

## **SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:**

Special Permit application filed by the First Congregational Church to install a replacement illuminated sign at 1 Church Street, Assessor's Map 49 Parcel 82

### **MINUTES OF JANUARY 24, 2022 As Approved**

**Present:** Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; Anne Capra, Director of Planning and Conservation; and Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the hearing to order at 6:35.

Clerk Brown read the public hearing notice as follows:

*The South Hadley Planning Board, will hold a virtual public hearing on Monday January 24, 2022 at 6:30 p.m. to discuss a Special Permit application filed by the First Congregational Church to install a replacement free-standing illuminated sign on the property located at 1 Church Street pursuant to Section 255-19 of the Town's Zoning Bylaw. The public hearing will be conducted virtually/online using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone.*

*The log-in information is as follows:*

*URL to join: <https://us02web.zoom.us/j/86920154414?pwd=dS85a3UwMmVhOEQxR0R2cmcxblVZz09>*

*Or join by phone: 1(312) 626-6799*

*Webinar ID: 869 2015 4414*

*Passcode: 498313*

*Interested persons can review the meeting agenda which will be posted on the Town's website no later than Thursday January 20, 2022.*

*The subject property is located at 1 Church St and is identified on Assessor's Map 49 Parcel 82. The property is located within the Residential A-1 zoning district and is an existing church used for religious purposes with a preexisting nonconforming use as defined by Massachusetts General Law Chapter 40A Section 6.*

*The application is on file in the Planning & Conservation Department Office (Room U6) in Town Hall and are posted on the Department website [www.southhadley.ma.gov](http://www.southhadley.ma.gov) under 'Project Plans'-'Special Permits' under section 'Church Street (1) – Illuminated Sign (2021)'. Alternatively, you can view the documents at the following link: <https://www.southhadley.org/1108/Special-Permits>. Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.*

*Joanna Brown, Clerk  
South Hadley Planning Board*

*Publication: Friday, December 24, 2021  
Friday, December 31, 2021*

Reverend Lori Souder and Eliot Chartrand were present at the hearing to represent the application along with their project consultant Kelly Langlois of Ad Choice LED Signs.

The First Congregational Church of South Hadley was seeking to replace their existing illuminated sign. The existing sign had been installed prior to the prohibition of illuminated signs within the site's zoning district. Therefore, the illuminated sign was a pre-existing, nonconflicting feature of the site and could be replaced. The Board could only consider if the new sign created a greater detrimental impact to the existing neighborhood.

Members reviewed potential conditioning which would limit the brightness and pace of altering text. The proposed sign appeared to be larger than the current sign. The applicant explained that the rendering presented was not to scale and the replacement sign would only be 6 inches higher than the current sign.

The Chair opened the hearing to public comments.

Peter McAvoy submitted comments through the meeting's 'Q&A' (attached) and spoke at the meeting. He stated that the Board could only condition approval of the sign relative to public health and safety. The content of the sign could not be limited.

Jacqueline Dupre, 118 Ferry Street, submitted written comments which were read aloud for the record. (attached)

The Board reviewed the legal opinion submitted from Town Counsel which relayed that only the sign's 'bulk and size' could be considered. Therefore, members were not inclined to set any conditions which would limit the content of the sign. Features which impacted public safety, such as brightness and the pace of text transitions, could be conditioned. The Board recently approved a message board sign for the South Hadley High School. Conditions of that approval were reviewed to help form conditions of approval for the proposed sign replacement for the First Congregational Church.

**Motion:** Clerk Brown moved to find that the replacement illuminated sign would create no new detrimental impact to the existing neighborhood **and** moved to approve the special permit application subject to special conditions including the following: 1) the sign is to be illuminated no earlier than 6:00 AM and not later than 11:00 PM; 2) on the upper name sign board, the name lettering is to be static with only the lettering illuminated and no back lighting of the sign; 3) on the lower panel, also called the electronic message board, only the lettering is to be illuminated and no illumination of the background; 4) no more than five messages at no less than twenty second intervals are permitted on the lower panel board and, messages must be static and not scrolling; 5) no flashing, blinking or exploding lettering, messages or message transitioning is permitted. no animation is permitted; 6) brightness of illumination must be set to not create a distraction or hazard to motorists, pedestrians or cyclists; and 7) at the Planning Board's discretion, if such illumination is found to be inconsistent with the conditions of this permit, the brightness shall be reduced to a level satisfactory for public safety. Vice-Chair Mulavney seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The Board voted on a decision at 7:57 PM. The hearing was formally closed by a vote at 8:49 PM.

The Board commenced discussion of regular meeting business at 7:57 PM.

Respectfully Submitted,  
**As Apporved**  
Colleen Canning, Planning/Conservation Coordinator

**Appendix**

| <b>Document</b>            | <b>Document Location</b> |
|----------------------------|--------------------------|
| Q&A Report                 | Attached                 |
| Dupure Google Form         | Attached                 |
| SP Application             | Planning Files           |
| Town Counsel Legal Opinion | Planning Files           |

# January 24, 2022 Planning Board Meeting 'Question & Answer' Transcript

| # Question  | Asker Name         | Answer  |
|---|--------------------|---|
| 1 Can you state the number of attendees at this time and again at the start of tonight's Public Hearing? Thank you.   | Anonymous Attendee | There are 18 attendees at tonight's hearing. You submitted as 'anonymous'. We need your name for the record. Thank you. |
| 2 Regardless of any board members wish otherwise, the First Amendment of the Constitution dictates that the Church may express anything it wishes, how it wishes. And pertinent here, WHEN IT WISHES. The board power is limited to public safety and public health issues as a board from which to control the Churches messaging. | Peter McAvoy       | live answered   |
| 3 Seems to me short of pulsating light that woud induce an epileptic seizure the board must stand down!   | Peter McAvoy       | live answered   |
| 4 The board may not permit what it does not have the authority to regulate!   | Peter McAvoy       | live answered   |
| 5 The Town Counsel's opinion is not law.  | Peter McAvoy       | live answered   |
| 6 The school and the church have different foundational values. With respect to public safety as well.  | Peter McAvoy       | live answered   |
| 7 The standard for regulation regarding public health and safety is the minimal amount of regulation needed to meet the public health need.   | Peter McAvoy       | live answered   |
| 8 You can convert foot candles to nit online. What was the foot candle #?   | Kathy              | live answered   |
| 9 JB Comments while agreed to is a real good means of moving along, but have no permanence!   | Peter McAvoy       | live answered   |
| 10 Not relevant move along. District 2 please. Vote already you have an agreement   | Peter McAvoy       | live answered   |
| 11 Im good  | Peter McAvoy       | live answered   |

|           |   |                    |               |
|-----------|---|--------------------|---------------|
| <b>12</b> | Thank you for a civic movement that leaves the town better  | Peter McAvoy       | live answered |
| <b>13</b> | Is there an existing concern about faulty storage? Why reference marijuana as a concern in South Hadley where we have, wrongly, ensured such enterprises can not operate? | Peter McAvoy       | live answered |
| <b>14</b> | The board may regulate abundantly as this is a matter of public health and safety.  | Peter McAvoy       | live answered |
| <b>15</b> | Follow her advice and choose the simplest most limited version of her advice.   | Peter McAvoy       | live answered |
| <b>16</b> | Worth exploring. If uncertain assign an office.   | Peter McAvoy       | live answered |
| <b>17</b> | Thank you Colleen. Thats public discourse.  | Anonymous Attendee |               |
| <b>18</b> | From Peter M  | Anonymous Attendee |               |
| <b>19</b> | Thank you for a spirited exercise of civic duty. Your participation has great meaning. Again thank you for strong public dialogue! Especially to you Colleen.             | Anonymous Attendee |               |

## January 24, 2022 Planning Board Public Hearing

This form is to allow for submission of written comments regarding the scheduled public hearing to consider the Special Permit application filed by the First Congregation Church located at 1 Church Street to replace an existing illuminated sign.

You can review the application here: <https://southhadley.org/1154/Church-Street-1---Illuminated-Sign-2021>

Please note the Planning Board's Virtual Hearing Guidelines/Protocols - they also apply to participating in meetings - posted at <https://www.southhadley.org/1043/Virtual-Public-Hearing-Guidelines> \*

Check an acknowledgement that this was noted

Please State Your First and Last Name \*

Jacqueline Dupre

Please State Your Street Address including City/State \*

118 Ferry Street, South Hadley, Mass.

Please state your email address - if any

jdupre118@verizon.net

Do you wish to speak at the public hearing?

Yes

No

Please list the agenda items to which you wish to speak

Public Hearing RE: Appropriateness of Sign in front of Church Listed in National Historic Register

You can include written comments below

Considering the historic nature of the building, an internally illuminated sign is inappropriate and should be strongly discouraged by this board. It would be more appropriate for any sign in that location to be externally illuminated and lit by one or more shielded stationary bulbs projecting onto the sign. An exception might be granted where low wattage and the sign size, design and color create an effective internal illumination that is compatible with the building's historic nature. The introduction of a new plastic cabinet box is not appropriate, nor is an L.E.D. message sign. Any sign being proposed for that location should be reviewed carefully by persons who are thoroughly familiar with signage for historic buildings. The Planning Board should continue this hearing until a more appropriate sign can be submitted.

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