

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

May10, 2016

The Zoning Board of Appeals held a public hearing at 7 P.M., Tuesday, May 10, 2016, 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,, Mark Hickernell, Edward McCarthy and John Sergi.

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

Mrs. Rando: Tonight we have two new cases before us, Case 2016-08, Pitsaladis Brewing Company LLC c/o Kenneth Simons and that is for a Determination of Section 3.252 and Case No. 2016-09, Thermo Fisher Scientific, 168 Third Avenue and that's for a sign variance.

The first motion I am looking for this evening is a motion to accept the minutes of May 3, 2016.

On motion of Mr. Sergi, seconded by Mr, McCarthy, the board voted to accept the minutes of May 3, 2016.

Mrs. Rando: Will the clerk please read the petition in Case 2016-08?

The clerk then read the petition of Pitsaladis Brewing Company LLC c/o Kenneth Simons, Owners: Donald J. Leone and Frank Pannesi, seeking determination of similar use under 3.252. The locus property at 55 Pond Street has a large commercial building situated thereon. The Petitioner is proposing to occupy unit 1B at 55 Pond Street, consisting of approximately 1350 square feet.

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

Joseph M. Connors, Jr., Esquire, 404 Main Street, Waltham, MA came forward.

Mr. Connors: I am representing the Petitioner, Pitsaladis Brewing Company LLC. Tonight here with me is one of the principals, Ken Simons, my client.

I did provide an electronic copy of the brief and I have a hard copy for the board members tonight.

Mrs. Rando: Any changes on this one from what we received?

Mr. Connors: No. As the legal notice tells you the property that is the subject matter of this petition is 55 Pond Street. (Mr. Connors went over the plan showing the location of the locus.)

Our petition pertains to a 1,350 square foot tenant space which is on the left rear corner of the large commercial building as it backs up to the former railroad tracks. So Unit 1B, if you were going to go back there you'll see, it says right on the door, Unit 1B it's

kind of a portion towards the back of the building, 1300 square feet.

So, you know, I'm often here seeking variances or special permits and with the context of a variance, we establish a hardship, and a special permit we are trying to show that the proposed use is in general harmony with the neighborhood.

This is different and so we are seeking a determination as to whether or not a brewery is similar to uses listed under Section 3.252 of the zoning ordinance. And it's not something that and I don't think I've ever done before but I think it's pretty straightforward.

Section 3.252 lists uses that are considered to be general manufacturing but it couldn't list every use. So it has examples of what they consider to be general manufacturing uses but it also states that, "or any other use which is not listed but which is deemed similar to the uses that are listed by the Zoning Board of Appeals."

So that's the reason for our applying here. Mr. Simons did meet with the building inspector. He read that portion of the General Manufacturing under the Zoning Code. He believed that he needed to come to the Zoning Board of Appeals seeking a determination.

Mr. Connors then went on to read his brief into the record and went over the location of abutting properties.

Mr. Connors: I don't focus on it a lot in my brief, but there are other processes that he needs to go through to do this brewery. First, he needs a building permit from the building inspector and he's required to come here before he was given that. But then, the next stage is then he would need to apply for a federal brewer's license because the federal

government regulates the brewing of alcohol and they have a process that he needs to go through to get a federal license and then when he's done with that then the final stage, he needs to go to the state to get a farmer's brewer's license from the ABCC. So, there are certainly other steps that are going to regulate him as a manufacturer, so they will screen him as to whether or not he's appropriately selling and brewing beer. You know, they control his federal taxes, state taxes that are levied against the alcohol so both the federal government and the state government will have to issue him a license and issue licenses if they deem appropriately but then there are federal and state controls which will control him in the manufacturing and the sale of what he does generally.

Mr. Simons, just so you know, he's been in the liquor industry for several years that was a craft brewer himself he's been doing this for several years and so this is his time as his first venture into brewing. And so it's a small production because that's what he's comfortable with and that's the way he likes to start. So, if it ever became bigger than a nano brewery, then it would certainly not be able to be here. It would have to be relocated or come up with some alternative spaces.

So that's our presentation, Madam Chair and Members of the Board.

Mrs. Rando: Attorney Connors, you mentioned that it's a new venture for him. Well he certainly isn't a novice if he owns the Linden Street Pitsaladis Brewing Company in West Roxbury and the Charles River Brewing Company.

Mr. Connors: Pitsaladis Brewing Company is an LLC, so he has been brewing beer, that's his house. He lives there.

Mrs. Rando: It stated it, I thought on the computer.

Mr. Hickernell: I'm sorry, can you clarify what you are talking about. Where is this information coming from?

Mrs. Rando: From the computer. I looked up - - -

Mr. Hickernell: But I don't understand what that means.

Mrs. Rando: Well he said that he's starting a new venture. He's starting to brew here and he owns two breweries and I was wondering why he said it was a new venture.

Mr. Connors: He brews at home right now. So he has a home brewery and I will let him explain.

Kenneth Simons: Basically when I created the company, I had no place. I used my home address as the business address for the brewery. Even though the company is a valid Massachusetts LLC, I don't have a right to brew products right now. I need to have, a) I wouldn't be able to do it in my home. I would never be able to get a permit or a state license to do that. So what I do do at home, is I'm a home brewing expert and I have been doing it for about ten years and I brew a small batch in the kitchen right now.

Mrs. Rando: So your address is West Roxbury?

Mr. Simons: Yes. That is correct. That's my home.

Mrs. Rando: And the Charles River Brewing Company is under your name also?

Mr. Simons: Yes and that is just doing business which if I get the right to approve here in Waltham, I will register doing business as Charles River Brewing Company. And it's just a brand name that you can market your product that way.

Mrs. Rando: I also have a question about the safety, the CO₂. I've been also reading a lot on the computer how to make your fermentation and it said that five gallon carboy - What is a carboy?

Mr. Simons: It's a glass bottle. (Mr. Simons demonstrated what a carboy looked like visually and also drew a picture.)

Mr. Sergi: It's five gallons, about?

Mr. Simons: Yes. It's a typical size batch brewers make at home.

Mrs. Rando: I read also on the computer that a five gallon carboy fermenting vigorously, neighbors complained of carbon dioxide that led to CO₂ poisoning. Have you heard of anything like that?

Mr. Simons: I've never heard of anything like that. My house in West Roxbury is fairly close to my neighbors. I would say my back yard, where the back of my kitchen is probably less than 20 feet from my neighbor's house. They never have complained.

Mrs. Rando: Because it went on to say surprising amounts of CO₂ given off by a batch of fermenting beer each pound of fermentable sugar converts to one half pound of

alcohol and one half pound of CO2. I was wondering ——

Mr. Simons: All I can tell you is that I have been brewing beer in my house for ten years and we have never had a problem the amount of CO2 in there. There are monitors in breweries who are making sure that a level of CO2 does not create a misuse which was a decision that they made, either the state or the building inspector or the fire department made, they actually addressed that I have this in place.

Mrs. Rando: And have you every heard of bottle bottle bombs?

Mr. Simons: Yes.

Mrs. Rando: Could you explain that?

Mr. Simons: That is basically, in a home brewed bottle of beer that they do to carbonate, it is process of natural carbonation. Commercial breweries tend to use CO2 from a canister and directly carbonate the beer with the intention of the CO2 gas and bottle from there. In the home brewing it's not so easy to because there's still a little yeast and there's still some sugar in the beer and they add a little yeast to each bottle and over a two to three week period with the bottle as capped, it's sealed. There's a little bit of fermentation going on. That creates the CO2 bubbles. Now, if you put too much sugar in, the pressure can get so high that the top or the glass would break and the bottle will explode.

Mrs. Rando: Have you ever had any neighbors complain of odor?

Mr. Simons: No, I have not.

Mrs. Rando: Okay. Thank you. Mr. Sergi, do you have any questions at this time?

Mr. Sergi: I'm just wondering, how will your trucks deliver supplies? I went up to Lindy Lane. You know, it's not too wide. How are the trucks going to come in and out, or even use Lindy Lane as a road?

Mr. Simons: There will be maybe a small box truck dropping off supplies. There's many companies back there. There are oil trucks and an asphalt company that has dump trucks. Most of the facilities back there are using this. I don't see it really as a concern. Again, since I'm small, my deliveries are not going to be that often. I would say, maybe twice a month would be enough to handle it. Also because this place is fairly small, I don't have a lot of room for storage of lots of raw material.

Mr. Sergi: So this road is being used not only by yourself and other companies. It's almost like a private way.

Mr. Simon: It is a private way in fact. (Mr. Simons went over the plan with the board.)

Mr. Connors: As he said, he's probably going to be using a small van to move his product in and out because it's two or three people moving the product.

Mr. Sergi: Waste products! What are you going to do with the waste products?

How do you make sure that it doesn't smell? What's the process?

Mr. Simons: The process for the solid waste is basically, again I'm so small, I can store it in regular size garbage cans in plastic bags wrapped and tied up and sealed. The production process of actually brewing will only happen two times a week so that that solid waste will be kept inside the facility and picked up within forty-eight hours after use. It will be a solid waste company and I'm also trying on that style where it can be used as animal feed or composting in farms although I don't have anyone right now committed to using it. It's fairly common to find somebody that will actually come and take it.

Mr. Hickernell: It can be used in composting also.

Mrs. Rando: Mr. Hickernell, any questions at this time?

Mr. Hickernell: I think you, with respect, Counsellor, I think you missed your best example. Under the ordinance, brewing is incredibly similar to baking and baking is explicitly permitted. Given the amount of water that you use and the amount of alcohol with fermentation, it's chemically identical. So I think that those steps in comparison and together with the bottling, I think it's a very clear permitted use. I note that we did have once and may yet have again a microbrewery under a separate provision of the ordinance at Watch City. I made a number of site inspections and I never noticed an unusual odor there.

Mr. Simons: In Watch City you could have ten barrels.

Mr. Hickernell: So more than twice. So fair to say that among the other

communities that have breweries actually larger than what you are proposing are Newton, Natick, Cambridge, Framingham, Somerville, Woburn, Malden and Chelsea and a short drive.

Mrs. Rando: Ms. Gelineau?

Ms. Gelineau: Not at this time.

Mrs. Rando: Mr. McCarthy?

Mr. McCarthy: Going on Mr. Hickernell's point, the Watch City must have used the same with us in order to install their system there, I would expect.

Mr. Connors: I don't know because in that case I think they were kind of a restaurant and they were selling it on site, so I think they needed to go for a Special Permit process with the council. I don't know if they went through this here.

Mr. McCarthy: Certainly that brewery is allowed to exist. Logically it would seem that this wouldn't be any different.

You're not going to use this for any local retail. How are you going to distribute here?

Mr. Simons: I worked in the retail side of selling alcohol for quite a while as a beer buyer for liquor stores so basically I have worked with the people and the distributors and the farmer's brewers license allows me to sell direct to retailers. If you are a larger brewery you would have to go through a distributor. The farmer's brewers realize you've

sold, it's a small production, that it's very hard to get your product out through a distributor. They don't really want to handle you because you are too small. They can't sell enough of your product to make it worthwhile so they allow manufacturers that I am proposing myself to sell directly to restaurants, liquor stores and things like that even other commercial businesses. I know for a fact that large corporations that have little restaurant areas because they want to keep their employees around as much as possible and you can find local craft beers in corporate offices.

Mr. McCarthy: You're not doing any brewery tours.

Mr. Simons: We are not going to do any tours. We are not trying to get a serving license or anything like that.

Mr. McCarthy: And the Codman farm up in Lincoln has many hogs you might like to look into that.

Mrs. Rando: Are there any other questions? Hearing none, is there anyone in the audience in favor of this petition that would like to stand. Seeing none, is there anyone in the audience in opposition to this?

(Four people raised their hands in opposition.)

Dara Pourghasemi, 16 Gormans Court, Waltham: I have few reservations for this petition. The petitioner says he's not permitted to have a brewery at his house, but he has done that. That makes me wonder and concerned.

Mr. Hickernell: He's not permitted to have a commercial brewery in his house.

Home brewery is allowed by federal law.

Mr. Pourghasemi: Mr. Hickernell said it's compared to baking with a chemical process. I don't think that baking has any special tank or caustic chemicals. You know if baking has any of those kinds of chemicals.

Mr. Hickernell: They use caustic chemicals to clean out any kind of industrial - - -

Mr. Pourghasemi: How about tank?

Mr. Hickernell: Oh, I don't know.

Mr. Pourghasemi: Okay so it's not the same as baking.

Mr. Hickernell: I didn't say it was the same as baking. It's pretty comparable.

Mr. Pourghasemi: I don't know if they need to have an environmental license. That is a question.

Mrs. Rando: I have no idea. Do they have to have an environmental license?

Mr. Simons: No.

Mr. Pourghasemi: I read on internet that somebody who actually got sick from stench of the brewery from the New Belgium Brewery. But I don't know the size. This may be smaller. So I want to be stipulated as the attorney for the petitioner stated that it is going to be a nano brewery limited to four hundred barrels a year. So if it's going to be

accepted petition you need to stipulate as such. Now the attorney for the petitioner said what does manufactory means, literally maybe manufacturing is literally, but nobody is going to confuse New Jersey with Detroit.

Mrs. Rando: Anyone else in opposition?

Cue Lee, 70 Pond Street, Unit #3, Waltham: I am directly live across from the Artisan. I can tell you even with a light truck we feel every single vibration. In terms of home value, I really don't want to see another industry actually into that road because we already have Artisan. I don't mind if something is existing type of place but to have another one, it just makes the street even more busier than it actually should. At church day we can hardly get out on certain times. It's getting busier and busier on that street. I don't know how they are going to renovate their building. A CO2 tank, that's pretty big. Regardless of their nano size, a CO2 tank is relatively big.

Mr. Pourghasemi: This is going to take place in a populated area and one is the danger of anything exploding with chemicals. It's a very populated area.

Evon Fang, 70 Pond Street, Unit 1, Waltham: I just want to add that Plympton is very close to that area that he proposes to put in his brewery in. There is a huge athletic field right behind. So do you want to consider putting a brewery next to a school area there's all the kids that are playing right behind your factory. All the residents are there. You can't promise if you're not going to have any environmental stench or any chemical waste. You can't promise that. I mean it's very close to the school area. I mean there are certainly lots of kids around that area.

A email dated May 10, 2016 from Robert J. Waddick, Councillor Ward 6 was noted

asking the board to consider his concerns regarding this petition.

Mrs. Rando: Is there anyone seeking information. Seeing none, you may continue with your Proposed Findings of Fact.

Mr. Hickernell: Could I just ask a question to clarify? Will you be brewing inside or outside the facility?

Mr. Connors: All the brewing will be contained within the back of the building. There will be no outdoor production of anything and it backs up to the railroad trucks. We are a self contained 1350 square feet of and as I said before also that this use is regulated by the federal government for use and also regulated by the environmental protection agency so and if you read documentation from them they don't even contemplate that there's any affect whatsoever. If there was, it's regulated by the Federal Government, regulated by the State Building Code. So we believe that one, it's not going to generate any obnoxious odors. All the of work that he is going to be doing is going to be self-contained within the building in a commercial building that's been there since the twenties and it's surrounded by commercial so we feel it is a consistent use with other commercial uses that are in the building that are general manufacturing uses within the city of Waltham.

Mr. Hickernell: May I direct a questions to Mr. Simons?

The gentleman mentioned something he found on the internet about somebody complaining about the odors at the New Belgium Brewing Company. Can you tell us if you know what the production capacity of the New Belgium Brewing Company is.

Mr. Simons: I know it's probably one of the largest craft brewers in the United

States. It's a very large facility. I would say bigger than Harpoon. As far as manufacturing goes here, I think that Harpoon is maybe our second largest brewery in Massachusetts so it's a different scale. I do know what the issue he read about on the internet is about. Would you like me to explain?

Mr. Hickernell: Sure.

Mr. Simons: Basically that facility, I think it's located in Colorado. They have their own waste treatment facility. So because they brew so much the town basically made them treat their own waste there. And they ran into a problem these are open pools where there is a problem. These are open pools where there is a problem with that treatment facility and caused a very large odor through the whole town and of course that's why it made the papers and in the national news.

Mr. Hickernell: Do you propose to operate a waste treatment facility?

Mr. Simons: No. My brewery again, the amount of waste is so small, a) I have no problem having the waste taken away not like any restaurant business and not having a dumpster outside where it may sit for a week and actually cause an odor affect towards the neighbors.

Mr. Sergi: Madam Chair, may I ask a question?

Would you be adverse to using an airtight container for your solid waste?

Mr. Simons: No, not at all. In fact restaurants do that all the time with their grease and things like that. It's a special container that the waste company leaves every facility

and you store it in there until the truck comes. I would not be opposed to that.

Mrs. Rando: You also mentioned that there is some type of an instrument that can watch the CO2

Mr. Simons: It's similar to like a fire detector. Yes I can have that put in.

Steve Turner, Lindy Lane, Waltham: Have you been going down there already?

Mr. Simons: Yes.

Mr. Turner: How long have you been there?

Mr. Simons: A year and a half.

Mr. Steve Turner: So you've been there a year and a half. If it had been going, it would answer some of these people's questions about odors. That's all I am asking. Is that a bad question? (Mr. Turner talked to Mr. Simons.)

Mrs. Rando: And you are seeking information?

Mr. Turner: Yes.

Mr. Connors: A question was asked and I will answer that.

Mr. Simons will be a tenant and is a tenant. He signed a lease and the owner of the property is Mr. Panesi and Mr. Leone. They are not here. We have a lease. I submitted a

copy of the lease to the board.

Mrs. Rando: And you're telling us this, why?

Mr. Connors: He asked who's your partner? Is it Mr. Leone? I said no. The landlord is not a partner with the tenant. The tenant and the land owner are separate.

Mrs. Rando: I thought he had made a statement of how long he had been there.

Mr. Connors: He has been there. He has signed a lease but it's been unoccupied because he went to the building inspector for a building permit and he said I am not going to give it to you because you need to go to the zoning board for this determination. So that's why we are here. There's three members of the LLC. So there is his father, Donald Simons, his cousin and he's going to be the principal manufacturer. His father and cousin have invested in the company but he is solely responsible for the production.

Mr. McCarthy: Counsellor, this building he is moving into. This is not a new building. It's been around since 1920?

Mr. Connors: I have attached a copy of the street card. So there was a couple of pieces. There was one was one in the 1920's and another one in in the 1950's. An eight car garage in 1927 and another one in 1950. And then in 57 there was another building permit.

Mr. McCarthy: What other businesses are currently here?

Mr. Connors went over the plan showing where the other businesses are located.

Mr. McCarthy: So this building is not going away. It will be rent leased. It seems to me that the number of trips in and out of that driveway are limited tremendously by yours compared to someone who is doing landscaping or whatever they are doing there. So this is better than some of those other types of businesses, I would think.

Mr. Connors: So I do have a Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Findings since it has been on file in the Law Department and the board has had a chance to read it.

Mrs. Rando: You may continue with your Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department and the board has had a chance to read it.

Mrs. Rando: I am ready for a motion on the Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted that the Proposed Findings of Fact be adopted by the board.

Roll Call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, no.

The vote was 4 to 1 in favor.

Mrs. Rando: Do I have a motion on the Decision? Now, we are going to amend the decision?

Mr. Sergi: Yes. I'd like to include the amendment for the air tight container if it's not too much trouble. I think that would go a long way.

Mr. Connors: I would propose a condition that states the Petitioner shall maintained a sealed air tight waste container on site within the tenant's space. This shall be removed by a commercial waste removal company weekly.

Mr. Sergi: Perfect. Thank you.

Mrs. Rando: You also agreed to put some type of instrument in to check the C02.

Mr. Connors: So the petitioner shall also maintain a C02 Monitor during the production process.

Mr. Hickernell: Is this something that is going to be regulated by the state and the federal government? I don't want to be pretending that we are experts in carbon dioxide safety here.

Mr. Connors: I will put, The petitioner shall comply with any federal and state regulations - - -

Mrs. Rando: Is it a state and federal regulation that you have one of those in your

facility?

Mr. Simons: No.

Mrs. Rando: Then I would like to see it in. If the neighbors are concerned about that I don't see why it couldn't be one of the conditions that would be in the decision.

Mr. Connors: We agree to it.

There will be another condition: The Petitioner shall also maintain a CO2 monitor within the tenant's space to monitor safe C02 levels.

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

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Decision as amended.

Roll Call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, no.

The vote was 4-1 in favor.

Mrs. Rando: I will make a motion for a two minute recess. Mr. Hickernell seconded the motion and the board voted to take a two minute recess at 8:P.M.

The board reconvened at 8:05 P.M.

Mrs. Rando: Would the clerk please read the Petition in Case No. 2016-09, Thermo Fisher Scientific.

The clerk then read the Petition of Thermo Fisher Scientific, Owner: TFS LLC in an application for signage variance. The Petitioner seeks a variance from Section 6.52 of the Zoning Ordinances to allow for its proposed signage package to include two secondary signs exceeding the size limitation of 18 square feet each in support of its new headquarters building at the property. Location and Zoning District: 168 Third Avenue, Commercial Zoning District.

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

Philip B. McCourt, Jr., Esquire, 15 Church Street, Waltham came forward.

Mr. McCourt: I know you have received via email a copy of my brief and I would like to give you a hard copy.

Mrs. Rando: And there's no changes in that?

Mr. McCourt: No changes.

Mr. McCourt: So from this plan here you can see where Thermo Fisher is. Thermo Fisher, by the way, basically was started in Waltham and has expanded and has elected to remain in Waltham for their international headquarters.

(Mr. Connors went over the plan with the board.)

So they are moving, hopefully, by the end of July from 81 Wyman Street to this building, 168 Third Avenue.

Of course when you read our sign ordinance which frankly hasn't been particularly updated since 1978 when we made a fairly major revision of it. You can see that it didn't contemplate places like this, places like the Market Basket site, places even like Posto and that where a secondary sign of this small area could not be visually seen from the highway. (Mr. McCourt went over the plan again with the board.)

So these three signs will look alike, are very benign. I mean, that is they just say Thermo Fisher. They have no other tenant in the building. (Mr. McCourt went over the location of the signs with the board.)

So tonight I have here Spruille Braden who is the authorized agent and the man who put this all together for Thermo Fisher and Tom Charek who is the Project Manager of this construction which is now reaching fruition and Greg Seifert who is the Architect and who devised these signs.

(Mr. McCourt then read his brief into the record.)

Mr. McCourt: So I am going to ask Greg to describe the signs for you.

Greg Seifert, GEIS Companies, 19929 Aurora-Hudson Road, Streetsboro, Ohio

came forward.

Mr. Seifert: Thank you for your time this evening. Phil has done a good job of giving an overview of the project. One of the things I wanted to share with you and he had a handout, I have to have a handout, I thought that this was not really pertinent to the application before us tonight but I think that it's just something that's worth seeing. They are history buffs, as Phil mentioned the fact that Thermo has been a resident here in the City of Waltham for a long time. It's a picture of their first roundup building on First Avenue in Waltham in 1960 and I would point your attention to the back side of this photograph where it was written on here that this was their first custom built building. It was 20,000 square feet that was expected to "last forever".

So here we are 56 years later and quite a few more employees later and the company is very happy to be located here in Waltham and they look forward to many, many years of being here and continue to be a perfect citizen in your city.

(Mr. Seifert went over the renditions of the signs and where they would be located.)

This is a closer version of the site plan and it shows the three locations of the signs. This was in your packet also so there isn't any new material in here that I am showing you.

The sign on the north side of the building primarily is strictly noticeable from two places. One really as you come down 128 southbound coming towards the property and then also as you are coming up Third Avenue, there's kind of a hump in the property there. As Phil mentioned you come down Third Avenue and come around actually to the site itself and this is really the only location that you can put a sign that can be seen from both of those two locations.

Likewise on the South Side of the building as you are coming up 128, you cannot see the primary sign on the face of the building and so there is the location of that secondary sign located there.

Mr. Seifert went over the rendering of what the secondary signs would look like if they were built at the eighteen square foot allowed size. He showed a picture of the building obviously under construction more recently and then compared with what the sign that we are requesting at the one hundred and sixteen and half square foot size and you can see really how visible it is and really isn't visible at that smaller size.

The signs that Phil mentioned are very similar to the existing sign that is on the face of the 81 Wyman building. They are individual letters. They are raised. They're about six inches deep and will be internally lit and the black Thermo Fisher Scientific is actually halo lit so they will actually glow from behind.

If you look at just the area, I think the sign ordinance talks about allowable square footage and to reduce the size of your primary sign to allow the secondary sign. If you do the calculation on the signage for the primary sign it's well over a thousand square feet of area. We are looking at the three signs including the primary sign at a total of three hundred and fifty square feet for all three of the signs. So we really feel that we are well under the allowable sign area that could be put on the building but in requesting the three locations.

Mrs. Rando: Does anyone have any questions?

Mr. Sergi: I'm just curious. Why the halo lit versus the internally lit?

Mr. Seifert: It's really difficult to internally light black. So it's a better effect to back light it and it causes the letters to stand out.

Mr. Sergi: Will you be able to see both equally? I would think the internally lit, you would be able to see better.

Mr. Seifert: I think the internally lit probably shows up more because that back lit is not as bright and it's also depending on the background that its on. It will be on a silver background plus you're seeing it almost a hundred feet off the ground and primarily from highway so I think it's going to look more of a general glow.

Mr. Sergi: I think that it's very tasteful. I think that the size is appropriate for the building and you need the signs in those locations. What is the square footage of the building?

Mr. Seifert: It's about 280,000 square feet total. It's four floors of parking and four floors of office.

Mrs. Rando: Anyone else? Hearing none, you may continue.

Mr. McCourt: Like you said the location, topography and the site just for safety meet the criteria necessary for a hardship and we think that desirable relief doesn't interfere with any other buildings in the general area. So with that we have a Proposed

Findings of Fact and Decision.

Mrs. Rando: Attorney McCourt, may I ask you the size of the CityPoint sign? Do you happen to know that?

Mr. Seifert: It's difficult to say its taken at an angle.

Mrs. Rando: Approximately. Im not going to hold you to it.

Mr. Seifert: 40 x 8.

Mr. McCourt: The primary sign is based on the frontage of the building along the street. We could make it one huge sign on 128. What we really did was take that from our signage, actually it's smaller than that large one that we could put up and made it three separate signs that were visible from the highway.

Mrs. Rando: And it's probably safer.

Mr. McCourt: This is their Corporate Headquarters. It's not like other tenants that there's going to be any other signs.

Mrs. Rando: Are there any other questions?

Is there anyone in the audience that is in favor?

(Three people raised their hands in favor.)

Is there anyone in opposition? Seeing none, is there anyone seeking information?

Seeing none you may continue with your Proposed Findings of Facts.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Findings of Fact since it has been on file in the Law Department and the board has had a chance to read it.

Mrs. Rando: You may continue with your Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to waive the reading of the Proposed Decision since it has been on file in the Law Department and the board has had a chance to read it.

Mrs. Rando: If there are no additions, I will introduce a motion on the Proposed Findings of Fact.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Findings of Fact as the Board's Findings of Fact.

Roll Call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr. McCarthy, yes and Mrs. Rando, yes.

Mrs. Rando: I am ready for a motion on the Proposed Decision.

On motion of Mr. Sergi, seconded by Mr. McCarthy, the board voted to adopt the Proposed Decision as the Board's Decision.

Roll Call: Mr. Sergi, yes; Mr. Hickernell, yes; Ms. Gelineau, yes; Mr.

McCarthy, yes and Mrs. Rando, yes.

Mrs. Rando: One more motion is in order.

**On motion of Mr. Sergi, seconded by Mr. Hickernell, the board voted to adjourn at
8:30 P.M.**

Barbara Rando, chair
5/17/16