

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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2/2/12 3pm
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Petitioner: BRIAN F. WATTS

Case No:800A

Date Filed: November 1, 2011

The Littleton Board of Appeals conducted a public hearing on December 15, 2011 at 7:10 P.M. and continued to January 19, 2012, at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a variance/special permit from Section 173-35 of the Zoning Bylaw to allow a sign variance for a second freestanding sign at the entrance to Distribution Center Drive, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on December 1, and December 8, 2011, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, Cheryl Hollinger and Jeff Yates, Members, and Marc Saucier, Alternate. Present and not voting were alternates, Rod Stewart, Alan Bell, and Patrick Joyce.

The Petitioner, Brian F. Watts, representing the owner of the property at Distribution Center Drive, presented a proposal to erect a sign 66" x 108" approximately 136" above grade at the entrance to Distribution Drive, where there are a cluster of industrial tenants in a building set back from the road, on a 120 acre parcel of land having only the width of Distribution Drive as its frontage on the main road, state highway, Route 2A. The property is in an industrial district. The sign would bear the address of the property, the name of the industrial building(s) within the property and the names of the companies located in the industrial park. The sign would be located above an existing granite sign, which has engraved in stone, "Littleton Distribution Center". The existing granite sign sits at grade. The new sign would be mounted on posts flanking the granite sign. The space between the granite sign and the new sign would be approximately 32". Under the zoning by-law the aggregate of the two signs would create a sign size violation. The signs would be located on a deeded easement at the entrance to the park.

The Petitioner demonstrated that he has control of the deeded easement and has the right to erect a sign at that location. The Board requested a continuance to have a "mock up" of the sign set in place so the board could view the impact and the petitioner complied. The location of the property is on a busy state highway and the businesses within the complex generate a lot of truck traffic. In addition there are abutting properties, all generating truck traffic and large tractor trailer truck deliveries. The Petitioner argued that the height of the sign was necessary for trucks to have visibility and to identify the property access on the busy roadway, so that there would be a safe amount of time for vehicles to signal and brake before entering the facility. He also demonstrated that the height of the trucks and location of the sign would not block the sight distance to the east or west for existing traffic. The proposed sign would require a variance from either Section 173-35 (1) limiting the number of signs to one, or from Section 173-35 C limiting the size of signs in the aggregate to fifty (50) square feet. (There are other signs on the property, but they are "temporary" as that term is defined in the zoning bylaw, advertising space available, although they have existed for periods longer than one year).

There were no abutters who appeared in opposition.


FINDINGS: The Board determined that the request was justified because of the uniqueness of the property, an industrial cluster of businesses located with no visibility from the main road, accessed from a state highway with higher speed traffic, including many larger trucks, so that it was reasonable to require a sign larger than that allowed by the zoning Bylaw. The Board discussed whether to consider the request as a variance from the number of signs allowed on one lot, or to allow the sign to be treated as one sign exceeding the aggregate size limitations. The Board agreed that the existing granite sign was an attractive street marker and was not effective in serving to direct traffic, but no purpose would be served in eliminating it. The board found that the Applicant satisfied the requirements for a variance, finding the site unique for the reasons presented, and finding a hardship to the applicant and to patrons if traffic was not allowed to be efficiently guided into the site.

DECISION: The Board voted unanimously to GRANT a Variance from Section 173-35 to allow a second freestanding sign in the same location as and not 300' distant, from an existing granite sign at Distribution Center Drive, as shown on the diagram presented to this Board, provided that the applicant remove his temporary sign at the same location.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

This Variance/Special Permit shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex South District Registry of Deeds, in accordance with the provisions of M.G.L.C. 40A, Sections 11 and 15, stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

If the rights authorized by this Variance/Special Permit are not exercised within two (2) years from the date of granting it shall lapse in accordance with the provisions of M.G.L.Ch. 40A Section 10 or Section 9.

Signed: 
Jeff Yates, Clerk, Zoning Board of Appeals
Book: 41979 Page: 2175

Date: 2 FEB 2012

I hereby signify that twenty days have elapsed since the filing of the above decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy Attest: _____

Town Clerk

Littleton, Massachusetts