City of Lowell, Massachusetts

Zoning Board of Appeals

William Bailey, Chairman

Decision on case number: **ZB-2012-000028**
1141 BRIDGE ST

Mr. Michael Geary, City Clerk
City Hall
Lowell, MA 01852

RE: 1141 Bridge Street Special Permit Approval

Dear Mr. Geary,

The City of Lowell Zoning Board of Appeals hereby certifies that the following is a detailed record of the Board's proceedings and decision regarding the application described below:

Case Number:	**ZB-2012-000028**
Filed on:	**06/11/2012**
Petitioner:	**UNG MENG LY UNG LUN LY** **3 JAMIE WAY** **TYNGSBOROUGH, MA 01879**
Subject Property:	**1141 BRIDGE ST**
Petition:	**Special Permit - Signs to install new internally illuminated signage for Berryrich Frozen Yogurt and other tenants (pursuant to Sec. 6.3 of the Zoning Ordinance)**
Decision:	**Granted w/ Conditions**

The Petitioner's application was received on **06/11/2012**, and a notice of public hearing on this application was:

1. Published in the Lowell Sun, a newspaper of general circulation in the City of Lowell, on **06/10/2012** and on **06/17/2012**.

2. Posted in a conspicuous place in the City of Lowell's City Hall on **07/2/2012**, which was at least 48 hours prior to the hearing.

3. Mailed, postpaid on **06/05/2012**, which was at least 14 days prior to the hearing, to the petitioner, abutters within 300' of the subject property, owners of land directly opposite the property in question on any public or private way, and the planning boards of abutting towns. The notice was mailed to the names and addresses shown on the most recent tax list provided by the City of Lowell's Assessor's office.

The public hearing was closed on **07/09/2012**.

The Board rendered its Decision on **07/09/2012**.

The Decision was filed with the City Clerk on **07/13/2012**

A quorum of Board members was present, with alternate member K. Ahern absent

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Finding of Fact

Based on the evidence and testimony presented at the public hearing, the Board made the following findings regarding the applicant's request **to install new internally illuminated signage for Berryrich Frozen Yogurt and other tenants (pursuant to Sec. 6.3 of the Zoning Ordinance)**

1. The plans submitted to the Board met statutory and Zoning Board of Appeals specifications and the plans were approved for filing by the Zoning Board.

2. The narrative submitted by the petitioners addressing the Special Permit requirements as enumerated in Section 11.3.2 of the Lowell Zoning Ordinance and other appropriate concerns in the following defined categories was deemed appropriate by the Zoning Board.

   - Application to the City's Master Plan,
   - Neighborhood Character,
   - Environmental Impacts,
   - Traffic Access & Safety, and
   - Additional Impacts, including impacts on public services and utilities, potential fiscal impact, tax base and employment.

   Furthermore, the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood in view of the particular characteristics of the site, and of the proposal in relation to that site.

3. The applicant proposed new signage for up to 5 units. Signage facing the parking area is shown to be 12 square feet per sign for a total of 60 square feet. Berryrich, the tenant closest to Bridge Street, also proposed an additional sign totaling approximately 28 square feet. This sign will be visible from Bridge St.

4. The project submission included plans dated 5/25/12 by Hammer and Sons, Inc. Both the plans and narrative identified the type of signage (channel letters) to be used not only for Berryrich but also for future tenants.

Specific Findings:

5. The Board found that the proposed signage complimented the recently constructed building, as the proposed channel letter sizes and locations blend in with the building's architecture.

6. The Board found the colors picked by the applicant were subtle and preferred with the existing building.

7. An appropriate condition as indicated by the Board includes the limitation of hours of illumination with Berryrich to 11:00pm.

8. The Board also found that an administrative review of future signs at this site to be appropriate, where not only design but also hours of illumination would be considered.

Motion

The Board adopts the foregoing findings of fact based on the information provided in the Petitioner's Application and Supporting Plans and Specifications. After due consideration of all of the foregoing, a motion was made by **Gary Perrin,** and seconded by **Melissa Carino,** with the Zoning Board of Appeals members voting as follows:

Melissa Carino votes to Grant W/Conditions
Dennis McCarthy votes to Grant W/Conditions

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William Bailey votes to Grant W/Conditions
Gary Perrin votes to Grant W/Conditions
Corey Belanger votes to Grant W/Conditions

Hence, Zoning Board of Appeals case number: **ZB-2012-000028** was **Granted w/ Conditions.**

This Decision does not relieve the petitioner or any other person from the necessity of complying with all other applicable federal, state and local statutes and ordinances and regulations.

Any person(s) aggrieved by a decision of the Zoning Board of Appeals may file an appeal pursuant to MGL Ch.40A §17. Such an appeal must be filed within twenty (20) days following the filing date of this decision in the Office of the City Clerk. All appeals must be filed with the City of Lowell's Office of the City Clerk.

In accordance MGL Ch. 40A §11, this Decision shall not take effect until a copy certified by the Office of the City Clerk has been recorded at the Registry of Deeds.

William Bailey, Chairman