



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MINUTES OF A PUBLIC HEARING

Street, LLC – ZBA FILE #11-03

Jim McLaughlin, New Life Community Church

Finding/Special Permit

May 3, 2011

Board Members Present:

Jeff Moore, Chairman

Paul Shilhan, regular member

Dave Kapnis, regular member

Gina Thibeault, regular member

Sharon Freeman, regular member

Absent: Paul Taraszuk, associate member

Zoning Clerk: Patty Pitari

J. Moore opens the Hearing at 7:58pm, D. Kapnis read the legal ad; An application has been made by Jim McLaughlin, New Life Community Church, 186 East Main Street, Georgetown Ma., for a Finding/Special Permit under; M.G. L. Chapter 40A, Sections 6, 7, 9 and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 64,79 and 94. The applicant is requesting to replace a pre existing sign in the RB zone. The premises affected is 186 East Main Street, in the RB district and identified on Assessor's Map 10, Lot 8.

J. Moore introduced the board and noted the voting members.

Applicants Presentation:

Rev. Jim McLaughlin of New Life Community Church – I am the Pastor at New Life, that makes me the President of the corporation by virtue of our bylaws, I am not the owner. Last spring the wind storms blew down one of the columns of our sign, It had 3 columns, we make inquires to fix it and I found the cost were costly, as the sign was built in 1987, there was no base, they had just dug about 1 - 2 ft into the ground, so there was no substructure, the people I have look at it, and the minimum unofficial estimate was \$14,000 just to repair it not replace it properly, we determined for less money we could put a sign with an appropriate base not a V shaped sign but would be perpendicular to the road to go to a 30 sq. ft sign to a 24 ft sign, in the same general area, we want it to look nice but we don't want it to be a distraction, having a changeable track on the bottom would work as we would not have to use banners and such. This new proposed sign was done by Dave Babcock at Sign Co. Graphics. The existing sign is lit with 2 external lights, and the new one. The sign would actually be smaller than the existing sign in total area. The building inspector told us we would need to have the board's approval.

D. Kapnis – What is the height?

Rev. Jim McLaughlin - The top of the post is 6' 5" would be 6' 8" and top of the column on the current sign is 6' 8" and so is the new sign, so it's the same height.

Setbacks are 31 ft to sidewalk and 42 ft. Driveway

Exhibit A – Email from the Building Inspector

Exhibit B – Sign by Sign Co.

New Correspondence

J. Moore – Just a procurer to the correspondence, there are no special permit provisions to grant signs inconsistent with the signage requirements in the bylaw, they are the requirements that have to be met, and it could require a variance, however as we dealt with another sign recently with a similar issue, and we received the following email.

J. Moore read the Email from Building Inspector – dated April 7, 2011 – Exhibit A

The existing sign to be removed and replaced with a new sign was installed in 1986 as part of the building construction. This structure has been continually in use and is still in use today. The sign bylaw was passed on 3/3/1970. The existing sign does not predate the sign bylaw however it is protected from enforcement under Chapter 40A section 7 AKA 10 year statute of limitation.

J. Moore – You don't need a variance, as long as there has been no enforcement with you for the sign that was there in the last 10 years, you are there could be no enforcement now, then this board could make a finding in looking at the evidence, and you supplied some information when the previous sign was purchased back in 1987.

Rev. McLaughlin provided proof in his application of when the old sign was done, as part of application was a general fund worksheet from 1986-87, and a cash disbursement journal dated 4/13/1987 from Lynn Sign for \$2,700, the dimensions of the sign are 4 ft high X 6 ft. wide X 8 inches Deep, the front edge is 6.5 ft. high.

With the Building Inspector's email this should be treated as a Finding.

Audience - None

Board Discussion

P. Shilhan – What did the building inspector give you a permit for in February of 2001, its still 10 years.

Rev. McLaughlin – When you look at the picture of the old sign in green, they were 2 one sided signs, with removable letters and lighted, but we changed the name of the church from First Baptist to do the wooden ones with the exact same size.

S. Freeman – Will the brick be removed?

Rev. McLaughlin – Yes will remove the brick and we will put a flower holder under, so the sign will be in the same exact spot.

G. Thibeault – Is the orientation changing a little, there is an l shape on the plot plan.

Rev. McLaughlin – Yes, it will not be V shaped, and it will be perpendicular to the road.

J. Moore – This case is not as straight forward as it may seem, I had several conversations with the building inspector, there is no provision specifically for signs, but we have modified existing special permits for signs, but if this was a pre existing non conforming structure and we talked about if this does, and we came to the conclusion, but it doesn't meet the state statue for nonconforming, and it's not a variance either, and because of 40A, section 7 of the state statue.

J. Moore reads the state of limitations, the grandfathering clause 40A section 7. We need to find you meet the requirements. The Building Inspector found you needed to come here for the decision, but he could have found that you did not. It's interesting to note, that if he has the authority to not enforce the bylaw here, but he did, he gave you a denial and the reason he did is he wants to make sure this board makes those types of findings. So this will be a finding by the board.

Rev. McLaughlin – I also spoke to the building inspector about the same, he said he could just let it go forward, but I think it should really go before the board, and the best way to maintain your public demeanor.

J. Moore – Has the sign always been lit?

Rev. McLaughlin – Yes it has always been lit and it is the original wiring from 1987.

G. Thibeault – Is there a timeframe of when it is lit?

Rev. McLaughlin – From sunset till about 11:30pm, these are Led lights, our plan is to keep it from sundown and not beyond midnight, and they go around the outside edge. The old one had an internal incandescent bulb. Dusk till 11:30.

S. Freeman – What about the addition tracks on the bottom of the sign.

J. Moore – We can't put conditions on a finding.

Rev. McLaughlin – We can put dates of special events, the sign is constant the track is not.

Motion - D. Kapnis/P. Shilhan - I move that the board find that substantial and credible evidence presented at this hearing confirms that at the existing sign at 186 East Main Street has been in place for 10 years or more and that pursuant to Chapter 40A, Section 7, no enforcement action shall be allowed compelling the removal, relocation, or alteration of the sign. All in favor, motion carried.

J. Moore – I think I would like to make a friendly amendment that the sign can be altered per plan submitted, or we can withdraw the motion.

Put into the record - Exhibit C – Plot plan dated June 9, 2009 by Professional Land services

D. Kapnis – I would like to withdraw my motion. **Previous Motion Withdrawn.**

MOTION - D. Kapnis/P. Shilhan – I move that the board find that substantial and credible evidence presented at this hearing confirms that at the existing sign at 186 East Main Street has been in place for 10 years or more and that pursuant to Chapter 40A, Section 7, no enforcement action shall be allowed compelling the removal, relocation, or alteration of the sign and further that the sign may be modified in accordance with Exhibits B (depiction of 4 ft c 6 ft. sign by Sign Co.) and C (Plot Plan), All in favor, motion carried.

Vote:

P. Shilhan– Yes

S. Freeman – Yes

G. Thibeault - Yes

D. Kapnis – Yes

J. Moore – Yes

The Finding was Granted 5-0 in Favor.

J. Moore – We have 14 days to create the decision, Patty will give you instructions.

Motion – S. Freeman/ P. Shilhan to close the hearing for 186 East Main St., no discussion, all in favor, Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved July 12, 2011