

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

J. RANDOLPH BECKER, CHAIRMAN
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ROBERT W. LEVY, VICE CHAIRMAN
WALTER B. ADAMS
DEREK B. REDGATE

June 4, 2020

7:30 pm

Remote Public Hearing

Zoning Board of Appeals Members Present:

J. Randolph Becker
Richard L. Seegel
David G. Sheffield
Robert W. Levy
Walter B. Adams
Derek B. Redgate

Mr. Becker discussed the public hearing, proceedings, and changes due to the Executive Orders relating to the state of emergency.

ZBA 2020-06, TERRILL & LIANA RAMAGE, 46 OVERBROOK DRIVE

Present at the public hearing were Terrill and Liana Ramage, the Petitioner. Mr. Ramage said that the Board requested at the March hearing that a drainage plan and existing conditions plan be submitted. He said that requested relief is for setbacks and lot size.

Mr. Levy said that this is the third hearing for this matter. He said that the hearing was continued from February to March and again to June 4. He said that the only changes since last meeting is that the plot plan now shows a recharge system and elevations show existing and proposed. He confirmed that there has been no change to the house. He said that the left side yard setback is omitted on the plot plan. He said that an older plan shows that setback at 19.8 feet. He said that dimension needs to be on the plot plan because it is nonconforming. Mr. Ramage said that it is shown on the existing condition of the drainage plan.

Mr. Ramage said that the only changes are that the Board requested that a drainage plan that was designed by an engineer and existing conditions plans be submitted. He said that there is no change to the building.

Mr. Levy said that the recharge system was sized to only handle the runoff from the addition. Mr. Ramage said that there will be increased roof area of 106 square feet and the recharge system can handle 636 square feet. Mr. Redgate questioned whether 106 square feet is correct. He said that would only be 10 x 10. Mr. Ramage said that they currently have lot coverage of 1,914 square feet and the proposed is 2020 square feet. He said that they are trying to stay within the rough footprint of the existing house.

Mr. Adams said that this is substantially larger than the TLAG that is allowed for the district. He said that although they will not be increasing the footprint or the roof by much, they are building a much larger house.

Mr. Redgate said that there are two existing driveways. He asked if the one to the left serves any purpose. Mr. Ramage said that they do park there. He said that they have a basketball hoop there now. He said that they do not have a lot of front yard, so their children use the front yard to play in. Mr. Redgate confirmed that it does not serve as access to a garage.

Mr. Redgate asked about what appears to be a garage door on the right elevation. Mr. Ramage said that it is open to the front and enclosed on the other three sides. He said that the original application has pictures. He said that it is a one car garage that they want to incorporate into the addition. Ms. Ramage said that they were hoping to make it a two car garage. Mr. Ramage said that the right elevation is just a wall.

Mr. Levy said that they will be more than doubling the size of the house. He said that original TLAG is 1,960 square feet and they will be adding 2,776 square feet, for a total of 4,736 square feet, which exceeds the TLAG threshold for a 15,000 square foot district. He said that it is a very large house. He said that he reviewed by minutes from the past hearings and there was a suggestion to make it smaller. He said that there were several references or requests for landscape plans. Mr. Ramage said that there was talk of a landscape plan but he thought that it was determined that it was not needed because it would not accomplish much for the surrounding houses. He said that the TLAG is deceiving because of the roof area. Mr. Levy said that if the lot was 400 square feet bigger and the setback was conforming, the proposed structure would have to go through Large House Review (LHR), which would have required a landscape plan as well as other requirements. He said that although this is exempt from those requirements, the Board does look at those items in conjunction with making a determination of whether the proposed structure will be substantially more detrimental to the neighborhood. He said that this is the third hearing and nothing much has changed with the additional materials.

Mr. Adams said that the Board received an email from a neighbor indicating their support. He asked if the plans were reviewed with all of the surrounding neighbors. Mr. Ramage said that they had except for the neighbor behind them.

Mr. Redgate said that there was a brief discussion about the project having to go through LHR if the lot was slightly bigger and should the Board have applicants mirror what the Planning Board requires for LHR. He said that the Board determined that it should be on a case by case basis. He said that the Board focused on at least having a drainage report or plan. He said that was the direction that the Board gave the applicant leaving the last hearing. Mr. Levy said that there were several references in the last meeting requesting a landscape plan. Mr. Ramage said that it was determined at the last meeting that a landscape plan was not necessary for this. Ms. Ramage said that it was brought up initially and when they shared a picture of the street view and the house behind, the Board said that the drainage plan and the existing elevations would be sufficient. Mr. Redgate said that the minutes may not be accurate. He said that he did recall that the Board asked if there will be landscaping done as part of the project and the response was affirmative. He said that he did not specifically recall specifically requiring a landscape plan.

Mr. Becker asked if any member of the public had any questions or comments.

Mr. Becker read the Planning Board's updated recommendation.

Mr. Levy asked Mr. Redgate if the recharge system will be adequate. Mr. Redgate said that it is typical. He said that there are no formal requirements for the size. He said that it does meet the general engineering standard of one inch of recharge. He said that he would like to have it looked at by the Engineering Department for a quick review. He said that in general it looks adequate. He said that the consultant is reputable.

Mr. Levy asked about concerns about doubling the size of the TLAG. Mr. Adams said that the issue of changing a neighborhood of smaller homes comes up often. He said that people want to maximize the use of their property. He said that this is a family, not an investor, and he is in favor of granting the request.

Mr. Levy asked if the Applicant would consider mitigating the size of the house by removing the shed. Mr. Ramage said that is something that they can consider. He said that he is not opposed to it. He said that currently it houses his lawn mower and landscape equipment that can be stored in the new garage.

Mr. Redgate said that the triggering of the magic number of 3,600 square feet is not important to him but the magnitude of how much it goes over that is. He said that he would like to see a smaller home but in this case, it has been discussed with the Applicant. He said that the Board did not bring up the issue of the magnitude of square footage that Planning determined to a large house in a harsh enough way to make it change its mind now. He said that he is encouraged that this is a large one story home that covered a lot of area and the footprint will be maintained, not expanded.

Mr. Adams asked if the house will be two or three stories. Mr. Ramage said that it will be two stories with a full walk up attic.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to approve a special permit and make a finding that the proposed alteration and enlargement will not be more detrimental to the neighborhood, subject to conditions that the shed be removed, the drainage system shall not be altered, the drainage plan be reviewed by the town's engineering department, and the left side yard setback be inserted on the plot plan.

Mr. Levy voted aye.
Mr. Adams voted aye.
Mr. Redgate voted aye.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to authorize Lenore Mahoney, Executive Secretary, to sign the decision in their behalf, after it has been circulated and reviewed by the Board members without objection.

Mr. Levy voted aye.
Mr. Adams voted aye.
Mr. Redgate voted aye.

ZBA 2020-12, PETER & ELIZABETH WELBURN, 20 CUSHING ROAD

Present at the public hearing was David Himmelberger, Esq., representing Peter and Elizabeth Welburn, the Petitioner. Mr. Himmelberger said that the request is to raze and rebuild a pre-existing nonconforming single car garage, and construct an 11 foot deep, two story addition to the rear of the single family residence with less than required setbacks. He said that the pre-existing home is nonconforming due to insufficient lot area, frontage, lot width, front, side and rear yard setbacks. He said that on March 5, 2020, he requested a continuance because he discovered that the plot plan that was submitted erroneously included 533 square feet of additional land that was not owned in fee but was an easement. He said that he provided the Board with documentation that shows how the error came about and a corrected plot plan.

Mr. Himmelberger said that the proposal is to add on to the rear of the home. He said that the addition will retain the existing height of 28.5 feet. He said that existing lot coverage of 25.3 percent will increase to 33 percent and all of the proposed setbacks will be nominally better than existing setbacks. He said that the garage will be moved a few feet and will have an additional 15 inches of height, so it will rise to 13 feet 3

inches. He said that a relief drawing of the garage was submitted that shows the de minimis increase to make it a functional single car garage.

Mr. Himmelberger said that the TLAG of 1,827 square feet for the existing structure will increase 2,519 square feet, which is well below the 4,300 square foot threshold for the 20,000 square foot district. He said that it is an unusual lot in that it is slightly over 5,000 square feet. He said that the house fits nicely on it. He said that neighbors on both sides and across the street submitted letters of support. He said that this is a seamless addition to a beautiful four square home. He said that the only change from the prior submittal is that the back left corner was pulled in further so that it would not be more than the existing left side yard setback of 6 feet three inches. He said that the new setback is 6 feet eight inches. He said that the elevations show what a wonderful addition this is and that it will not be substantially more detrimental to the neighborhood than the pre-existing nonconformities. He requested that the Board grant favorable approval of a special permit.

Mr. Becker said that he looked at a 12 house neighborhood around 20 Cushing Road and this is the smallest TLAG currently and will still be smallest TLAG after the addition.

Mr. Adams said that it is reasonable for the Board to approve well designed additions to properties on small lots. He said that he did not have any objection to this proposed design.

Mr. Becker asked if any member of the public had any comments or questions.

Mr. Becker read the Planning Board recommendation.

Mr. Adams asked if there will be any drainage system. Mr. Himmelberger said that there will be roof leader gutters. He said that the additional impervious is 400 square feet, which is a de minimis increase.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to approve a special permit.

Mr. Becker voted aye.

Mr. Seegel voted aye.

Mr. Adams voted aye.

Mr. Adams moved, Mr. Becker seconded the motion, and the Board voted unanimously to authorize Lenore Mahoney, Executive Secretary to sign the decision in their behalf.

Mr. Becker voted aye.

Mr. Seegel voted aye.

Mr. Adams voted aye.

ZBA 2020-13, KRASSEN DRAGANOV, 148 WALNUT STREET

Present at the public hearing was David Himmelberger, Esq., representing Krassen Draganov, the Petitioner. Mr. Himmelberger said that the hearing was continued from March 5, 2020 to try to address abutter concerns with respect to retaining walls. He said that due to issues surrounding the pandemic and the ability to get surveys done in a timely basis, the abutter has been working diligently to try to determine how this proposed project would impact his property but has not been able to finalize the survey and his thinking on this. He requested that the Board grant a continuance to the September 10, 2020 public hearing. He said that this is a somewhat nuanced project in how it will relate and integrate with the abutter's property. He said that his client and his family are hoping to visit family in Europe during the summer.

Mr. Adams asked which abutter is the one that the Applicant is trying to work with. Mr. Himmelberger said that it is the abutter to the right at 156 Walnut Street. He said that the properties to the east have been significantly modified with significant terraforming at the rear of the lots. He said that there is some desire on the part of 156 Walnut Street to try to combine with 148 Walnut Street to get a better set of elevations. He said that there is an opportunity to find agreement with the abutter at 156 Walnut Street, who is represented by Laurence Shind, Esq., with whom Mr. Himmelberger has been in contact with. He said that he advised Mr. Shind that he would be requesting a continuance of the hearing until the September meeting.

Mr. Seegel said that when the petition is heard, it should be treated as a new matter and should be re-advertised, as he will no longer be a member of the Board. Mr. Becker said that it was not clear to him that this project should be considered as a special permit. He said that the left side conformed before and one could argue that the right side conformed. He said that on the proposed structure, those setbacks are no longer conforming and it looks like there will be two new nonconformities. He questioned why this would be a special permit rather than a variance. He said that three or four of the retaining walls are currently shown on the plan extending off of the lot at 148 Walnut Street, there should be something in the package to indicate what is going on there and why. He said that he was not sure that the Board can take action on retaining walls at 156 Walnut Street. He said that there are some questions that need to be worked out and waiting until September is a good idea.

Mr. Becker said that the property is located in a Water Supply Protection District (WSPD) and there is nothing in the materials that were submitted that addresses that. He said that it looks like there are 11 feet of fill and there are certain requirements in the WSPD for that. He said that the Applicant needs to indicate how the requirements will be met.

Mr. Becker said that the site or civil drawings and the architectural do not fit together exactly.

Mr. Seegel asked if the petition should be withdrawn without prejudice and resubmitted. Mr. Himmelberger said that will be ample time to submit materials before September. Mr. Seegel said that if it is going to be requested as a variance, it will have to be re-advertised. He said that the Board has the authority to waive the application fee.

Mr. Adams asked about the road that goes from Walnut Place to 148 Walnut Street. He asked if there is any proposed change to the road as part of this project. Mr. Himmelberger said that currently there is no intention to change the location of the driveway. He said that it is an easement over 156 to 148 Walnut Street. He said that Mr. Shind pointed out that the location of the existing easement driveway does not match up with the original plan of land, being forward to Walnut Street rather than at the rear of 156 Walnut Street. He said that it is not a level surface to the rear of the lot and not easily pushed back.

Mr. Adams said that he agreed with Mr. Seegel. He said that he has not heard any dispute regarding increasing nonconformities. He said that it makes sense to withdraw without prejudice and refile. Mr. Himmelberger asked that the Board allow the petition to be withdrawn without prejudice and to waive the filing fee. He said that the Applicant will pay the \$25 publication fee.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice and to waive the application fee upon resubmittal.

Mr. Becker voted aye.

Mr. Seegel voted aye.

Mr. Adams voted aye.

Present at the public hearing was David Himmelberger, Esq., representing Stephen & Maryanne Ulian, the Petitioner. Mr. Himmelberger said that this matter was before the Board in March. He said that subsequently, the Applicants questioned whether they wished to proceed with a project like this in the current state of affairs and requested that the petition be allowed to be withdrawn without prejudice. He said that the Ulians will assess how things turn out over the coming months before reconsidering to proceed further.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.

Mr. Becker voted aye.
Mr. Seegel voted aye.
Mr. Adams voted aye.

David Himmelberger thanked Mr. Seegel for his service to the Board and the Town. He said that it has been an honor and a privilege to be able to appear in front of Mr. Seegel these past few years and he thanked him from the bottom of his heart. He said that we are going to miss you as a town.

ZBA 2020-18, CHARLES & JANE ELLIS, 73 WHITTIER ROAD

There was no one present at the public hearing representing the Applicant.

Mr. Becker asked if there had been any further communication from Ms. Ellis about proceeding with the hearing. Ms. Mahoney said that there was not.

Mr. Adams said that the petition involved a pool and had a lot of issues. He said that the Board could make a decision about if the Petitioners are not present to defend it.

Mr. Seegel said that all of the Board members had great difficulty with this application. He suggested that the Board withdraw the petition without prejudice for failure to appear. He said that the Petitioner will have to start again with something that the Board is more amenable to. Mr. Adams said that a new submittal should have better documents. Mr. Becker agreed that withdrawing the petition was a good solution because it would allow the Board to hear it with a different panel if they Petitioner chooses to move forward.

Mr. Seegel moved, Mr. Adams seconded the motion, and the Board voted unanimously to dismiss the petition without prejudice, due to failure to appear.

Mr. Becker voted aye.
Mr. Seegel voted aye.
Mr. Adams voted aye.

ZBA 2020-19, STEPHAN GAULDIE, 229 WESTON ROAD

Present at the public hearing was David Hornstein, Architect, representing Stephan Gauldie, the Petitioner. Mr. Hornstein said that the house is existing nonconforming on the left side and the proposal is for a conforming addition on the right side. He said that the Board raised a number of concerns, some of them specifically about the drawings and the plans.

Mr. Hornstein said that the Board had asked if he had any experience working in the Town of Wellesley. He said that he has done 37 projects in Wellesley over the last 35 years and he is familiar with town requirements.

Mr. Hornstein discussed concerns about the existing plans. He said that the plans did not show the stairway in the basement and the rooms were not labeled correctly. He said that the new room on the lower level has egress to an outdoor stairway and through the rec room to a stairway upstairs. He said that he put descriptive labels on the rooms on the first and second floor.

Mr. Hornstein said that the height had not been expressed from average grade. He said that 27.2 feet is the height above average natural grade. He said that the existing roof height matches the existing house.

Mr. Hornstein said that there was concern about a railing on an exterior stair on the right side. Mr. Sheffield said that Plan A4 should show the stair and railing even though the stair is underground. Mr. Hornstein said that he eliminated the railing. He displayed Plan P2. He said that they covered the stair with safety glass with an end panel that hinges up. He said that eliminates any view from the street or any adjacent property. Mr. Sheffield asked if that will satisfy the Building Code as an egress. Mr. Hornstein said that the skylight is 7 feet long by 3 feet wide, so it is more than enough to meet the egress requirements. He said that it is a spring loaded fire hatch where you pull the handle and it pops open.

Mr. Hornstein said that the Board had a number of labeling questions on the site plan. He said that they put an open space analysis on the plan. He said that the existing house had 34 percent open space and the proposed house has 32.9 percent. He said that the existing driveway is shaded on the plan and will be coming out. He said that the area of concrete pavers will be removed. He said that the rear deck will be removed.

Mr. Hornstein said that they will add the diagonally hatched area that encompasses the 113 square foot addition that exists and will be absorbed into the new building. He said that they will add a front porch.

Mr. Hornstein said that they will decrease the amount of impervious surface will decrease by 353 feet. He said that they are proposing a much smaller paved area than what is currently there. He said that it will be a significant visual improvement to not have cars parked on the concrete pavers by the sidewalk. He said that parking will be moved back to the garage.

Mr. Hornstein said that all of the dimensions have been expressed on the site plan as decimals and as feet and inches. He said that all of the setbacks and every dimension that could be, was dimensioned.

Mr. Hornstein said that the existing garage will be removed.

Mr. Seegel asked if the 32.9 percent that is shown on the Open Space Analysis on Sheet 3 is lot coverage. Mr. Hornstein said that he enumerated the components to highlight the open space analysis that referenced paved surfaces, decks, etc. Mr. Seegel asked about the total square footage of the house. Mr. Hornstein said that the total square footage including the garage is 2,867 square feet.

Mr. Redgate said that this lot is nonconforming because the left side of the existing structure does not meet the 20 foot setback. He said that the right side of the existing house does meet the 20 foot setback. He said that the proposal is for an addition that will be conforming on the right side, however the stairway out of the basement creates a new nonconformity on the right side. Mr. Hornstein said that his understanding is that if it is below grade, it does not count against setback. Mr. Sheffield said that Mr. Hornstein created an elongated bulkhead below grade that does not count in the setback. Mr. Hornstein said that it is lower than a typical bulkhead. He said that this will be about 14 inches above the ground. Mr. Redgate questioned whether a 25 feet long by 4.2 side structure would be considered to be a variance. He said that the top of wall would be exposed in the setback. Mr. Hornstein said that the top of wall is pretty much at grade. He said that it is approximately four inches above grade. Mr. Sheffield suggested that it not just be labeled "basement stairwell" because it ought to be described further.

Mr. Sheffield said that there had been discussion about the circular drive and a landscape plan, which has been provided. He said that he has often bicycled on Weston Road and has not found any difficulty is riding past a circular drive. He said that it is probably safer than someone having to back out of the driveway. He said that many of the properties on Weston Road and the side roads off of it have circular drives. Mr. Hornstein displayed a plan that shows the properties with circular drives on Weston Road, where they are the norm, not the exception.

Mr. Seegel said that he is not troubled by the circular drive any longer. He said that when you put a circular driveway in, you have to keep the landscaping at a maximum height so that cars coming down can see a vehicle on the driveway in case it is moving. Mr. Hornstein said that they chose the shrubs in height order. He said that the ones on the outsides are lower to create a line of sight over the shrubs before the nose of the car is on the sidewalk. He said that they sat in the car and chose shrubs that would be below eye line. He displayed a perspective view of the landscape.

Mr. Sheffield asked if the perspective view exaggerates the curb cut. Mr. Hornstein said that the curb cut is 12 feet, as shown on the site plan.

Mr. Redgate said that one of his issues with the curb cut is that when the town rebuilt Weston Road less than 10 years ago, it was a pretty delicate operation with the curbing set at certain elevations for good drainage in the roadway. He said that by adding a driveway, they will cut into something that is fairly new and getting the curbing, sidewalk and elevations to working nicely on land that is not owned by the Petitioner, could be a problem over time if too many people add circular driveways. He said that there should be engineering plans that coordinate with the town's DPW. Mr. Seegel and Mr. Sheffield agreed with Mr. Redgate that the plans should be coordinated with the town engineer. Mr. Sheffield discussed inserting a condition that requires coordination of the curb cuts and the configuration by approved by the town engineer. He said that otherwise he is satisfied with everything that was presented.

Mr. Redgate discussed inserting a condition that the type of stairway that the Board has never seen before, does Massachusetts Building Code consider that a structure or just an elongated bulkhead. Mr. Sheffield said that Mr. Grant will determine that. Mr. Redgate said that this approval would assume that the stairway access from the basement is not considered a structure as far as Massachusetts Building Code.

Mr. Becker asked if any member of the public had any comments or questions.

Mr. Seegel read the Planning Board recommendation.

Mr. Seegel asked if there will be any underground retention areas for the roof. Mr. Hornstein said that he spoke to the building inspector and was told that this area has excellent drainage, so they do not need anything more than splash pads and redirecting for containment. Mr. Seegel said that now there will be a very large roof draining onto the surface of the circular driveway. Mr. Hornstein said that they can direct the water to pervious surface and it will not drain on the driveway. He said that a complete guttering system is shown on the elevations.

Mr. Redgate said that the Board has not held single family homes to a drainage standard. He said that when the Board reviews a home in the Water Supply Protection District, it typically asks for some sort of stormwater information. He asked about the TLAG of the proposed home. Mr. Hornstein said that it will be 2,867 square feet. Mr. Redgate said that this is not a large house.

Mr. Becker said that the Zoning Bylaw requirements for drainage review start with acre lots and above. He said that most of the residential projects that the Board reviews do not come close to that.

Mr. Seegel said that the DPW engineering may request some sort of grate at the end of the circular driveway. He said that is why the Board should leave that up to the DPW. Mr. Redgate agreed. He said that there are a lot of issues involved there. He said that it is not a simple exercise.

Mr. Sheffield moved, Mr. Redgate seconded the motion, and the Board voted unanimously to approve a special permit, as presented, subject to a condition that the interface of the circular driveway with Weston Road be reviewed by the town engineers and follow any mitigations that they so direct.

Mr. Seegel voted aye.
Mr. Sheffield voted aye.
Mr. Redgate voted aye.

Mr. Seegel moved, Mr. Redgate seconded the motion, and the Board voted unanimously to authorize Lenore Mahoney, Executive Secretary, to sign the decision in their behalf.

Mr. Seegel voted aye.
Mr. Sheffield voted aye.
Mr. Redgate voted aye.

ZBA 2020-22, LOWER FALLS LLC, 10 WASHINGTON STREET

Present at the public hearing was Kathy McLean, owner of Fitness Advantage, representing Lower Falls LL, the Petitioner. Ms. McLean said that the continued petition is a request for a special permit for a sign place above the door at 10 Washington Street. She said that it had been approved but she wanted to be sure that the sign was her true logo and not just a portion of the logo. She said that the Board asked her to go back to the Design Review Board (DRB) and the sign was approved.

Mr. Sheffield said that there are three lamps that illuminated the previous sign. He asked if all three are needed for the smaller sign. He said that on the lower of the two images that were submitted, it looks like two of the lamps will light brick and one will light the logo. He said that the image provided by the sign company does not center the sign over the door. Ms. McLean said that it will be centered. Mr. Sheffield asked if the sign behind glass will be removed. Ms. McLean said that it is fixed to the inside of the door. Mr. Sheffield asked if that sign is still needed. Ms. McLean said that the little sign on the door is not visible to oncoming traffic. She said that the gas station next door has three huge signs that block her door. She said that is why she wanted a sign that is high enough for oncoming traffic to see. She said that the sign on the door says, "By Appointment," and it has her phone number. Mr. Sheffield said that the image makes it look like there are two signs on that façade, one on the door and the other above the door. He said that the sign on the door is for someone who is walking up to look at it, so the logo is not needed. He said that it looks like overkill.

Mr. Becker said that there is a limitation in the Zoning Bylaw for the total number of signs. He read an excerpt from Section 22A of the Zoning Bylaw. Ms. McLean said that she can have the window sign peeled off. Mr. Sheffield said that during times like these during Covid-19, there may be other messages such as informational announcements for masking that are not behind the door glass but on the adjacent panels on either side of door. Ms. McLean said that due to Covid, she does have information for private instruction on her windows now.

Mr. Becker asked if any member of the public had any comments or questions.

Mr. Becker read the Planning Board recommendation.

Mr. Sheffield said that the bylaw is written as if all of the doors to establishments face the street. Mr. Redgate said that Lower Falls is an unusual area of town that may need some leeway in the sign bylaw. Mr. Seegel agreed.

Mr. Sheffield said that the Board previously approved the sign if it was just the logo. Mr. Becker said that there were two parts to the minutes. He said that the Board approved the sign in the first part and Ms. McLean came back later with concerns about the logo, and the Board continued the hearing, on that basis.

Mr. Seegel said that the Board should reference the plan with a revision dated of May 13, 2020. Mr. Sheffield agreed.

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to approve a special permit for a sign, as shown on a plan dated 2/26/20, revised on 5/11/20 and 5/13, subject to a condition that the second sign on the door advertising the business be removed, and with the understanding that temporary signs that meet the definition under the bylaw may be posted on the side panels of the door for announcements.

Mr. Seegel voted aye.
Mr. Sheffield voted aye.
Mr. Redgate voted aye.

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to authorize Lenore Mahoney, Executive Secretary to sign the decision in their behalf.

ZBA 2020-28, PLAYHOUSE NOMINEE TRUST, 380 WASHINGTON STREET

The Executive Secretary said that the Applicant had been notified of the remote public hearing on June 4, 2020 and did not respond. She said that no new materials were submitted to the Zoning Board or to the Design Review Board. Mr. Seegel said that, based on failure to appear, the petition should be withdrawn without prejudice.

Mr. Seegel moved, Mr. Sheffield seconded the motion, and the Board voted unanimously to dismiss the petition without prejudice, due to failure to appear.

Mr. Seegel voted aye.
Mr. Sheffield voted aye.
Mr. Redgate voted aye.

As there was no further business to come before the Board, the hearing was adjourned at 9:30 pm.

Respectfully submitted,

Lenore R. Mahoney
Executive Secretary