



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
October 17, 2019**

Members present: Members Barney Ovrut, Kim Mellen and David Brown, Associate Member Kurt Yeghian and Lorraine Brue

Chairman Ovrut opened the meeting at 7:00 p.m. in the Community Meeting Room of the Boyden Public Library, 10 Bird Street.

7:00 p.m. Lamar Advertising Co. requests a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.C.(1)(a) and Section 213-6.A.(1), Table 2: Sign District 1 Dimensional Requirements, to erect a static billboard of 672 square feet and a Special Sign Permit pursuant to section 213-3.c.(1)(g) to exceed the height limitation of 50 feet to approximately 60 feet in height. The proposed billboard will be located at 124 Washington Street and is located in Sign District 1. Lamar Advertising was represented at the hearing by Lamar Real Estate Manager Matt Renniger, Lamar Vice President Michael F. Murphy and Gregory P. Spier, the President of Maystar Realty Corporation and Trustee of Maystar Realty Trust. They are proposing a two sided static billboard of 14' x 48' that would be 60 feet high (50 feet from the road grade). This billboard would not be visible to any residents in the area as it is located in an industrial area and will meet all local and state regulations. They are asking for the additional 10 feet in height as the area is 10 feet below the road grade, usually billboards are 50 feet high. The billboard will be illuminated with LED lighting from the bottom that will turn off at midnight. The billboard will be owned by Lamar and the land leased from Mr. Spier. Mr. Spier explained that this billboard will be located on the Pinebrook Office Park Condo Association land and it is located more than 500 feet from any other billboard located on Route 1. Mr. Renniger reviewed the location of the proposed billboard which will be 16 feet from the roadway.

There were no abutters present.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board immediately moved into deliberations.

A motion to approve the proposed static billboard at 124 Washington Street with the following conditions: the billboard shall not exceed 672 sq. ft. in area and 60 feet in height; the billboard shall be set back at least 10 feet from the property line and outside of a 500 foot radius from the nearest static billboard, the edge of the billboard shall not be less than 16 feet from Washington Street; the billboard will be constructed as proposed and situated on the property as shown on the plans; the billboard shall be illuminated with LED lighting from the bottom facing up with no light wash beyond the area of the sign; no modifications are permitted without written approval of the ZBA; Lamar Advertising shall establish a bond with the town for \$20,000; the Special Sign Permit is specific to Lamar Advertising; if Lamar wished to transfer ownership of the billboard, the new owner shall be required to obtain a Special Sign Permit from the Board and establish a bond in an amount to be determined; Lamar Advertising shall obtain any other

permits that may be required from the Department of Outdoor Advertising and the Building Commissioner was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:10 p.m. 91 Washington Street Investors LLC request a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.C.(1)(a) and Section 213-6.A.(1), Table 2: Sign District 1 Dimensional Requirements, Note 2, to allow the conversion of one side of an existing static billboard to an electronic billboard. The existing billboard is located at 91 Washington Street in Sign District 1.

Lamar Advertising was represented at the hearing by Lamar Real Estate Manager Matt Renniger, Lamar Vice President Michael F. Murphy and Cheng Quian, Chief Product Architect of Media Resources, Inc. This hearing is to convert an existing static billboard to an electronic billboard on one side. It will be the south facing side of a billboard at 91 Washington Street that was approved in 2017. Mr. Renniger explained that they currently have 31 digital billboards in the area, 25 in MA and 1 in Foxboro. They have over 100 located throughout MA. The electronic billboard will be 14' x 48', the same size as the existing billboard and will be located 513 feet from the closest static billboard with no other electronic billboard located within 1000 feet. This billboard is not visible to any residents in Foxboro.

The electronic signage will not have any animation or flashing lighting, there will be 10 seconds between each ad, which is state law. The applicants presented a short video presentation on electronic signs. It was also noted that they will run 15 hours a month of public service announcements to comply with state regulations and will also run emergency notifications from law enforcement, amber alerts, weather alerts, etc.

No structural changes to the existing billboard need to be made; installation of the electronic panel is a one day job. The ads and maintenance are controlled from Providence. Lamar Advertising determines the advertisers shown on the billboard, they do not take ads from gentlemen clubs (company policy).

Mr. Quian made a presentation about light considerations addressing light pollution, glare and spillage; he noted that better LED technology allows for better quality displays without the need to make the images brighter. The photo cells on the billboard will automatically adjust for day/night brightness.

There were no abutters present.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board immediately moved into deliberations; it was noted that this is the first petition under the new electronic billboard sign regulations which has a mitigation requirement. The applicant will need to get in touch with the Board of Selectmen to work out a mitigation agreement.

A motion to approve the proposed electronic billboard at 91 Washington Street with conditions: the electronic billboard will replace the static billboard on the south side of the existing billboard structure with a same size face as the existing face; no changes are allowed to the north side face without another special sign permit; no structural changes are allowed to the existing billboard except what is authorized in this permit; no changes to the electronic billboard are allowed without written approval of the ZBA; Lamar Advertising shall establish a bond of \$10,000 in addition to the \$10,000 bond previously required; this special sign permit is specific to Lamar Advertising, in the event they wish to transfer ownership in the future, the new owners shall obtain a new special sign permit from the ZBA and establish a new bond in an amount to be determined; Lamar Advertising shall comply with the provisions of Sign Bylaw Section 213-5.D. (8), 213-6.A. (2) (a) and 700 CMR 3.17; if the Police Chief or the Building Commissioner determine that the electronic billboard is too bright and impairs vision of drivers on Route 1,

Lamar Advertising shall reduce the intensity within 24 hours of notification; Lamar Advertising shall provide display time for emergency announcements as requested and provide up to 6 hours per month for public service announcements requested by the town; adult entertainment business ads are prohibited; Lamar Advertising shall obtain any other permits that may be required from the Department of Outdoor Advertising and the Building Commissioner; Lamar Advertising shall execute a mitigation agreement with the Board of Selectmen or their designee was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

Minutes

The Board reviewed the minutes of September 19, 2019.

A motion to approve the minutes of September 19, 2019 was made by Ms. Brue and seconded by Ms. Mellen. The motion carried 5-0-0.

The Board discussed the fee collected for hearing notices that are published in the newspaper as required by state law. The fee currently collected (\$100) no longer covers the cost of the publication. The Board feels that the applicants should pay the fee directly to the newspaper which will require a revision to the Rules and Regulations. The matter will be prepared for consideration at a future Board meeting.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk