

Members of the Board of Zoning Appeal
c/c Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case # BZA-004772-2014

Dear Members of the Board of Zoning Appeal,

We are writing today to express our opposition to the sign variance being requested for 355 Fresh Pond Parkway (BZA Case #BZA-004772-2014).

To begin, we would like to take a minute to raise several concerns regarding the Variance Request process itself. First, we find that **the published Legal Notice for this case was lacking in its description of the requested relief**. "To install a non-conforming wall sign" is in no way descriptive enough for even the most careful of readers to understand exactly what is being requested by the proponent. It may not even meet the requirements for adequate public notice.

Second, it appears to be the policy of Inspectional Services that if one does wish to know more about a particular case, the only option available is to visit ISD at their downtown offices. At a time when all proposals are submitted online, the fact that **electronic files are not available to the general public** seems to us to be counterproductive. The Community Development Department posts Planning Board proposals online; why is ISD unable to do the same for BZA proposals?

Third, we have been told that our neighborhood group (the Fresh Pond Residents Alliance) was not notified of this variance application because there is **no requirement to notify neighborhood groups**, nor do any of our members qualify as abutters. On both points, we find that a strict interpretation of the notification requirements fails to achieve the intent of the requirements, primarily because signs, unlike buildings, are designed to be seen from a great distance. In the case of Bank of America's existing sign, it is easily visible from many homes throughout the immediate neighborhood, even though none of them technically qualify as abutters. People living on the Tobin side of Alpine say they can see the signs at night from their homes. **In the future, we would like to see changes to this process.**

Now regarding the actual variance request itself, we have numerous concerns. It is quite clear in reviewing the proposal that the proponent has already used up their square footage allowance for the Bank of America retail space. In doing so, they chose to spend all of their allotted square footage on a single large sign, when they could have created two smaller signs without requiring a variance (businesses are permitted up to two signs). **What exactly is the hardship requested in this case- that they installed too large a sign and now want another one?** They may claim that the shape of the building is a hardship, but, on that point, I would simply point out that it is a brand new building, constructed with the full knowledge of what the sign ordinance would require of them.

And if their argument is that they simply seek the second sign to which they are entitled under the Ordinance, then in truth, **we would point out that this would actually be a third sign, as they also have installed a smaller blade sign on the parking lot side of the building.** On that point, we would dispute the proponent's suggestion that signs facing away from the Parkway don't count against their total allotment. In our opinion, all signs count. The proponent's claim that the previously installed sign can't be seen by drivers headed South on the Parkway is disingenuous at best; **they installed the existing sign, and could have chosen to place it on the front of the building rather than on the end.** In addition, no one heading east on the Parkway can legally turn left to enter the retail center, so a sign advertising the bank there serves little purpose.

Even more objectionable, the additional sign now requested would face Fresh Pond Parkway and fall within the Parkway Overlay District. As we are sure you are aware, this special overlay district was created, among other reasons, to reduce the "visual confusion" of signage along the Parkway. **How, then, can we ever expect to reduce visual clutter if we allow every business to have as many signs as they wish?** Where do we stop? Are five signs enough? Ten? Perhaps businesses that feel the need

for more signage should consider locating elsewhere, rather than in a special district specifically created to reduce unsightly and haphazard signage.

To that point, we are extremely concerned with the proliferation of “temporary” signage up and down the Parkway. There are numerous examples of businesses displaying unapproved yard signs, banners, flags, sandwich boards, and the like, from banners and flags in front of Dunkin Donuts and banners at Sunoco, to “Now For Lease” signs at almost every new residential development and excessive wall signage at Sozio, there are very few businesses on the Parkway that are NOT currently violating the sign regulations. In fact, the very building for which we are now considering a variance to allow additional signage is itself a good example of this unchecked sign growth. The AT&T store currently has two flags, a banner, and a sandwich board in front of the business; the Sleep Number mattress store has a flag and a freestanding road sign. **Before this building is awarded any more signage rights, we would think it appropriate for them to clean up the illegal signs they are already showing.**

(Note: if the Board believes that they can simply attach conditions to the variance to obligate the removal of these temporary signs, we would ask them to review the case of the Cambridge Honda dealership. In approving a new sign at that location, the Board obligated them to remove all extraneous signage beyond the single approved sign. Yet, driving by the site today one can't help notice that not only does the original sign still exist, but that the dealership is positively littered with additional banners, flags, and sale signs in direct violation of its prior agreement. **It would appear that the attaching of conditions is problematic to police going forward, and as a result, we would discourage this type of agreement as nothing but empty promises.**)

In conclusion, we hope that you will consider these important points in assessing the proponent's proposal. The Parkway district is an important area, and encroaching commercialization of this area should be managed in a sensitive and visually appropriate manner.

Sincerely,

The Board and Officers of the Fresh Pond Residents Alliance:

Jan Devereux, Lakeview Ave. (President)
Doug Brown, Standish St. (Vice President)
Ann Sweeney, Lakeview Ave. (Vice President)
Jay Yesselman, Vassal Ln. (Vice President)
Peggy Barnes Lenart, Fayerweather St. (Secretary)
Terry Drucker, Chilton St. (Treasurer)
Bill Forster, Lexington Ave. (Officer)
Langley Keyes, Chilton St. (Officer)
Bob Simha, Blanchard Rd. (Officer)