

ZBA copy



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

For Board Use Only:

Case No. 21-06

Filing Date: 5/17/21

## APPLICATION FOR HEARING

(This form to be filed with Town Clerk)

Request is for: (check all that apply)

- Variance     Special Permit     Special Permit with Site Plan Approval
- Special Permit (per 7-07-010, Groundwater Protection Overlay District)
- Appeal     40B Comprehensive Permit

NORTHBOROUGH TOWN CLERK  
ROUD 2021 MAY 17 PM1:18

### Property Information

#### 1. Location of Property:

Street Address 10.010-F2 Shops Way

GIS Map # 109.0-0015-0000.0 Parcel # 109-15

Zoning District(s): 1 / MCDOD Groundwater Protection Overlay District(s): NA

#### 2. Name of Petitioner(s): Viewpoint Sign & Awning obo Carvalho & Roth Orthodontics Owner/ Tenant/ Agreed Purchaser/ Other (circle one)

Address: 35 Lyman St., Northboro, MA 01532

Telephone #: ( 508 ) 393-8200 x21 Email: LCronin@viewpointsign.com

#### 3. Name of Presenter(s): Viewpoint Sign & Awning - Jeffrey Kwass

Address: 35 Lyman St., Northboro, MA 01532

Telephone #: ( 508 ) 393-8200 x21 Email: LCronin@viewpointsign.com

#### 4. Name of Owner(s) of Property: 920 LLC c/o Capital Group Properties

Address: 259 Turnpike Rd., Suite 100, Southboro, MA 01772

Telephone #: ( 508 ) 229-1810 Email: wad@cgpllc.net

#### 5. Property Owner's Knowledge and Consent

I (we) have knowledge of, and consent to, the application for the project as presented.

See Attached Letter  
Signature of Property Owner

5/12/2021  
Date

William Depietri - 920 LLC / Capital Group Properties  
Please Print Name

## Project Information

1. Explain what you want to do or construct and state which provision(s) of the Zoning Bylaw requires you to obtain a Variance and/or Special Permit in order to do it:

The tenant, Carvalho & Roth, are proposing a new wall sign that is 88"h x 17'5-1/8"w (128 SF). Northboro Crossing is located in the Industrial zoning district under the Major Commercial Development Overlay District (MCDOD), and wall signs are limited to 100 SF, per section 7-09-040.G(1)(c)[3] of the bylaw.

### A. Variance: you must provide all of the following information:

1. Specifically, what are the soil conditions, shape or topography of your lot or structure which especially affect this lot, as distinguished from other lots in the zoning district in which it is located?

The topography of the lot does not allow the storefront to be viewed from the street level; the building is located at the top of a hill overlooking Route 20 to the east, and Shops Way to the north. The storefront is only visible once you turn onto the property from Shops Way, and even then it is a partial view due to the uphill drive and trees that have been planted throughout the property.

2. What is the hardship which is caused by the factors listed in 7A above?

Due to the elevation of the property, the storefront is not visible from the main road. The only signage at street level is the freestanding sign located at Shops Way which would indicate to customers/drivers where to generally turn. The store is only partially visible once you start driving up the hill, and it is concealed by trees.

3. What facts will support a finding that the relief sought and will not constitute substantial detriment to the public good?

The proposed sign would be large enough to grab the attention of patrons and provide clear direction as to the location of the business once they've turned onto the property. The internally illuminated sign does not directly face any of the main roadways (Route 20 or Shops Way), so there is no risk of glare that could cause a safety hazard. This area is also heavily commercialized, so it would fit in with its surroundings and not be considered an eyesore. It faces away from the residential buildings located nearby, so it would not have a negative impact on the neighborhood.

4. What facts will support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw?

Although the sign does exceed what is allowed by right, it is not excessive and still fits within the building's sign band. It does not appear larger than any adjacent wall signage, and still remains true to the business' branding. It does not pose any safety risks or hazards.



**TOWN OF NORTHBOROUGH** Building Department  
 Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5010 • Fax 508-393-3130

**ZONING INTERPRETATION REQUEST FORM**

Property Address: 10.010-F2 Shops Way Northborough, MA 01532

Does the Property Have: Public Water: Yes\_\_\_ No\_\_\_ Public Sewer: Yes\_\_\_ No\_\_\_

Current Use: Shopping Plaza

Proposed Use: No Change

Tenant is looking to install a wall sign (face-lit, raceway mounted channel letters) to the storefront that is 7'4"h x 17'5-1/8"w (127.7 SF) - tenant is Carvalho & Roth Orthodontics

Applicant Name: Viewpoint Sign & Awning Phone Number: 508-393-8200 x21 / 617-872-3064 (cell)

Email Address: LCronin@viewpointsign.com

Map & Parcel Number: 109-15 For Official Use Only I/MCDD  
 Property Zoning District: \_\_\_\_\_ Flood, wetlands \_\_\_\_\_  
 Groundwater Protection Overlay District: Area 1\_\_\_ Area 2\_\_\_ Area 3\_\_\_ N/A\_\_\_  
 Lot Area Required \_\_\_\_\_ Have \_\_\_\_\_ Street Frontage Required \_\_\_\_\_ Have \_\_\_\_\_  
 Setbacks Required \_\_\_\_\_ Have \_\_\_\_\_ Bylaw Citation for Proposed Use: \_\_\_\_\_

• Comments: MAX SIZE 100 FT<sup>2</sup> (128 FT<sup>2</sup> PROPOSED)  
ZBA Decision 14-12 Signs shall comply with MCDD.  
MCDD Signs shall comply with HIGHWAY BUSINESS DISTRICT  
7-09-040 6(2)(c) [3]

VARIANCE REQUIRED - ZBA  
 Is the proposed use allowed in the Zoning District: Yes\_\_\_ By PB\_\_\_ By ZBA  No\_\_\_  
 Does the use require a GPOD Special Permit: Yes\_\_\_ No\_\_\_ N/A\_\_\_ Conservation required: Yes\_\_\_ No\_\_\_  
 Special permit required: Yes\_\_\_ No\_\_\_ N/A\_\_\_ Special Permit w/ Site Plan Approval: Yes\_\_\_ No\_\_\_  
 Earthwork permit required: Yes\_\_\_ No\_\_\_ Design Review required(7-03-060): Yes\_\_\_ No\_\_\_

Signature: [Signature] Date: 4-21-21  
 Robert J. Frederico  
 Inspector of Buildings/Zoning Enforcement Officer

This Zoning Interpretation is for informational purposes only. This Zoning Interpretation does not give permission to construct, alter, demolish or change the use of a property. This Interpretation may require a variance and/or special permit which is granted by either the Zoning Board of Appeals (ZBA)/Planning Board (PB) or both.



May 12, 2021

35 Lyman Street  
Northboro, MA 01532

508 393-8200  
508 393-4244 Fax  
signs@ViewPointSign.com  
www.ViewPointSign.com

**INTERIOR/EXTERIOR  
SIGNAGE**

Electric  
Architectural  
Dimensional  
Wayfinding  
Channel Letters  
LED/Neon  
Electronic Message Centers  
Digital Graphics

**AWNINGS**

Commercial  
Backlit  
Canvas  
Retractable

**SIGN SERVICE**

**ARCHITECTURAL  
METAL FABRICATION**

**VEHICLE GRAPHICS**

**MEMBERS**

Massachusetts Sign Association  
Rhode Island Sign Association  
International Sign Association  
Northeast States Sign Association  
North East Canvas Products  
Association  
Industrial Fabrics Association  
International

Town of Northboro  
Zoning Board of Appeals  
c/o Town Clerk's Office  
63 Main St.  
Northboro MA 01532

Re: Carvalho & Roth Orthodontics – 10,010-F2 Shops Way

Hello,

Enclosed please find an application and associated documents for the Zoning Board of Appeals to review a variance for an oversized wall sign at the above location. I've included the check for the fee, the original application packet (includes plans and abutters labels), seven copies of the application packet and plans, and three additional copies of the plans.

We are hoping to be included on the agenda for the meeting on June 22, 2021. Please feel free to call me with any questions or if you need more information. I am still working from home due to the pandemic, so I've supplied my cell phone number in my signature below. I look forward to hearing from you!

Best Regards,

Lauren Delarda  
Permit Manager  
Viewpoint Sign & Awning  
35 Lyman St.  
Northboro, MA 01532  
Office: 508-393-8200 x21  
Cell: 617-872-3064  
LCronin@viewpointsign.com



# Landlord Authorization

Date: 3/26/2021

35 Lyman Street  
Northboro, MA 01532

To whom it may concern:

508 393-8200  
508 393-4244 Fax  
signs@ViewPointSign.com  
www.ViewPointSign.com

I William Depietri

Owner of the property located at 10610 Shops Way  
Northborough, MA

### INTERIOR/EXTERIOR SIGNAGE

- Electric
- Architectural
- Dimensional
- Wayfinding
- Channel Letters
- LED/Neon
- Electronic Message Centers
- Digital Graphics

Do hereby consent to allow **Lauren Cronin** of ViewPoint Sign and Awning to act on my behalf pertaining to permitting and installation of signs and/or awnings for the property named above.

Sincerely,

### AWNINGS

- Commercial
- Backlit
- Canvas
- Retractable

### SIGN SERVICE

### ARCHITECTURAL METAL FABRICATION

### VEHICLE GRAPHICS

### MEMBERS

- Massachusetts Sign Association
- Rhode Island Sign Association
- International Sign Association
- Northeast States Sign Association
- North East Canvas Products Association
- Industrial Fabrics Association International

### UL LISTED FABRICATORS

Address 259 TURNPIKE PL, Southborough, MA 01772

Telephone 508-229-1810

Email: wadocapllc.net

(Please print carefully)

Deeded name of property:

920 LLC

C/O Capital Group Properties

Mayer, Antonellis, Jachowicz & Haranas, LLP  
439 Worcester Road  
P.O. Box 966  
Framingham, MA 01701-0966



Bk: 53177 Pg: 278  
Page: 1 of 4 12/19/2014 11:56 AM WD

**QUITCLAIM DEED**

Leslie S. Carey, Trustee of Loop Realty Trust, under Declaration of Trust dated October 22, 2007 recorded with the Worcester District Registry of Deeds in Book 41964, Page 350, of 259 Turnpike Road, Southborough, Massachusetts

for consideration paid of less than one-hundred dollars (\$100.00)

grants to 920, LLC, a Massachusetts limited liability company with an address of 259 Turnpike Road, Suite 100, Southborough, Worcester County, Massachusetts

**with quitclaim covenants**

The land referred to in Exhibit A attached hereto.

For title see Deed dated October 25, 2007 recorded with said Deeds in Book 42001, Page 387 and Deed dated February 12, 2009 recorded with said Deeds in Book 43797, Page 135.

This conveyance is subject to that certain Construction Mortgage and Security Agreement (together with any assignments, amendments, renewals, extensions, or modifications thereto) dated October 25, 2007, made by Leslie S. Carey, as Trustee of Loop Realty Trust under Declaration of Trust dated October 22, 2007, and recorded with the Worcester District Registry of Deeds in Book 41964, Page 350, which mortgage is recorded with the Worcester District Registry of Deeds in Book 42002, Page 67.

Grantor hereby states under the pains and penalties of perjury that the premises hereby conveyed was not homestead property.

[Remainder of page left intentionally blank.]

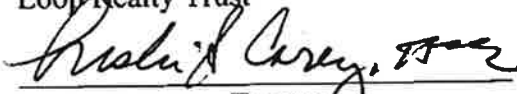
370 SOUTHWEST CUTOFF, SOUTHBOROUGH, MA

M

H

WITNESS my hand and seal under the pains and penalties of perjury this 17<sup>th</sup> day of December, 2014.

Loop Realty Trust

  
Leslie S. Carey, Trustee

COMMONWEALTH OF MASSACHUSETTS

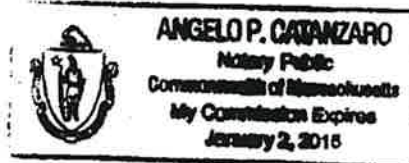
Worcester, ss.

On this \_\_\_ day of December, 2014, before me, the undersigned notary public, personally appeared Leslie S. Carey, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee of Loop Realty Trust and who swore the foregoing to be true to the best of her knowledge and belief.



Notary Public

My Commission Expires:



## EXHIBIT "A"

### Parcel 1

A certain parcel of land with the buildings thereon, situated in the southwesterly part of Northborough, in Worcester County, Massachusetts, Parcel 1 on the north side of the layout of the Boston Turnpike, (Route 9), and more particularly described as follows:

Beginning at the southwest corner thereof at a point on the northerly side of the layout of the Boston Turnpike (Route 9) and on the town line between Shrewsbury and Northboro at land now or formerly of Reubin E. LeBeaux and at a Massachusetts Highway Bound;

Thence by said town line and land of said LeBeaux, N. 34° 41' 00" W. 439.52 feet to a corner of land now or formerly of Charles, Lincoln and Maxim LeBeaux;

Thence by land of said LeBeaux, N. 70° 42' 56" E. 570.03 feet to a corner at land of the Commonwealth of Massachusetts, Routes 20 and 9 Interchange;

Thence by land of the said Commonwealth of Massachusetts, S. 16° 35' 59" W. 511.29 feet to a corner;

Thence by land of said Commonwealth of Massachusetts, labeled "Route 9", S. 67° 10' 41" W. 153.92 feet to the point of beginning.

The above described parcel is shown as Parcel 1 on a plan of land entitled "Plan of Land, Boston Turnpike, Northborough, Mass. prepared for Computer Security Institute", by E.J. Flynn Engineers, Inc., dated September 22, 1981 recorded with the Worcester District Registry of Deeds in Plan Book 490, Plan 65.

### Parcel 2

That certain tract or parcel of land with the improvements thereon, if any, situated in the southwesterly part of Northborough, in Worcester County, Massachusetts, on the northerly side of the Routes 20 and 9 interchange, shown as Parcel 2B on a plan of land entitled "Plan of Land Southwest Cutoff Northborough, MA" prepared by Waterman Design Associates, Inc. dated December 12, 2008, recorded with the Worcester District Registry of Deeds in Plan Book 873, Plan 23.

### Parcel 3

That certain tract or parcel of land with the improvements thereon, if any, situated in the southwesterly part of Northborough, in Worcester County, Massachusetts, on the northerly side of the Routes 20 and 9 interchange, shown as Parcel 2C on a plan of land entitled "Plan of Land Southwest Cutoff Northborough, MA" prepared by Waterman Design Associates, Inc. dated December 12, 2008, recorded with the Worcester District Registry of Deeds in Plan Book 873, Plan 23 (the "Plan"), bounded and described according to the Plan as follows:



Beginning at a point on the northwesterly sideline of Route 20-Southwest Cutoff as shown on the Plan, said point being 328.93 feet southwesterly by a curve to the left having a radius of 3,039.46 feet from a Massachusetts Highway bound, thence running:

S 82° 40' 42" W 418.82 feet to an iron pin, thence turning and running;

S 21° 34' 05" E 43.90 feet to a point, thence turning and running;

S 83° 26' 40" W 10.24 feet to a point, thence turning and running;

S 63° 31' 41" W 183.48 feet to a drill hole, thence turning and running;

S 63° 47' 07" W 248.11 feet to a point, thence turning and running;

S 62° 50' 42" W 317.93 feet to a drill hole, thence turning and running;

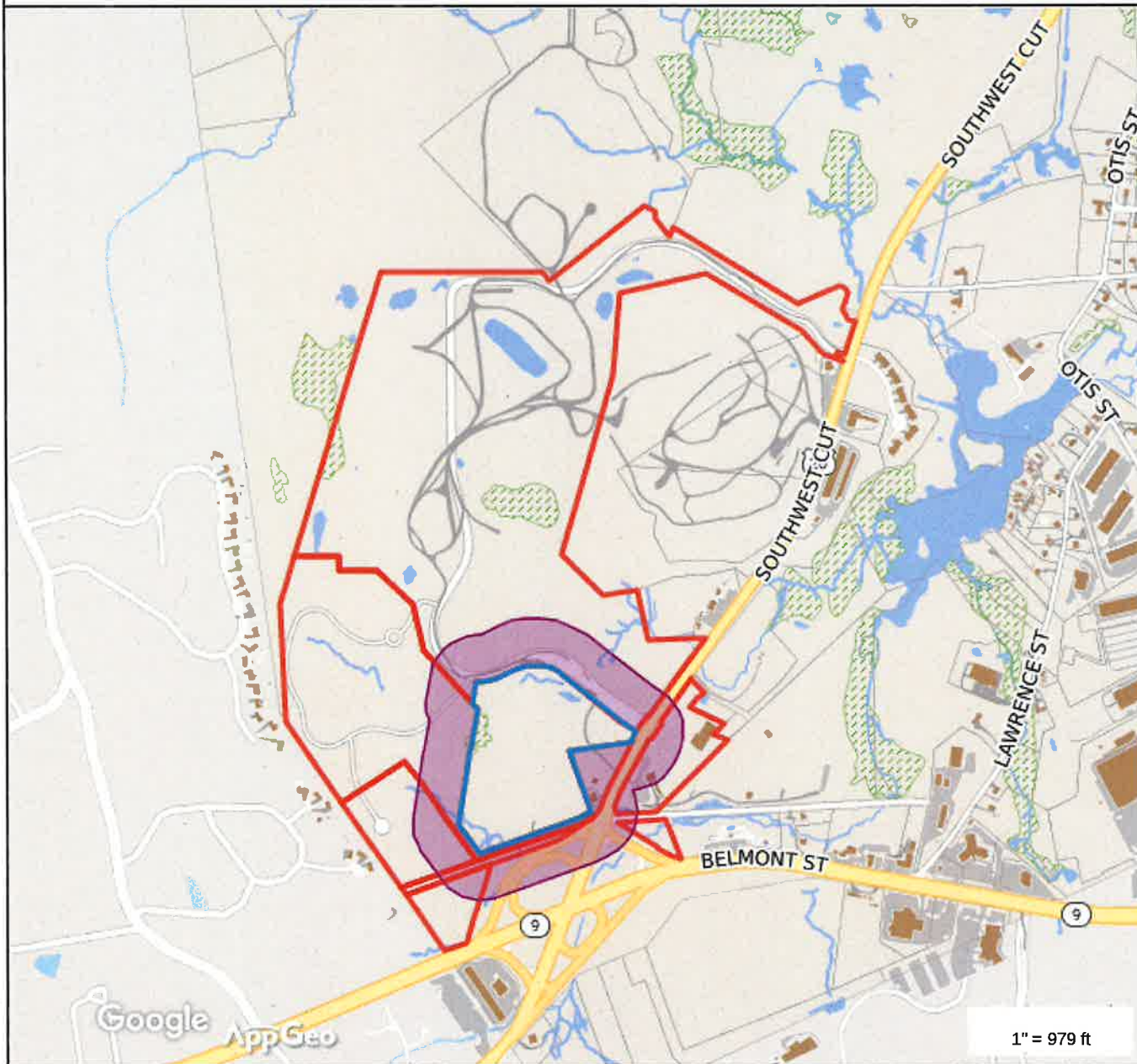
S 63° 55' 36" W 40.75 feet to a point, thence turning and running;

N 9° 22' 10" E 62.12 feet to a point, thence turning and running;

N 63° 22' 25"E 754.40 feet to a point, thence turning and running;

N 76° 43' 26"E 480.97 feet to a point, thence turning and running;

Southwesterly along a curve to the left having a radius of 3,039.46 feet, a distance of 70.49 feet along the westerly sideline of Route 20 - Southwest Cutoff to the point of beginning.



Property Information

Property ID 109.0-0015-0000.0  
Location 10000 -10010 SHOPS WAY  
Owner 920 LLC



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

Town of Northborough, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan 28, 2020  
Data updated Jan 28, 2020

Print map scale is approximate.  
Critical layout or measurement  
activities should not be done using  
this resource.

AVB NORTHBOROUGH INC  
4040 WILSON BLVD Suite  
ARLINGTON VA 22203

AVB NORTHBOROUGH INC  
4040 WILSON BLVD Suite 1000  
ARLINGTON VA 22203

920 LLC  
259 TURNPIKE ROAD Suite 100  
SOUTHBOROUGH MA 01772

EQUITY ONE JV SUB NORTHBOROUGH  
PO BOX 790830  
SAN ANTONIO TX 78279

ROBERTO REALTY NO.1 LLC  
3 JOB CUSHING ROAD  
SHREWSBURY MA 01545

LEBEAUX ALEXANDER  
957 BOSTON TURNPIKE  
SHREWSBURY MA 01545

NORTHACRES LLC  
2526 AVENUE AU SOLEIL  
GULF STREAM FL 33483

LAVIN SR DONALD R Trustee  
46 DONNELLY X ROAD  
SPENCER MA 01562

920 LLC  
259 TURNPIKE ROAD Suite 100  
SOUTHBOROUGH MA 01772

*only  
1 set of  
labels  
provided*

Town of Northborough  
Office of the Board of Assessors

63 Main Street, Massachusetts 01532-1994  
Mon, Wed, Thurs 8-4 / Tuesday 8-7 / Friday 7-12  
508-393-5005 phone, 508-393-6996 fax

MAY 05 2021

BOARD OF ASSESSORS



Certified Abutters List Request Please allow 10 business days.

DATE OF REQUEST 5/5/2021 PROPERTY ADDRESS(es) 10,010 SITTING COUNTRY  
 REQUESTING COMPANY VIEWPOINT SIGN & PRINTING MAP/PARCEL(S) 1090-0015-2000  
 CONTACT PERSON LUREN DELAROA OWNER(S) 920 LLC  
 PHONE 72-3064 / 508-393-8200 X 21 OWNER MAILING ADDRESS(es) 259 TURNPIKE RD. STE 100  
 EMAIL LCRONIN@VIEWPOINTSIGNAL.COM SOUTHBORO MA

REQUESTING BOARD	APPLICABLE REGULATIONS	ABUTTERS / DISTANCE	#LA	EL SETS	FEE
Planning Board - Scenic Road	Town Code Chapter 2-52-050	Owners within 100' of property		sets	\$10
Planning Board - Site Plan	Planning Board Rules & Regulations Section 7.2 D(5)	Owners within 300' of property		sets	\$15
Planning Board - Special Permit	MGL Chapter 40A Section 11	Owners within 300' of property		sets	\$15
Planning Board - Subdivisions	MGL Chapter 41A Section 81T	Owners within 300' of property		sets	\$15
ZBA - Zoning Board of Appeals	MGL Chapter 40A Section 11	Owners within 300' of property		sets	\$15
Conservator Commission	MGL Chapter 131, Section 40, MA Wetlands Protection Act & the Northborough Wetlands Protection Bylaw	100' of property, unless otherwise stated		set	\$10
Board of Health	Dependent on project	Owners within 100' of property		sets	\$10
Board of Selectmen: Fuel Storage	MGL Chapter 148, Section 13	Abutting owners & directly opposite		1 sets	\$15
Board of Selectmen: Liquor License	MGL Chapter 138, Section 15A	Abutting owners, & any school, church, or hospital within 500' of property		sets	\$25
Board of Selectmen: Pole Petition	MGL Chapter 166, Section 22	Abutting owners & directly opposite		set	\$15
Board of Selectmen: Street Acceptance	Dependent on project	Abutting owners & directly opposite		set	\$10
DPW - Dept of Public Works	Northborough Town Bylaws: Part 2 - General Legislation, Chapter 2-28, Earth Removal	Dependent on project: _____ feet		?	\$10+
Engineering: Earth Works		Owners within 100' of property		set	\$10
Other					

To the Requesting Board/s: We certify that, from our Real Estate Property Lists, the following persons attached hereto appear as owners of all abutting property, as specified by the appropriate regulation (including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, or across a body of water), as amended to the best of our knowledge and belief. If the property is within abutting distance of another Town, please contact their Assessors Office for another abutters list.

DATE OF CERTIFICATION 5/7/21

William Peters Assessor Assistant  
 Tiffany Peters for the Board of Assessors  
 tpeters@town.northborough.ma.us

10000-10010 Shops Way - 300 ft Abutters  
 May 7, 2021

ID	Address Number	Street Name	Owner Name	Owner Address 1	Owner City	Owner State	Owner Zip
108.0-0003-0000.0	1000-15999	AVALON DRIVE	AVB NORTHBOROUGH INC	4040 WILSON BLVD Suite	ARLINGTON	VA	22203
108.0-0005-0000.0	100-906	BAY DRIVE	AVB NORTHBOROUGH INC	4040 WILSON BLVD Suite 1000	ARLINGTON	VA	22203
109.0-0015-0000.0	10000-10010	SHOPS WAY	920 LLC	259 TURNPIKE ROAD Suite 100	SOUTHBOROUGH	MA	01772
106.0-0007-0000.0	1000-9116	SHOPS WAY	EQUITY ONE JV SUB NORTHBOROUGH	PO BOX 790830	SAN ANTONIO	TX	78279
109.0-0001-0000.0	0	SOUTHWEST CUTOFF	ROBERTO REALTY NO.1 LLC	3 JOB CUSHING ROAD	SHREWSBURY	MA	01545
108.0-0004-0000.0	0	SOUTHWEST CUTOFF	LEBEAUX ALEXANDER	957 BOSTON TURNPIKE	SHREWSBURY	MA	01545
109.0-0011-0000.0	333	SOUTHWEST CUTOFF	NORTHACRES LLC	2526 AVENUE AU SOLEIL	GULF STREAM	FL	33483
109.0-0014-0000.0	360	SOUTHWEST CUTOFF	LAVIN SR DONALD R Trustee	46 DONNELLY X ROAD	SPENCER	MA	01562
108.0-0001-0000.0	370 REAR	SOUTHWEST CUTOFF	920 LLC	259 TURNPIKE ROAD Suite 100	SOUTHBOROUGH	MA	01772



STREETVIEW - ROUTE 20



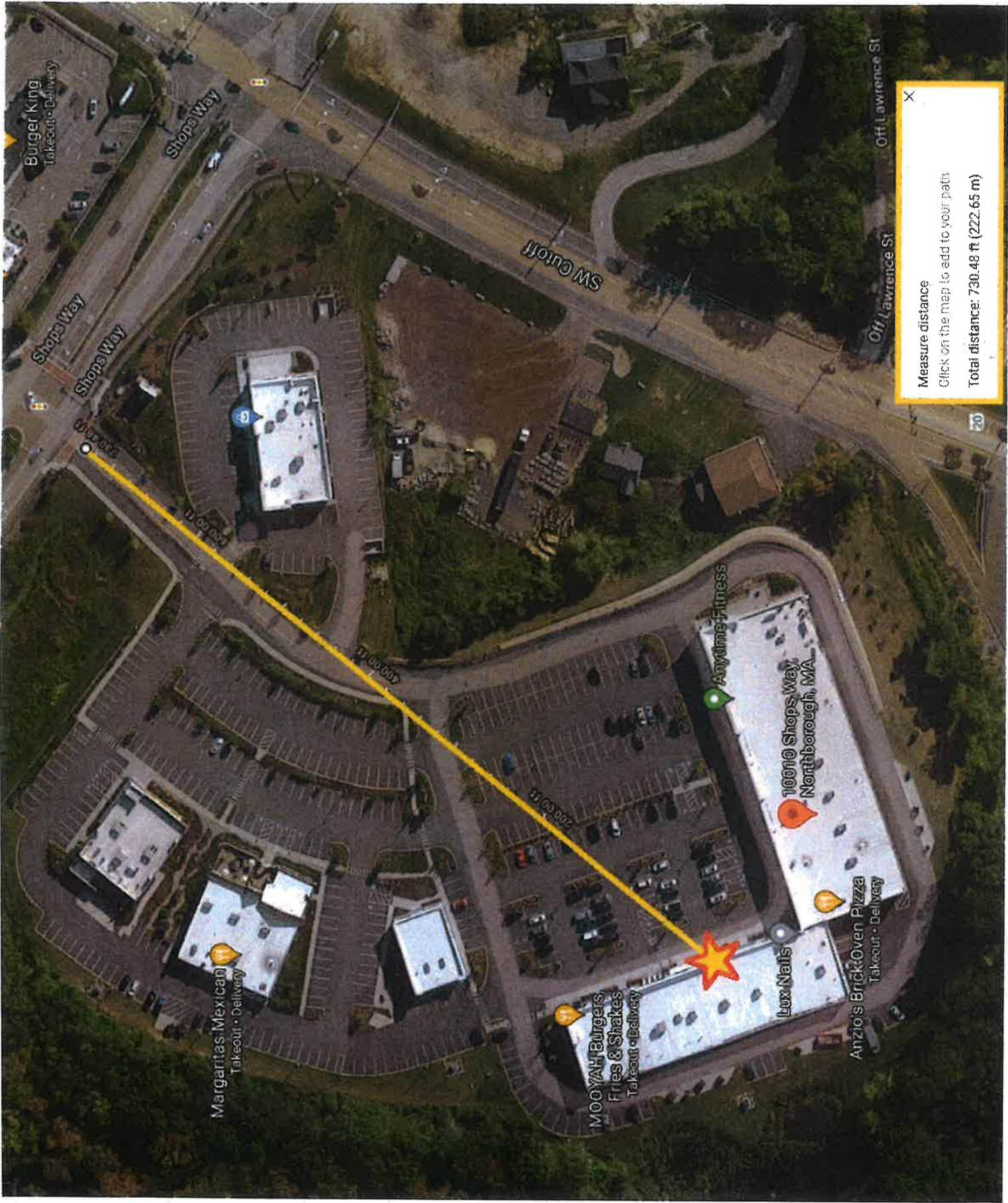
STREETVIEW - DRIVE WAY ENTRANCE  
STOPS WAY



STREETVIEW - HALF-WAY UP DRIVEWAY



STREETVIEW - PARKING LOT ENTRANCE  
(TOP OF DRIVEWAY)



X

Measure distance  
Click on the map to add to your path

Total distance: 730.48 ft (222.65 m)