

**CITY OF WALTHAM  
ZONING BOARD OF APPEALS**

**October 7, 2014**

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, October 7, 2014, in the Public Meeting Room of the Arthur Clark Government Center, 119 School Street, Waltham, MA.

In attendance were Chair Barbara Rando and members Glenna Gelineau, Gordon LaSane, John Sergi and Michael Squillante.

The Chair called the meeting to order at 7 P.M.

Mrs Rando: Tonight we have one continued case and one new case before us: Case 2014-22 Sunshine Sign Company, Inc., Owner: First State Investors 5200 c/o Gramercy Capital Corp., and the continued case is 2014-17, RTN Federal Credit Union, 600 Main Street, Waltham and that's an application for a sign variance.

The members sitting here this evening on the continued case is Mr. Sergi, Mr. LaSane, Mr. Squillante and the Chair. Ms. Gelineau is not able to be with us tonight. There was a death in the family so there are four of us for this continued case.

The first motion this evening is for a motion to accept the minutes of September 30, 2014.

On motion of Mr. Sergi, seconded by Mr. LaSane, the board voted to accept the minutes of September 30, 2014.

Mrs. Rando: Will the clerk please read the Petition in Case No. 2014-17.

**The clerk then read the Petition of RTN Federal Credit Union in an application for sign variances. RTN Federal Credit Union intends to remove existing signs and to construct, use and maintain new signs onto its office building at 600 Main Street, Waltham, MA. Location and Zoning District: 600 Main Street, Waltham, MA; Business C Zoning District.**

**Mrs. Rando: May we hear from the petitioner or the petitioner's representative, please?**

**Attorney Connors, of course you know that Ms. Gellineau is not here. So you, of course, have the right to go ahead with four or you have the right to continue the case. It's up to you.**

**Joseph M. Connors, Jr., Attorney, 404 Main Street, Waltham came forward.**

**Mr. Connors: Since Ms. Gelineau is not available, I would like to continue the case to a date that is convenient to the board.**

**Mrs. Rando: Unfortunately, the first date I have is in December, December 9th.**

**Mr. Connors: I'll take it.**

**Mrs. Rando: Do I have a motion to continue Case 2014-17 to December 9th?**

**On motion of Mr. Sergi, seconded by Mr Squillante, the board voted to continue Case No. 2104-17 to December 9th.**

**Mrs. Rando: Do I have a motion to extend the time to act to January 30, 2015?**

On motion of Mr. Sergi, seconded by Mr. Squillante, the board voted to extend the time to act on this case to January 30, 2015.

Mrs. Rando: The members on the next case which is Case No. 2014-22 Sunshine Sign Company is Mr. Sergi, Mr. Hickernell, Mr. LaSane, Mr. Squillante and the Chair.

Will the clerk please read the Petition in Case No. 2014-22?

The clerk then read the Petition of Gary Cunningham/Sunshine Sign Company, Inc., Owner: First State Investors 5200 c/o Gramercy Capitol Corp in an application to amend City of Waltham Zoning Board of Appeals decision 2014-07 to allow the installation of a double faced sign which exceeds 48 square feet in area where a single faced sign was approved by the Zoning Board. Location and Zoning District: 1075 Main Street; Business B Zoning District.

Mrs. Rando: May we hear from the petitioner or the petitioner's representative, please?

Gary Cunningham, Sunshine Sign Company came forward.

Mr. Cunningham: Good evening. My name is Gary Cunningham and I work with Sunshine Sign Company in matters relating to permitting. As stated in the legal notice, we are here asking for an amendment to an existing decision of the board. The decision made on April 23rd of this year allowed the installation of a second ground sign. In the petition, it was described as a single faced ground sign on property where two existing ground signs were in place. Part of the application indicated that one of the two ground signs would be removed thus leaving two ground signs on the property.

After the decision was made and the appeal period finalized, we went for the permit to the inspectional services folks and set about to install the single faced sign. And at this particular point and time, there was a series of events that culminated in the installation of a sign that is somewhat in, I guess, contradiction to what the original decision indicated. And the confusion is in large part based on error on my part. There was an agreement between the client and Sunshine Sign Company for a double faced sign. The information that I received in the matter led me to believe that what was requested was a single faced sign. So after the decision of the board and granting of a permit by the folks in the building department, the confusion kind of came to a head at the install date. And, at this particular point, maybe Matthew Donaghey would like to make some comments to sort of clarify exactly what happened at the time of install.

Matthew Donaghey, 295 Salem Street, Woburn, MA. I am a representative here from Citizens Disability which is the applicant. I think the confusion, I appreciate Kevin's taken it on, but first of all, I would like to thank you all for hearing this. But the confusion that took place, I think I take more of the blame for. Our intent all along was to replace one of the Bank of America signs that had been there for twenty plus years with our sign, same size, same double sided, same location.

Mr. Squillante: Right out on the front lawn?

Mr. Donaghey: Yes sir, exactly, right on the front lawn. That was the plan that we were going to replace it double sided, same thing as always been there. When I came in front of this committee, I described that sign last time around, seven months back. Unfortunately what I did not do was review the documentation that we had written up and put in front of this committee and signed off on which actually contradicted what I said when I spoke up here. What I spoke of was a double sided sign and what was written was a single faced sign.

**Mrs. Rando:** Did you give us a picture at the time?

**Mr. Donaghey:** I believe we may have. But again that's part of the confusion we have and I have an actual picture of the sign as it sits now. I believe that was part of the confusion too which was a picture of a flat sign I would assume it was double and I do have pictures of the actual sign involved if the board would like to see it.

So, in a nutshell, we were simply replacing the BofA sign. There was a confusion of what happened. We just want to replace the same sign that was there. One change that I do want to note is that at the time BofA had planned to give up one of their signs so that we could have room for our signs. Since we have now taken over more of the building from them they have actually decided to remove all of their signs. And I believe in the comments noted as a building with two monument signs first being both BofA's, then one being BofA's and one being ours. Now it's simply just ours. There are no longer two signs in front of the building. That is really the extent of the confusion of what happened there. We were hoping to be able to see the sign and modify the previous permit. And again, we are keeping the same sign that has been there before we occupied the building, same size, same set up, same look.

(Mr. Donaghey submitted a picture of the sign.)

**Mrs. Rando:** Is the name going to be the same?

**Mr. Donaghey:** It is the same exactly as that. We have it covered right now just so that we are not in violation.

**Mrs. Rando:** There isn't a way that you could position that sign so that it could be seen? It's at an angle now. Is there a way that you could have put it straighter?

**Mr. Donaghey:** Right now it will be seen in both directions. If we put it flatter, you're facing the I Party Company there. By the time anybody saw it they would all be passed it. Right now it's facing the same direction that the big Bank of America signs were facing and its in the same location. It's the same size. What we did at the time, again, we copied what BofA had there assuming and hoping that the community would look at it and say well, it's the same as what's always been.

**Mrs. Rando:** What was the color of the sign?

**Mr. Donaghey:** It was a grey with blue and red lettering and the triangle logo that they have there.

**Mrs. Rando:** Are there any questions from board members?

**Mr. Squillante:** Do you occupy the whole building?

**Mr. Donaghey:** Sir, right now we occupy just about half of the building. Bank of America has been leasing out their space to us. We have now taken the entire third floor. That is now why they are deciding, my intent was to try and take a picture of the Bank of America sign for you last week to compare it to this so you could see the one was still there but I found out late last week they decided to remove all of their signs because of their lesser presence that is now in the building. They are now down to one floor in the building. They have actually taken their grass signs off and they have actually taken their sign that was on the side of the building. They had a sign above the fourth floor that you could see. They have actually removed that as well.

**Mr. Squillante:** And the rest of the building? I mean are we going to have someone come in in two weeks and ask for a sign variance?

**Mr. Donaghey:** We have the option of the space and all of the 1075 building. I'm not sure of how the community thinks of the 1025 building which is sort of the adjoining building. They have two separate addresses and they are separated by the sort of median strip in the middle. There's no signage on that building and there's a lot of smaller tenants. We are by far the largest tenant of the building. In regard to our building, we are the only ones that are there.

**Mr. Squillante:** Exactly where is the sign?

**Mr. Donaghey:** It's right under the tree. There's a big tree there at the entrance way. And again, in regard to the sign, we copied what was there assuming that would be the best sort of strategy for seeking an approval.

**Mrs. Rando:** Are there any other questions from the board?

**Mr. Hickernell:** It's not so much a question, but I would note that on the original application, the plan does refer to faces of the sign not a single face. So, it's very small print, but it was before us that they referred to a double sided sign last time.

**Mrs. Rando:** Is there anyone in the audience that is in favor of this petition? (Two people raised their hands in favor.)

Is there anyone in the audience that is in opposition? Seeing none, is there anyone seeking information? Seeing none, you may continue with your proposed findings of fact.

Did everyone have a chance to read them?

**Mr. Sergi:** Did you make the appropriate changes from the original?

**Mr. Cunningham:** Yes. One thing I would point out at least in the petition is that point #1 that I make is that the Bank of American sign is still existing. When I wrote up the petition, that was the case. At least point number one is no longer an accurate statement.

**Mr. Sergi:** I will make a motion, Madam Chair, that we waive the reading of the Proposed Findings of Fact since they have been on file.

**Mr. LaSane** seconded the motion and the board voted to waive the reading of the Proposed Findings of Fact.

**Mrs. Rando:** You may continue with the Proposed Decision. Have there been any changes?

**Mr. Cunningham:** I believe that remains in tact.

**Mr. Sergi:** In a similar fashion, Madam Chair, I will make a motion that we waive the reading of the Proposed Decision since its been on file.

**Mr. LaSane** seconded the motion and the board voted to waive the reading of the Proposed Decision.

**Mrs. Rando:** All right, I am ready to entertain a motion on the Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. LaSane, the board voted that the Proposed Amended Findings of Fact be the board's Findings of Fact.



**Mr. LaSane seconded the motion. Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. LaSane, yes; Mr. Squillante, yes and Mrs. Rando, yes.**


**Mrs. Rando: Do I have a motion on the decision?**

**On motion of Mr. Sergi, seconded by Mr. LaSane, the board voted that the Proposed Decision becomes the board's Decision.**

**Mr. LaSane seconded the motion. Roll call: Mr. Sergi, yes; Mr. Hickernell, yes; Mr. LaSane, yes; Mr. Squillante, yes and Mrs. Rando, yes.**

**Mrs. Rando: One more motion is in order.**

**On motion of Mr. Sergi, seconded by Mr. LaSane, the board voted to adjourn at 7:25 P.M.**

  
Barbara Rando, Chair