

TOWN OF GEORGETOWN ZONING BOARD OF APPEALS

MINUTES OF A PUBLIC HEARING

73 E. Main Street – ZBA FILE #10-02 - VARIANCE

Applicant - Bohler Engineering, P.C. c/o Green Valley Oil

Owner – Leemilts Petroleum, Inc.

May 4, 2010

Board Members Present: Paul Shilhan, Chairman
Jeff Moore, regular member
Jon Pingree, regular member
Scott MacDonald, associate member
Paul Taraszuk, associate

Absent – Matt Lewis, regular member, Mike Muller, regular member

Representative of Bohler Engineering: Lucien M. DiStefano, 352 Turnpike Rd, Southborough, MA

Zoning Clerk: Patty Pitari

P. Shilhan: Open the Hearing at 7:35pm by reading the legal ad; The following petition will be heard by the Georgetown Zoning Board of Appeals at the Georgetown Town Hall 3rd Floor Meeting Room on May 4, 2010 at 7:30 PM, per M.G. L. Chapter 40A, Sections 10 and the Georgetown Zoning Bylaws Chapter 165, Sections 8-11 and 65 and 84. An petition has been made by Bohler Engineering, P.C. c/o green Valley Oil (applicant) and Leemilts Petroleum, Inc. (owner) for the property located at 73 E. Main Street for Variances (canopy & signs), the applicant is requesting to construct a 44' x 24' canopy over the existing gas dispensers 10.9" to the front setback where 20' is required. The canopy will include three 7 Sq. Ft. "Helios" sign logos on each side.

Applicants Presentation:

Mr. Luke DiStefano Bolher Engineering, this project was started by Getty was here in 2000/01 to improve the site, but they only got to removing and replacing the dispensers. Green Valley Oil is independent jobber they have purchased a little over 300 locations from Getty, but the land is still owned by Leemilts (Getty) but Green Valley owns the business. It's to construct the canopy as indicated in the application, 10.9ft, from the main street right of way, but the travel lane is well outside of the property line, the travel line of the street, so the canopy will actually be setback 40ft from travel lane of E. Main Street.

S. MacDonald – the travel lane being the street?

DiStefano – We are seeking for the setback and the lot is a bit unique, we have other constraints the canopy needs to be with the dispensers, which triggers the need for the variance. We also want to re-image the canopy, we have a 3 dimensional vinyl graphic, that sits on 3 sides one on the front of the canopy and the two side, nothing on the backside and then three BP Helio logos that are internally

illuminated 7 ft. 1", on the face of the canopy one on the front and then the sides, they are designed to improve lighting and shelter and better visibility to customers. It does not shine light on abutting properties.

Your building inspector said the only signage would be the 3 logos which are internally illuminated and the graphic itself is not considered signage and not subject to the variance relief itself

J. Pingree – Did he consider it signage because it was illuminated?

DiStefano – Yes, that's correct.

J. Pingree – So if it was not lit he would not consider it signage?

DiStefano – Correct.

J. Moore – What is height.

DiStefano – It's about 18 ft. on average from the ground to top.

J. Pingree – What are the dimensions in that picture you are showing, it looks really large for two pumps, are you planning on adding pumps?

DiStefano – In the event if they switch to self serve, it gives an option of where they can put the self service fire suppression; these are about 18-19 apart on center.

P. Shilhan – It does look big for 2 pumps, the picture shows 4 pumps for that size canopy.

J. Pingree – What's the smallest size

DiStefano - 11 and 1/2 on each side and it's not standard design, then 9 ft. It becomes much more costly, as it would have to be custom made.

J. Pingree – I am having trouble with the size, and I have a problem with having those helio's lighted, it could start looking like Route 1, and we are trying to keep in character with the town.

J. Moore – asked height of the existing building.

DiStefano – I think the building height is about 12 ft., it's the minimum. There are two lights over the dispensers now at about 400 watts each, if this is approved you will have a 30 watt recessed focus light that projects light down on the face of the dispenser then 4 100 watts, down on the canopy and they are full cut off fixtures,

J. Pingree- What is your hardship not to have those 3 helio lit?

DiStefano – It's a little bit of a competitive thing, we don't have a big BP sign, like Mobil.

Handwritten signatures and initials:
MPL
PST
PST
2

J. Moore – I have more of a problem with the price lighted digital sign that's out there now. I would take those 3 helio any day over those green led price signs.

J. Pingree – I was surprise the Building Inspector gave you that.

DiStefano – I think we tripped the need for a Variance with more than one lighted sign, and we wanted the 3 lighted helio signs.

J. Moore – Is there any change you can eliminate those LED on the existing sign. To me this is too much, the price sign at night you can see them from a pretty good distance.

DiStefano – I would have to check, I could certainly ask Green Valley Oil.

S. MacDonald – One of the objectives of the canopy is to make it recognizable as a BP, but I think that price sign already does that, as Jeff said.

P. Shilhan – Who determines what the hours are? DiStefano – the operator.

DiStefano – Usually they are on the timer, and it gives them time to close up

J. Pingree – Do you know the hours of operation.

DiStefano – No I don't, but they would not be changed. We would not have an issue with a condition with for example the operator would have 20 minutes to shut lights off by end of business.

P. Shilhan – Have you run into this with other communities have an issue with staying within the character. The signs at the Dunkin Donuts across the street are more in staying with the concept of the town.

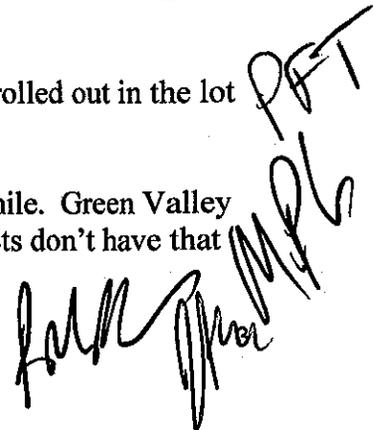
Di Stefano – I am certain there would be a compromise, but the issue is the internally illuminated, I know there is some play in what gets illuminated, the front center light would be the primary lighted logo, but no alternative with the size of the canopy.

J. Pingree- I don't have a problem with the canopy, he can make a case with the shape of lot, and the brook in the back, but I am having a hard time with 3 of those helios being lit, I think one is enough to be in the best interest of the town.

J. Moore – I would like to see if we can work with the sign that's already there, I don't know it that's something you can work with, I am good with the canopy, but everyone in town will start wanting illuminated signs.

P. Shilhan – The other issue is that temporary sign that's out there every day that's rolled out in the lot that's not very nice looking.

DiStefano – These are stations that have not seen a lot of improvement in quite a while. Green Valley has come in to improve these sites, they are not a major oil company, and the projects don't have that major oil company's behind it.



J. Pingree – I don't see a hardship on the signage. I am not connecting with soil, shape or typography on that, I think 3 helios are 3 signs which only one is allowed.

J. Moore – I would like to talk about taking down that price sign out and we give them these these lighted logo signs, if that is something you could accept, I don't have a problem with the canopy but as soon as that green led price sign went up, I would like to look at it as an overall upgrade, does that take the detriment down.

Shilhan – Another thing is that sign that they bring out every day and leave in the middle of the parking lot doesn't look good. Also have you run into anyone conditioning you to adding trees etc...?

DiStefano – Green Valley has come in and update these old sites and get approvals for these canopy's, this is not a big oil company, we have not been asked to do substantial improvements, except for one we are on now, and that canopy probably won't go up, because of budget on these.

J. Pingree – The bylaw calls for one sign on face of building and he is asking for a variance for three of those signs, I don't have a hardship for all of those signs, being related to the soil, lot or typography.

J. Moore – I still would like to do something with that price sign.

DiStefano – If I had to bet, they would keep the price sign that's out front and forget the canopy.

J. Pingree – We have 2 Variances, if the canopy is denied, then the other is moot, let's discuss the canopy first.

No Audience in Attendance

Board Discussion on Variance for canopy

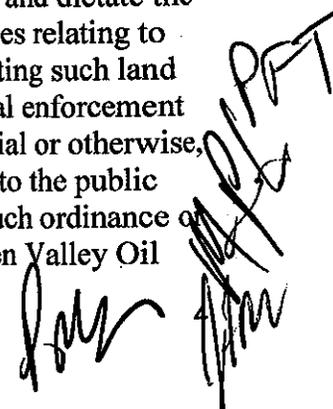
J. Pingree – So the first if the 24 x 44 ft. canopy.

S. MacDonald – I don't have a problem with the Variance on the canopy.

P. Taraszuk – I don't think I see the setback Variance being a problem either.

Variance for Front Setback - Canopy

Motion – J. Pingree – I move to approve the design for a 44 x 24 foot Canopy and allow the Variance for the front lot setback allowing it to be 10.9' where 20' is allowed requirement of the Georgetown Zoning Bylaw due to the unique building restrictions imposed on this property resulting from the location of the Bullford Brook, along with the existing structures on site (i.e. building, fueling dispensers, and underground storage tanks) were not proposed to be removed/relocated and dictate the location of the proposed canopy within the front yard setback, this owes to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law that the Zoning Board approve the petition of Bohler Engineering, P.C. c/o green Valley Oil



(applicant) and Leemilts Petroleum, Inc. (owner) for the property located at 73 E. Main Street to construct a 24 ft. x 44 ft. canopy, seconded by S. MacDonald. All in favor 5-0. Motion carried.

Discussion on the 3 Helio's signs

J. Pingree – I would prefer it not be lit. I will not vote for the variance for the 3 Helios on the canopy and read the bylaw Ch. 165-63-65. If the building inspector determines that can be lit, I can see the logo, but I don't agree it should be lit. That's my opinion.

DiStefano - I would like to speak to the Building Inspector, I don't believe your inspector considered the decal a sign, I think the reason we are here for the Helios/logos is because they were illuminated, so we may find his interpretation of the code as to what constitutes a sign, it may be if I want to put up a 3 ft diameter decal that may not be considered a sign. I will contact him, and he may say once it's illuminated or it becomes 3 dimensional, it then becomes a sign. We are not going to do what we are not allowed by right.

Jon reads 165-63-65 Bylaw on Signs

J. Pingree – I think you can have one sign lighted as I read it.

J. Moore – Can he just withdraw the Sign portion of the petition.

Request to Withdraw the Variance for Signage on the Canopy

DiStefano – I would like to request to withdraw without prejudice for the sign variance for now and speak to the Building Inspector and I will get back to Patty with his interpretation. I will draft a letter and send to Patty.

Motion - J. Pingree moved to allow the applicant to withdraw without prejudice his request for the second Variance for the signage, being the 3 additional signs to the canopy, seconded by S. MacDonald, all in favor 5-0. The applicant and chairman signed a withdrawal form and Patty will have it stamped by the Town Clerk.

J. Pingree asked Patty to draft a letter to Glen Clohecy to get clarification on the signage. On what the definition on the sign, is it considered a logo, or because it's lit it's a sign.

Motion - J. Moore to close hearing, seconded by P. Taraszuk, all in favor. Motion carried

Motion - J. Pingree to adjourn at 8:25pm, seconded by S. Macdonald, all in favor. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved 6-17-10

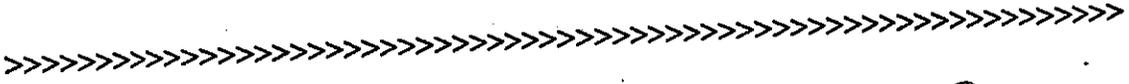
[Handwritten signatures and initials: PFT, M.P.L., and others]

TOWN OF GEORGETOWN
MEMORIAL TOWN HALL
1 LIBRARY STREET
GEORGETOWN, MA 01833



*Partial
Withdrawn
for 73 E. Main*

**APPLICATION WITHDRAWAL AUTHORIZATION
ZONING BOARD OF APPEALS**



FILE NO: 10-01, Applicant *Bolher Engineering /
Green Valley with
Leemitz Petroleum*
FILED: 3-23-10
HEARING DATE: 5-4-10 - 73 E. MAIN ST
DATE GRANTED: _____

Upon the request of the petitioner/applicant and vote of the Board of Appeals:
the petitioner/applicant has granted permission to withdraw the above
mentioned petition/application.

*Partial
Applicant has withdrawn
the sign variances*

[Signature]
Petitioner/Applicant

[Signature]
Chairman, Board of Appeals

A Copy of this authorization shall be filed in the office of the town clerk.

[Signature]