

**TOWN OF BELMONT
PLANNING BOARD**

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CASE NO. 22-08

APPLICANT/OWNER: Nabih El-Lakkis

PROPERTY: 90 Trapelo Road

DATE OF PUBLIC HEARINGS: May 3, 2022
Continued May 17, 2022
June 7, 2022

MEMBERS SITTING/VOTING Stephen Pinkerton, Chair
Thayer Donham
Matthew Lowrie
Karl Haglund
Renee Guo (Associate)

Introduction

This matter came before the Planning Board ("Board") of the Town of Belmont ("Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicant, Nabih El-Lakkis ("Applicant"), requests one (1) Special Permit under §5.2.5 b) 3 and one (1) Waiver from the By-Law under §5.2.2 to maintain and alter one nonconforming Standing Sign at 90 Trapelo Road located in the Local Business I (LBI) Zoning District. The Planning Board may grant a Special Permit for the erection of a Standing Sign. A Special Permit may be granted if the Board finds that the sign complies with the requirements and purposes of this By-Law. The size of the sign shall not exceed 15 square feet in area nor shall it exceed 5 feet in height above the ground. A Waiver from the Planning Board must be approved to waive those sign requirements.

Proposal:

The Applicant proposes to maintain and alter a Standing Sign that is nonconforming due to its existing and proposed display area of 31 square feet, (45" x 99.25"). The existing and the proposed height of the sign is measured 15.75 feet from the ground to the top of the existing/proposed sign. The display area and height of the sign exceeds the maximum display area of 15 square feet and the maximum height of 5 feet. As a result of the 2017 amendments to the By-Law, all nonconforming signs must either be brought into conformity at the time of alteration or seek a Waiver from the Planning Board. The Standing Sign is located on the corner of Trapelo Road and Common Street.

Submissions to the Board:

- 1) March 14, 2022 Application Submission:
 - a. Cover Application for Special Permit, dated March 14, 2022;
 - b. Application for Waiver, dated March 14, 2022;
 - c. Denial Letter;
 - d. Project Statement;
 - e. Sign Rendering;
 - f. Application for Special Permit.

Public Hearing

The Board held a duly advertised public hearing conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19) on May 3, 2022 (No Deliberation) and it was continued to May 17, 2022, and June 7, 2022. The public hearing was closed at the June 7, 2022 public hearing. The applicant presented the proposed sign to the Board. No comments were received from the public at the public hearing.

Deliberation and Decision

The Board discussed the Applicant's request for a Special Permit under §5.2.5 b) 3 and a Waiver under §5.2.2 of the By-Law to maintain and alter a nonconforming Standing Sign at 90 Trapelo Road located in the Local Business I (LBI) Zoning District.

The Board deliberated on the Special Permit and Waiver requests for the nonconforming Standing Sign, and it was agreed that the size and design of the sign was consistent with the intent of the By-Law and that allowing it to be altered and maintained would not have a negative impact on public health and welfare, nor on the physical appearance of the community. The Board waived the sign requirements under Section 5.2.5 b) 3.

Accordingly, upon motion duly made and seconded, **the Board voted 5-0 to grant the Applicant's request for a Special Permit and a Waiver to alter and maintain a nonconforming Standing Sign at 90 Trapelo Road with the following conditions:**

Conditions:

1. This approval is based upon the submitted plans presented at the June 7, 2022 Planning Board Meeting. No modifications may be made without the approval of the Board, or a determination in writing by the Board that the modification is so minor that the approval by the Board is not required.
2. Prior to any building permit being issued, this decision shall be recorded at the Middlesex South District Registry of Deeds or the Middlesex Registry District of the Land Court. Proof of recording shall be forwarded to the Zoning Enforcement Officer prior to the issuance of any building permit.
3. The illumination of the Standing Sign shall be turned off at 10 pm, Sunday through Saturday.

On Behalf of the Board,



Robert Hummel, Senior Planner

Dated: June 8, 2022

Anyone aggrieved by the issuance of this Special Permit Approval has the right to appeal pursuant to M.G.L. Ch. 40A, § 17 and shall file such appeal within 20 days after the date of filing this Decision with the Town Clerk.