

Remote Meeting Minutes, Zoning Board of Appeals
Town of Whately, MA
November 3, 2022

Members Present: Roger Lipton, Bob Smith, Kristin Vevon, Fred Orloski
Members Absent: Debra Carney

Attending:
Mike and Lisa Moore
The Kelly Family

At 6:40 Roger Lipton opened the meeting.

Public Hearing, continued:
Special Permit Application to replace the current sign at Whately Self Storage with a new sign, on premises located at 94 State Rd.

Roger noted that the ZBA secretary had forwarded to the board a rendering of the proposed new sign from Chuck's Sign Company, which the board had requested to show the dimensions of the sign. Whately's bylaw requires a sign of no more than 12 square feet, and the illustration indicates that this is the size of the proposed sign. It also indicates that the older (upper) sign is being removed.

Applicant Eric Boliski raised an issue with the board, stating that he measured signs both north and south of his business and that only The Wax Barn has a sign in compliance with the bylaw requirement of 12 sq. ft. He listed these businesses along with the sizes of their signs:

- USI – 28 sq ft
- The Home Store – 32 sq ft
- Orchard Trailer – 18 sq ft
- Rainbow Motel – 32 sq ft
- L&L Fence – 32 sq ft
- CN Wood – 16 sq ft

Mr. Boliski said that Chuck's Sign Company had originally specified 16 sq ft because that is the smallest size they thought would look good. He said that based on that opinion he is rethinking his decision to replace the current sign, since he doesn't want to spend thousands of dollars on a sign that won't look good.

Roger replied that the ZBA is not an enforcement board and its members don't cite people for violations – that is the building inspector's job. He explained that when someone applies for a special permit for a particular sign and the sign meets the bylaw requirement, the board will probably approve it. If the sign doesn't meet the requirement, he added, the ZBA will probably never approve it unless there is some sort of special circumstance.

Roger noted that he has no recollection of ZBA approval for any of the oversize signs Mr. Boliski had mentioned, adding that he and other members had been on the board a long time. He said it was possible those signs might be illegal but that the building inspector had decided not to pursue the matter for some reason. Bob Smith added that some of the oversize signs go back a long way – that the Rainbow Motel had been there since he was a boy. Roger agreed, saying that some of the signs may have existed before the current bylaw was in effect and were allowed to remain.

Roger acknowledged that it is Mr. Boliski's decision whether to replace the current sign, adding that the proposed sign does look nicer, though he doesn't know whether that would draw in more people. Kristin Vevon agreed, saying the proposed sign is a huge improvement with a nice logo. Roger said he would be inclined to issue a permit for the proposed new sign. Bob stated that he, too, was inclined to favor permitting the new sign, and Fred Orloski felt the same. Bob then clarified that the sign's backlit illumination would be turned on only during the hours of 7:00 am to 10:00 pm as limited by the bylaw. Mr. Boliski said that would not be a problem since he will be able to set the times and control the lighting from his phone.

Roger moved to close the public comment portion of the hearing, Bob seconded the motion, and the motion passed unanimously. Roger voted in favor of granting the special permit. Bob also voted in favor. Fred suggested first soliciting any comments from members of the public, specifically inviting Mike and Lisa Moore, and the Kelly family, whose presence at the meeting was indicated. Nobody had any questions or comments so Fred also voted to grant the special permit, and the motion passed unanimously. Roger explained the process of writing the ZBA decision and submitting it to the town clerk, notifying the interested parties, waiting twenty days for any objections to be filed, and if there are none, allowing the applicant to pick up the decision from the town clerk and file it with the registry of deeds at the courthouse in Greenfield.

Roger asked whether Mike and Lisa Moore had questions or comments about another topic; they did not. Lisa Moore said she and her husband wanted to acquaint themselves with the process with the future in mind. Roger then informed them of an extra meeting this month on the 17th, regarding a marijuana business on River Rd., in case they were interested in attending that as well. The board discussed the process for writing the decision and getting it to each member for a signature. They confirmed they will have a quorum for the November 17 meeting. Roger adjourned the meeting at 7:05 pm.

Documents Reviewed (kept in the ZBA files)

1. A rendering made by Chuck's Sign Company of the new sign proposed for Whately Self Storage at 94 State Road.

Mary C. McCarthy
Secretary,
Zoning Board of Appeals and Planning Board
Town of Whately, MA