

**Zoning Board of Appeals
City Council Chambers
Woburn City Hall
Wednesday, January 18, 2023 – 6:00 p.m.**

Present: Chair Margaret Pinkham, Member John Ryan, Member Daniel Parrish, Member Edward Robertson, and Member Richard Clancy. Absent: Alternate Member Mark Cavicchi

- 1. Ulta Beauty/Heather Dudko Sousa Signs LLC, 27 Old Meetinghouse Road, Auburn, MA, 01501, Petitioners, and New Creek II LLC, 500 North Broadway, Suite 201, Jericho, NY, 11753, Landowner, seeking Variances from Section 13.7.2.1 and Section 13.7.3.e of the 1985 Woburn Zoning Ordinances, as amended, for the installation of signage at 425 Washington St., Woburn, MA:** Representing the petitioner was Heather Dudko, Sousa Signs LLC, 27 Old Meetinghouse Road, Auburn, MA. She said the proposed signage is non-compliant with the regulations in a Business Neighborhood (BN) zoning district. She said the applicant is asking for interior-illuminated signs that exceed three feet in height. She said Ulta Beauty is a new tenant. Chair Pinkham said it appears Ulta Beauty is going to be located where Pier 1 Imports was. Ms. Dudko said Ulta Beauty is going to be located next door to Kohl's. She said she will be back before the board next month with similar requests for signage for two other tenants to the right of Kohl's. Member Clancy said the two tenants to the right are the Dollar Store and Title Boxing Club. Ms. Dudko said the signs proposed for Ulta Beauty are consistent with the other signs in the area. She said the proposed signage is appropriate for a store front. She said the new tenant is hoping the signage will attract new customers and make people aware of the store at the same time. She said there would be a financial burden if there are no signs. Chair Pinkham said in order to grant a variance, the board must determine there is a hardship. She read the section of the state statute that relates to variances. She said the board must find the hardship relates to the topography, soil conditions or the shape of the land. She asked what the applicant is citing as a hardship. Ms. Dudko said the shape and size of the building constitute a hardship. She said an enforcement of the 3-foot height limitation would create a potential financial hardship on the business. She said what is being proposed is consistent with what's in the area. Chair Pinkham said she looked at the application and is not sure if there are one, two or three signs being proposed. Ms. Dudko said she wanted to submit the entire sign package. She said one of the building inspectors indicate the front wall sign needed a variance. Chair Pinkham asked what the size of the front wall sign is. Ms. Dudko replied the front wall sign is 98 square feet. She said it exceeds the 3-foot height limit. She said the sign is slightly more than 6 feet. She said the sign is also illuminated and that is prohibited by ordinance. She said awnings are also being installed, but those are not subject to the ordinance. Chair Pinkham asked if the proposed sign on the side of the building is lit internally. Ms. Dudko said it is. She said the sign on the side of the building does not need a variance for the size but it is also internally lit. She said the third sign in the package is a panel sign on the free-standing pylon sign, which she said is allowed by right. She said she wanted to include the panel sign in the proposal so the board could see the entirety of the proposed signage. Member Clancy asked if the awnings are shown in the drawings. Ms. Dudko said everything is depicted except for a

temporary banner. Member Clancy asked if the temporary banner will be about the same size as the proposed sign. Ms. Dudko said she does not know. Member Clancy asked if there will be any signage inside the shop. Ms. Dudko said she does not know what is going on inside the shop. She said she thinks the permanent sign will be a little bigger than the temporary banner. Member Ryan asked if the secondary sign is 66 square feet when 25 square feet is what is allowed. Chair Pinkham said there is a formula for calculating the permitted size of the secondary sign. Member Ryan said the ordinance indicates the height of the sign is not to exceed 36 inches and the maximum allowable size of 50-square-feet. Chair Pinkham said the dimensions of the primary wall sign are on page 4 of the packet submitted by the applicant. She said the ordinance also limits the height of the letters. She read Section 13.7.2.1 that indicates the height of the letters is limited to 2.5 feet and said the larger letters on the proposed sign are 3 feet 10 inches. She said if the board were to grant the variances, the decision would have to reflect the appropriate section of the zoning ordinance. Member Robertson asked specifically what variances the applicant is asking for. Ms. Dudko said she is seeking a variance for the internal illumination of both signs on the building and for the height, which she said exceeds 36 inches. Member Robertson asked if the ordinance limits the height of the signs to 36 inches and the proposed signage exceeds 36 inches. Ms. Dudko said the proposed front wall sign is 6 feet, 2.5 inches and the proposed side wall sign is 5 feet 11.5 inches. Member Robertson asked the clerk if the advertisement indicates the proposed dimensions. Clerk responded he usually tries to keep the advertisements as brief as possible because the newspaper charges by the column inch and the ads can end up being expensive. Member Robertson said he believes the advertisement should be a little more detailed. Chair Pinkham said there is a residential neighborhood behind the shopping center. Member Robertson said the side the building also faces Washington Street. Member Ryan asked if Ms. Dudko knows whether the Kohl's sign is internally illuminated. Ms. Dudko said the Kohl's sign is internally illuminated and the height of the letters is 5 feet. She said she is hearing Kohl's wants to add a Sephora cosmetics store. Member Robertson asked if the applicant is seeking a variance for an illuminated sign which is not allowed. Chair Pinkham said there are exemptions in the ordinance. Member Robertson asked if the Kohl's sign is allowed as a result of a variance. Ms. Dudko said Kohl's has been there for a very long time. Chair Pinkham said she does not see any legal justification for a variance. She said she agrees with Member Robertson. She said she does not think the Kohl's Plaza should be in a BN zoning district. She said it is not up to her to re-write the zoning code but it is up to her to enforce it. She said it seems to her the property is ripe for a change in zoning. Ms. Dudko said there was some conversation about applying to the City Council because there some signage that falls under the jurisdiction of the City Council. Member Parrish asked if the lights in the sign will be shut off when the business is closed. He said he is concerned about light spilling onto Richard Circle. Ms. Dudko said Ulta would agree to a stipulation that the lights would be turned off an hour after the store closes. Chair Pinkham asked what the hours of operation will be. Member Clancy said the hours will be either 8 a.m. to 8 p.m. or 9 a.m. to 8 p.m. Member Ryan asked if there are any other tenants in the plaza that have internally illuminated signs. Ms. Dudko said it looks like all the signs are internally illuminated. Member Ryan said there is a lot going on here. He said the applicant is asking for signs that are twice the size that's allowed and for them to be internally

illuminated. He said he shares Member Parrish's concerns about the size of the sign on the side of the building. He said if the applicant can put lights under the sign to illuminate it. Ms. Dudko said she will have to check with the client. Member Robertson asked if there is a rendering of the sign proposed for the side of the building. Ms. Dudko said there is a rendering of that sign on page 9 of the packet. Member Robertson asked if that sign is facing the residential area. Ms. Dudko said that sign will face the parking lot. Member Clancy said if you come in to the parking lot from Washington Street, the sign will be visible. Member Robertson asked how big that sign will be and what is allowed. Ms. Dudko said the proposed height is 5 feet, 11 inches, and 3 feet is allowed. Member Robertson asked what the size of the Kohl's sign is. Ms. Dudko said the Kohl's sign is about 292 square feet. She said Ulta's storefront is 100 feet and the size of the sign is appropriate for a storefront of that width. She said a sign that is any smaller would not be as apparent. Member Robertson asked if the ordinance references square footage or height. Chair Pinkham said the ordinance references both, as well as the height of the letters. Member Robertson asked if the petitioner would agree to turn off the illumination for the sign facing Washington Street after the store is closed. Ms. Dudko said the applicant would agree to turn off the illumination an hour after closing. Member Robertson asked what time closing is. Member Parrish said the application states the store will close at 8 p.m. Monday-Wednesday, 9 p.m. Thursday-Saturday and 6 p.m. on Sunday. Member Robertson said he would vote for the sign on the front of the building because it coincides with Kohl's but he is not going to vote for the sign on the side of the building. He said he would prefer for the signs to be turned off when the business closes. Ms. Dudko said there is also an option to have the side sign non-illuminated if the board feels there is going to be a distraction to the residents. Chair Pinkham asked if there will be any text on the awnings. Ms. Dudko said there will be text that reads "Ulta" on the awnings. Chair Pinkham said three more signs seem to be overreaching. She said there are residents on Washington Street. Member Ryan said there are too many issues with this petition for him to support it as is. He said the proposed signs are two feet larger than what is permitted. He said he would like to see the size of the signs reduced. He asked how far the awnings project from the wall. Ms. Dudko said the awnings project three feet. Member Robertson asked where the proposed sign on the front of the building is juxtaposed compared to the Kohl's sign. Ms. Dudko said the Kohl's sign is over the entrance to Kohl's. She said there is a pretty significant blank section of wall. Member Clancy said he wants to be sympathetic because there are a lot of signs in that area and he understands the need to people to know Ulta is in business. He said he is comfortable with the size of the sign in front but he would prefer it if the side sign was not internally illuminated. He said he does not think the side sign is as important as the sign on the front of the building. Chair Pinkham asked if there are trees between Washington Street and the side of the building. Member Ryan said he looks at the side sign as being important only to people who are parking. He said there has to be some sensitivity to the neighbors. He said both signs are twice as big as what is allowed. He said he would support something smaller. He said he cannot support interior illumination on the side sign. Ms. Dudko asked if the can requested a continue and come back to the next meeting with some suggestions. Motion made by Member Robertson to continue the hearing until the board next meeting on February 15; approved, 5-0. Member Robertson said it might be

helpful for the petitioner to submit alternate proposals. Chair Pinkham said she thinks that is what the petitioner has in mind.

2. **Approval of minutes from meeting of December 14, 2022:** Motion made by Member Parrish and seconded by Member Clancy to approve the minutes as presented; approved, 5-0.
3. **Any other matter that may be legally before the Board:** None.
4. **Motion made by Member Parrish and seconded by Member Clancy to adjourn;** approved, 5-0. Chair Pinkham adjourned the meeting 6:43 p.m.

ATTEST:

Gordon Vincent
Clerk of the Zoning Board of Appeals