

12, 28, 2015

I hereby certify that  
twenty days have elapsed  
since this decision was  
filed in this office  
and no appeal from the  
decision has been filed.

*Raul Yeme*  
Town Clerk

TOWN OF READING, MASSACHUSETTS

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TOWN CLERK  
READING, MASS.

2015 DEC -7 A 11:01

DECISION OF THE ZONING BOARD OF APPEALS ON THE PETITION OF  
OF 87 WALKER BROOK ROAD, LLC FOR THE PROPERTY LOCATED AT

87 WALKER BROOK ROAD, READING, MASSACHUSETTS

December 3, 2015

Case No. 15-14

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, December 3, 2015, in the Selectmen's Meeting room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the Petition of Ayoub Engineering (the "Petitioner"), as agent for the owner, 87 Walker Brook Road LLC, who sought a Variance from Section 8.0 of the Zoning Bylaw in order to modify a free standing sign to include LED lighting, add LED pump topper signs, and add illuminated canopy lighting with two new internally illuminated Shell pecten sign panels on the canopy on the property located at 87 Walker Brook Road in Reading, Massachusetts (the "Property").

The Property, located in a PUD-I zoning district, is currently in use as a gasoline service station and has a history of use as a service station. The existing service station consists of multiple pump islands, a pump canopy over the gasoline pumps and associated single story building. The Petitioner requested a Variance(s) from Section 8.0 of the Zoning Bylaw in order to add LED lighting to its existing free standing sign, add LED pump topper signage and add lighting to the existing canopy with additional internally illuminated Shell pecten signs as depicted in the following documentation submitted with their application:

- 1) Addition of LED lighting to the existing free standing sign as depicted in Sign Plan drawing SG-1 dated 08/19/15 with revisions 1, 2 and 3 dated 09/02/15, 09/22/15 and 09/30/15 respectively, prepared by Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861 for Nouria Energy Corporation, 87 Walker Brook Road, Reading, MA 01867.
- 2) Addition of LED lighting to pump toppers as depicted in Sign Plan drawing SG-1 dated 08/19/15 with revisions 1,2 and 3 dated 09/02/15, 09/22/15 and 09/30/15 respectively, prepared by Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861 for Nouria Energy Corporation, 87 Walker Brook Road, Reading, MA 01867.
- 3) Addition of canopy lighting with two additional internally illuminated Shell pecten signs as depicted in Canopy Elevations drawing SG-2 dated 09/30/15, prepared by Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861 for Nouria Energy Corporation, 87 Walker Brook Road, Reading, MA 01867.

Overall signage changes are depicted in Proposed Site Signage SG-3, dated 09/30/15, prepared by Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861 for Nouria Energy Corporation, 87 Walker Brook Road, Reading, MA 01867.

The Board of Appeals may grant a Variance if it finds that the four following conditions have been met: (1) particular circumstances existing relating to soil conditions, shape or topography of the land or structures that are subject to the petition, but do not generally affect the zoning district in which it is located; (2) a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise; (3) the desirable relief can be granted without substantial detriment to the public good; and (4) that the Variance does not nullify or substantially derogate from the intent or purpose of the zoning ordinance.

In presenting the Petitioner's case before the Board, the Ayoub Engineering representative for 87 Walker Brook Road LLC presented their proposed plan and addressed the criteria to be met for a Variance. Documentation from the Zoning Officer was read into the record, stating LED signs are not allowed by Bylaw and opined that the proposal for canopy alterations is an additional sign not allowed by the Bylaw.

The Board discussed each of the requests shown in 1), 2) and 3) above with major concerns regarding the canopy changes and lighting illumination of the free standing sign and canopy. The Board felt the issue of day/night intensity of illumination should be worked out with the Zoning Officer. Concern with the proposed canopy lighting was also expressed during the public session of the meeting.

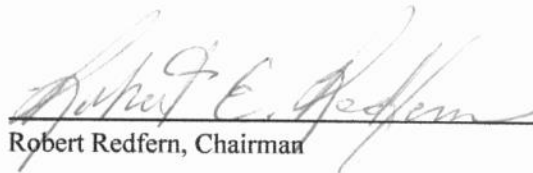
After review and discussion of the proposed plans and the four criteria necessary for approval of a variance request, the Board concluded each of the proposed changes to the free standing sign, pump topper signs and canopy changes should be voted separately and the following motions were made:

- 1) A motion was made and seconded and the Board voted (5-0-0) to approve the Petitioners' request for a Variance from Section 8.0 of the Zoning Bylaw to add LED lighting to the existing free standing sign.
- 2) A motion was made and seconded and the Board voted (5-0-0) to approve the Petitioners' request for a Variance from Section 8.0 of the Zoning Bylaw to add LED lighting to pump toppers.
- 3) A motion was made and seconded and the Board voted (0-5-0) to disapprove the Petitioners' request for a Variance from Section 8.0 of the Zoning Bylaw to add canopy lighting with two additional internally illuminated Shell pecten signs.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G. L. c. 40A, §17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in §17.

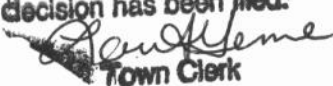
This Variance shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Variance Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

  
Robert Redfern, Chairman

Zoning Board Members Voting on Case # 15-14

Damase Caouette, John Jarema, Robert Redfern, David Traniello, Eric Hagstrom

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