch the attention of those coming off the highway.

Chair Raffa-Trahan closed the hearing. The board indicated their readiness to vote.

4. FINDINGS

Criteria for Approval of Dimensional Variation (Ch. 9, Sect. 2730)

The Board of Appeals may vary otherwise applicable dimensional requirements pertaining to frontage, lot area, building height, and sidelines upon finding the following:

- a.) *That owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant;*

The Board found that due to the shape of the lot, existing abutting structures and existing information road signs, the size of the proposed sign a necessity. In this case, without the size as requested, the traveling public would not easily locate the business or know of its presence or if it were open for business. The Board found that literal enforcement of the provisions of the ordinance would involve substantial hardship.

- b.) *And, that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.*

The Board found that relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

- c.) *That desirable relief may be granted without substantial detriment to the public good;*

The board found relief may be granted without substantial detriment to the public good.

5.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth in Section 6.

The Board grants the applicant's request for relief from Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), 3255 (area restrictions for ground signs), and 3256 (location restrictions); relative to property located at 1169 Braley Road, assessor's map 136A, lot 927 in a Mixed Use Business District [MUB] zoned district. To allow the petitioners to install a pylon sign as plans filed.

6.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested variance.

A motion to approve was made by Mr. Decker and seconded, as follows:

In regards to Case #4318 for Paul T. Tetrault, Trustee of the Paul T. Tetrault and Susan L Tetrault Living Trust (1070 Tobey Street New Bedford, MA) and Poyant Signs, Inc. c/o Stephanie Poyant Moran (125 Samuel Barnet Blvd) relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district; to allow the petitioners to install a ground sign with an EMC (electronic message cabinet) as plans filed, which requires a Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs). Having reviewed this petition in light of the City of New Bedford Code of Ordinances Chapter 9 Comprehensive Zoning sections as cited; the board finds that in respect to these sections the application has made sufficient arguments.

In addition to the foregoing section this petition has been found to be in accordance with Massachusetts General Law Chapter 40A section 10 relative to the granting of variances because the board found:

- That there are circumstances relating to the soil conditions, shape or topography especially affecting the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located;
- And due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant;
- And that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw;
- And that desirable relief may be granted without substantial detriment to the public good.

In light of its review of the specifics of this case, the applicable sections of the city's zoning ordinance, the findings subsequently made based on these items along with all properly submitted materials and testimony made, and the board's careful consideration of the petitioner's request, the Zoning Board of Appeals finds that the petition satisfactorily meets the basis of the requested relief.

Specific Conditions on this decision shall include:

- 7AM-8PM for sign operation of the message center
- Messages changes in the electronic message cabinet are no more frequent than 30 seconds.

Conditions on this decision shall include:

- That the project be set forth according to the plans submitted with the application.
- That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk's Office be recorded at the Registry of Deeds.
- The rights authorized by the granted variance must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or the approval will lapse.

On a motion by A. Decker, which was seconded, to grant the requested Variance, the vote carried 4-1-0 with members J. Walsh, A. Decker, R. Schilling, L. Schick, and voting in the affirmative; and D. Trahan voting in the negative; no member abstained. (Tally 4-1-0).

Filed with the City Clerk:



Allen Decker
Clerk of the Zoning Board of Appeals

4/26/2018

Date



ZONING BOARD of APPEALS

City Hall, Room 303
133 William Street,
New Bedford, MA 02740
(508) 979-1488
www.newbedford-ma.gov

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

NOTICE OF DECISION

| | | | | |
|-----------------------------------|---|----------------------|--------------------|---------------------------|
| Case Number: | #4319 | | | |
| Request Type: | Administrative Appeal | | | |
| Address: | 4317 Acushnet Avenue | | | |
| Zoning: | Mixed Use Business (MUB) | | | |
| Recorded Owner: | Paul T. Tetrault | | | |
| Owner Address: | 1070 Tobey Street, New Bedford, MA 02745 | | | |
| Applicant: | Poyant Signs Inc., Stephanie Poyant Moran | | | |
| Applicant Address: | 125 Samuel Barnet Blvd, New Bedford, MA 02745 | | | |
| Application Submittal Date | Public Hearing Date | Decision Date | | |
| January 22, 2018 | April 12, 2018 | April 12, 2018 | | |
| Assessor's Plot Number | Lot Number(s) | Book Number | Page Number | Certificate Number |
| 136A | 55 | 8718 | 229 | |

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CITY CLERK

A Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district. The petitioner proposes to install a ground sign with an EMC (electronic message cabinet) as plans filed.

Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the Conditions as described in the attached decision. (See Attachment)

A copy of this Decision was filed with the City Clerk of the City of New Bedford on April 26th, 2018. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

4/26/2018

Date

Allen Decker, Clerk of the Zoning Board of Appeals

APPLICATION SUMMARY

The petitioners propose to install a ground sign with an EMC (electronic message cabinet) as plans filed, which requires a Variance under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district.

1.) MATERIALS REVIEWED BY THE BOARD

Plans Considered to be Part of the Application

- Proposed Plan Set, drawn by Poyant Signs, dated December 20, 2017, including:
 - Sign Type 14268. 1C-R2 – 1C1
 - A. Sign Elevation – Front View
 - B. Sign Elevation – Side View
 - C. Photo Comp - Existing
 - D. Photo Comp - Proposed
 - Sign Location Plan I
 - A. Photo Comp – Proposed

Other Documents & Supporting Material

- Completed Petition for a Variance Form, stamped received by City Clerk's Office January 22, 2018.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated January 29, 2018.
- Staff Comments to the ZBA from the Office of the City Planner, dated April 12, 2018.

2.) DISCUSSION

On the evening of the April 12th, 2018 meeting, board members: Deb Trahan, Allen Decker, Leo Schick, Robert Schilling and John Walsh were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Kirsten Bryan (Acting City Planner, Planning Division) were present during proceedings for the subject case review.

Clerk Decker made a motion, seconded by Mr. Walsh to receive and place on file: communication from the Commissioner of Buildings and Inspectional Services, Danny D. Romanowicz, dated January 29, 2018; communication from the Office of the City Planner dated April 12, 2018; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified. With all in favor, the motion carried.

Chair Trahan explained that the Cases 4318 (Variance) and 4319 (Administrative Appeal) were related to the same case, and as such offered that both cases may be heard at once, however, the vote for the Administrative Appeal (Case 4319) would need placed prior to the vote for the Variance (4318).

Chair Trahan then declared the hearing open.

The petitioner, Stephanie Poyant Moran of Poyant Signs, Inc., on behalf of their client Paul T. Tetrault,

is seeking to use the existing sign structure, currently 43.82 sq. ft., including a manual reader board portion. The top cabinet of the proposed sign would be refaced and painted. Ms. Poyant Moran stated the request includes an electronic message center replace the reader board. The electronic message center would show public service announcements, including daily time and temperature. She noted the sign would not flash or scroll, and explained the static screen changes every ten seconds, per Highway Safety standards. Ms. Poyant Moran stated the request is that the bottom portion of the sign will be on from 6:00 a.m. to 10:00 p.m. She stated the sign will be no different from other signs in the area, such as Walgreens.

In response to Chair Trahan, Ms. Poyant Moran stated that she does not know the measurement of the proposed brightness of the sign, but the model that would be used is made in the United States and features built in dimmers.

In response to Mr. Schick, Ms. Poyant Moran confirmed there was no flashing, scrolling or video, and further explained what is meant by "flashing."

In response to Mr. Walsh, Ms. Poyant Moran stated that 25 sq. ft. is allowed by code. She stated the existing sign was approved at 43.82 sq. ft., and the new sign would increase the square footage by 11.52 sq. ft. Ms. Poyant Moran also noted that both building signs would be removed, which encompasses a total of 48 sq. ft. of signage to be removed. She also responded to Mr. Walsh by explained that the proposed sign would increase in height 29", however, the proposed increase in height would still be compliant with the code.

Following the petitioner's testimony, Chair Trahan invited to the podium anyone wishing to speak in favor of the application. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

In response to Chair Trahan's invitation to speak or be recorded in favor, Jennifer Tetreault Seleski, Vice President of Tetreault Insurance, stated she was representing her parents. She stated the proposed replacement of the existing sign would be a big investment for the business, and added that the existing sign has been there since 1994. Ms. Tetreault Seleski stated that messages on the electronic message center would be related to their products and services, in addition to community service messages. She also explained the existing reader board sign is changed manually, which can present a challenge in inclement weather, and the proposed sign would enhance the business.

In response to Mr. Decker, Ms. Tetreault Seleski stated that the property is commercially zoned and a neighboring business also has a lit sign. She explained this sign is more conducive to their business type with different financial products and discounts to highlight, rather than a business with a single product to sell.

Chair Trahan requested the speaker delineate a hardship related to a denial of the request.

Ms. Tetreault Seleski explained that due to the large investment of a new sign, it would not make sense to replace the existing sign with a non-modernized sign.

In response to Chair Trahan, Ms. Tetreault Seleski stated that there may be five neighborhood houses that would see the proposed sign, just as they would see the other four signs present in the neighborhood. She explained the message change time is not as important as the ability to get message out to their client base.

In response to Chair Trahan's invitation to speak or be recorded in favor, Councilor At-Large Linda Morad spoke in favor of the project.

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Allan Wolstenholme expressed concerns about the electronic display cabinet. Allan offered recommendations

In response to Chairperson Trahan's invitation to speak or be recorded in opposition, Karen D. Boutin, an abutter to the site location, expressed concerns about the sign and explained that the sign does not fit within the city.

In response to the comments in opposition, Chair Trahan invited Ms. Poyant Moran to offer a rebuttal in response to the comments in opposition. After significant conversation between Ms. Poyant Moran and the board regarding electronic message center specifications, Chair Trahan closed the hearing to speak amongst the board members.

The board engaged in substantial discussion related to the potential conditions for the electronic display cabinet sign. Chair Trahan emphasized that she did not feel that there was a hardship associated with the request for the proposed sign. The remaining board members indicated a willingness to vote in the affirmative with several outlined conditions.

Chair Raffa-Trahan closed the hearing. The board indicated their readiness to vote.

4. FINDINGS

The Board found the following facts:

1. The proposed sign will provide public service such as time, temperature, and community events.
2. The proposed sign will provide exposure to the business and their products and services

5.) RELIEF

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth in Section 6.

The Board grants the applicant's request for relief from Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3250 (regulations governing particular types of signs), 3254 (ground sign), and 3255 (area restrictions for ground signs); relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot

55 in a Mixed Use Business District [MUB] zoned district. To allow the petitioners to install a ground sign with an EMC (electronic message cabinet) as plans filed.

6.) DECISION

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested Administrative Appeal.

A motion to approve was made by Clerk Decker, and seconded, as follows:

In regards to Case #4319 for Paul T. Tetrault, Trustee of the Paul T. Tetrault and Susan L Tetrault Living Trust (1070 Tobey Street New Bedford, MA) and Poyant Signs, Inc. c/o Stephanie Poyant Moran (125 Samuel Barnet Blvd) relative to property located at 4317 Acushnet Avenue, assessor's map 136A, lot 55 in a Mixed Use Business District [MUB] zoned district; to install a ground sign with an EMC (electronic message cabinet) as plans filed, which requires an Administrative Appeal under Chapter 9 Comprehensive Zoning sections 3200 (sign regulations), 3210 (purpose), 3220 (prohibited signs), 3222 (any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public services signs such as those that display time and temperature). The petitioner is appealing a rejected building permit issued by the Department of Inspectional Services. The permit was requested for the installation of signage, to include an electronic message center.

Specific Conditions on this decision shall include:

- 7AM-8PM for sign operation of the message center
- Messages changes in the electronic message cabinet are no more frequent than 30 seconds.

General Conditions on this decision shall include:

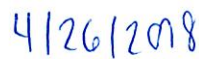
- That the project be set forth according to the plans submitted with the application.
- That the applicant shall ensure a copy of the Notice of Decision bearing the certification of the city of New Bedford City Clerk's Office be recorded at the Registry of Deeds.
- The rights authorized by the granted variance must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted or the approval will lapse.

On a motion by A. Decker, which was seconded, to grant the requested Variance, the vote carried 4-1-0 with members J. Walsh, A. Decker, R. Schilling, L. Schick, and voting in the affirmative; and D. Trahan voting in the negative; no member abstained. (Tally 4-1-0).

Filed with the City Clerk:



Allen Decker
Clerk of the Zoning Board of Appeals



Date