



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. 21-05
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

Property Information

NORTHBOROUGH TOWN CLERK
RCUD 2021 MAY 17 PM 1:05

1. Location of Property:

Street Address 318 Main St.

GIS Map # 047.0-0093-0000.0 Parcel # 47-93

Zoning District(s): BE Groundwater Protection Overlay District(s): NA

2. Name of Petitioner(s): Viewpoint Sign & Awning obo The Neighborhood Tavern 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: 318 Post Road Corp c/o William Depietri

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

Telephone #: (508) 229-1810 Email: wad@cgp LLC.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
Signature of Property Owner

5/12/2021
Date

William Depietri - 318 Post Road Corp / Capital Group Properties
Please Print Name



ViewPoint
SIGN AND AWNING

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

UL LISTED FABRICATORS

Landlord Authorization

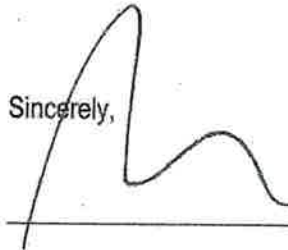
Date: 5/12/21

To whom it may concern:

I WILLIAM DEPIETRI

Owner of the property located at 318 MAIN ST.
NORTHBOROUGH, MA

Do hereby consent to allow **Jeff Kwass** 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,


C/O CAPITAL GROUP PROPERTIES

Address 259 TURNPIKE ROAD, SOUTHBOROUGH, MA
01772

Telephone 508-357-9825

Email: WAD@CGP.LLC.NET
(Please print carefully)

Deeded name of property:

318 POST ROAD CORP

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 Neighborhood Tavern is a new tenant that will be replacing what was previously Tavern in the Square. We are proposing to re-wrap the existing awning on site with black fabric, and white graphics totaling 38.96 SF ("The Neighborhood Tavern" is 35.99 SF, "Kitchen" is 1.39 SF, "Bar" is .66 SF, and "Patio" is .92 SF). Per section 7-09-040.D(3), awnings are not allowed to have lettering. A variance was granted for Tavern in the Square back in 2014 (ZBA Case No. 14-02) for an awning with 54 SF graphics.

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?

Standard lot with standard soil conditions. The development is a traditional retail development designed to be occupied by several storefronts; the space for The Neighborhood Tavern occupies 4 tenant spaces (same as Tavern in the Square). The patio for the restaurant is located in the front of the building, and the awning provides cover for this area as well as being the primary source of signage/identification.

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

The Neighborhood Tavern is a major tenant in the plaza and by special permit is allowed 96 SF of sign area (ZBA Case No. 04-18). As the awning was previously approved with graphics, the new tenant wishes to maintain the structure but displaying the new identity/brand. It would serve the same purpose (patio cover and signage), and aesthetically would be more conducive to the overall look of the building.

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

If the variance is granted it will not constitute substantial detriment to the public good as the awning structure is pre-existing and serves a useful purpose in providing cover to the existing outdoor patio area, which, during these difficult times, is vital to a restaurant's ability to provide safe outdoor eating/drinking space to patrons. The proposed changes to the existing awning do not pose any hazard or safety concerns. There would also be no change in the existing lighting.

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?

The proposed graphics for the awning are well within the tenant's right for sign area (they are allowed 96 SF per Special Permit ZBA Case No. 04-18, and the proposed graphics total 38.96 SF). The awning fits perfectly within the building's natural sign band area, and the proposed graphics provide a traditional yet modern look to the building.

This page to be completed on day of applying with the Town Clerk.

Signed this _____ day of _____, _____

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

Date: _____

Then personally appeared the above-named, _____, and made oath and said that the foregoing statements and representations contained in the application herein and attachments hereto are true and accurate to the best of her/his knowledge, information and belief, before me,

Notary Public

My commission expires: _____

=====

OFFICE OF THE TOWN CLERK

Date: _____

Application herein, including list of abutters from the Board of Assessors and filing fee of \$ _____ received this date.

Town Clerk



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: 318 Main St. Northborough, MA 01532

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

Current Use: Plaza - Mixed Commercial; This particular space was a restaurant/bar

Proposed Use: No change in use

**** We are proposing to re-wrap the existing awning on site for the new tenant (previously Tavern in the Square, new tenant will be Neighborhood Tavern), may need special permit to re-wrap awning?**

Applicant Name: Lauren Delarda - Viewpoint Sign & Awning Phone Number: 508-393-8200 / 617-872-3064

Email Address: LCronin@viewpointsign.com

Map & Parcel Number: 47-93 *For Official Use Only* Property Zoning District: B 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:

- AWNING - CHANGING TEXT CONSTITUTES A 'NEW' SIGN
- SIGNS ARE NOT ALLOWED ON AWNING 7-09-040D(3)
- A VARIANCE FROM ZBA WOULD BE REQUIRED.
- PERMIT WILL BE REQUIRED
- SIGN ON MONUMENT IS ALLOWED WITH A PERMIT.

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: 4-20-21
VARIANCE

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.



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

NORTHBOROUGH

MAY 05 2021

BOARD OF ASSESSORS

Certified Abutters List Request Please allow 10 business days.

DATE of REQUEST 5/5/2021
 REQUESTING COMPANY VIEWPOINT SIGN - MAINTENANCE
 CONTACT PERSON LAUREN DELAROA
 PHONE 617 723064
 EMAIL LORNING@VIEWPOINTSIGNAL.COM
 PROPERTY ADDRESS(es) 318 MAIN ST
 MAP/PARCEL(s) 047.0-0093.0000
 OWNER(s) 318 POST RD. CO. P
 OWNER MAILING ADDRESS(es) 759 TURKLEHOLE RD. STE 100
 SOUTHBORO, MA

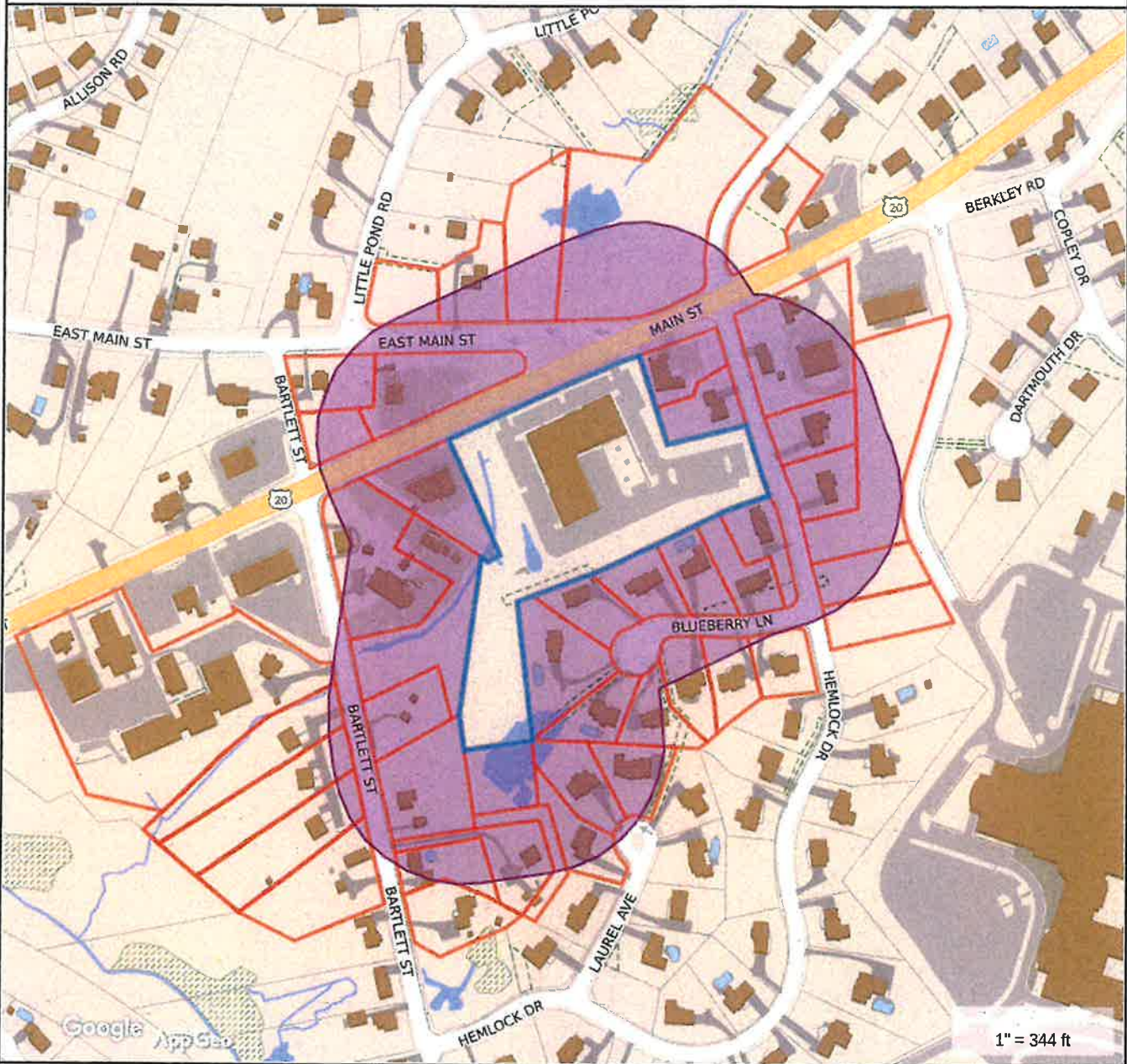
REQUESTING BOARD	APPLICABLE REGULATIONS	ABUTTERS / DISTANCE	#/LA: EL SETS	FEE
Planning Board - Scenic Road	Town Code Chapter 2-52-050	Owners within 100' of property	sets	\$10
Planning Board - Site Plan	Planning Board Rules & Regulations Section 7.2 D(5)	Owners within 300' of property	sets	\$15
Planning 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
Conservation 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	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	Owners with driveways on the street	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
 Tiffany Peters, Assessor Assistant
 tpeters@town.northborough.ma.us

ID	Address Number	Street Name	Owner Name	Owner Name 2	Owner Address 1	Owner City	Owner State	Owner Zip
047.0-0095-0000.0	17-21	BARTLETT STREET	BARTLETT STREET REALTY TRUST		9 FISHER STREET	WESTBOROUGH	MA	01581
047.0-0096-0000.0	25	BARTLETT STREET	BARTLETT STREET REALTY TRUST		9 FISHER STREET	WESTBOROUGH	MA	01581
052.0-0048-0001.0	30	BARTLETT STREET	WAZEN JOELLE	KNADLER ANDREW	30 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0048-0002.0	32	BARTLETT STREET	MCCARTHY DESMOND F	TAX COLLECTOR/TREASURER	32 BARTLETT STREET	NORTHBOROUGH	MA	01532
047.0-0097-0000.0	33	BARTLETT STREET	TOWN OF NORTHBOROUGH		63 MAIN STREET	NORTHBOROUGH	MA	01532
052.0-0047-0001.0	34	BARTLETT STREET	SETZER JANIE D		34 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0047-0002.0	36	BARTLETT STREET	DANSEREAU CHRISTINE	DANSEREAU THERESA	36 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0046-0001.0	38	BARTLETT STREET	BEALE JR HOWARD K		38 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0046-0002.0	40	BARTLETT STREET	VEILLEUX TIMOTHY J		40 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0052-0000.0	41	BARTLETT STREET	VEGLIA MARK R	VEGLIA VALERY	41 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0054-0000.0	45	BARTLETT STREET	FISKE PHYLLIS E & RALPH F Trustees	R&P FISKE REALTY TRUST	45 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0053-0000.0	45 REAR	BARTLETT STREET	FISKE PHYLLIS E & RALPH F Trustees	R&P FISKE REALTY TRUST	45 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0045-0000.0	46	BARTLETT STREET	MANNING ROBIN	MANNING JEFF	46 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0055-0000.0	47	BARTLETT STREET	BOLAND THOMAS J AND	BOLAND VIRGINIA M	47 BARTLETT STREET	NORTHBOROUGH	MA	01532
052.0-0056-0000.0	53	BARTLETT STREET	JENNINGS CRAIG A AND	JENNINGS CYNTHIA M	53 BARTLETT STREET	NORTHBOROUGH	MA	01532
047.0-0080-0000.0	1	BLUEBERRY LANE	ALLIA JONATHAN E	ALLIA VANESSA D	1 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0085-0000.0	10	BLUEBERRY LANE	SOBOYEJO WINSTON O	SOBOYEJO MORENIKE	10 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0089-0000.0	2	BLUEBERRY LANE	HAINA JONATHAN L	HAINA SAMANTHA	2 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0081-0000.0	3	BLUEBERRY LANE	CAI HONGMEI		3 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0088-0000.0	4	BLUEBERRY LANE	BIERSCHIED DAVID ANDREW JR & MICHELLE ANN Trustees	DAVID & MICHELLE BIERSCHIED REVOC LIV TRUST	4 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0082-0000.0	5	BLUEBERRY LANE	EKBOTE SREEDHAR &	EKBOTE RAJALAKSHMI	5 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0087-0000.0	6	BLUEBERRY LANE	LI YANCHUAN		6 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0083-0000.0	7	BLUEBERRY LANE	DENNEHY NEIL R	DENNEHY NANCY C	7 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0086-0000.0	8	BLUEBERRY LANE	ROBERTS KENNETH M	ROBERTS DEBRA L	8 BLUEBERRY LANE	NORTHBOROUGH	MA	01532
047.0-0084-0000.0	9	BLUEBERRY LANE	MACUIRE ALLAN J	MACUIRE MEGAN M	9 LANEWOOD AVE	FRAMINGHAM	MA	01701
047.0-0009-0000.0	168	EAST MAIN STREET	SHAY TIMOTHY D TRUSTEE	168 EAST MAIN ST REALTY TRUST	214 GREEN STREET	NORTHBOROUGH	MA	01532
047.0-0065-0000.0	181	EAST MAIN STREET	PASCHALL CHRISTOPHER & AMY		181 EAST MAIN STREET	NORTHBOROUGH	MA	01532
047.0-0217-0000.0	187	EAST MAIN STREET	RODRIGUEZ SAMUEL V		187 EAST MAIN STREET	NORTHBOROUGH	MA	01532
047.0-0210-0000.0	32	HEMLOCK DRIVE	TAGLIAFERRI PAUL V		32 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0209-0000.0	34	HEMLOCK DRIVE	MCGINNIS PHILIP J	MCGINNIS JULIAN K	34 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0090-0000.0	35	HEMLOCK DRIVE	CHOLLANGI SRINIVAS	CHOLLANGI NISHITHA	35 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0078-0000.0	36	HEMLOCK DRIVE	RALTO CAITLIN M	RALTO KENNETH M	36 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0077-0000.0	38	HEMLOCK DRIVE	ELISE H PYUN REVOC TRUST	PYUN ELISE H & FAN PANG-YEN Trustees	38 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0076-0000.0	40	HEMLOCK DRIVE	SHAW MATTHEW L	SHAW KRISTA	40 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
047.0-0091-0000.0	47	HEMLOCK DRIVE	CHAMBERLAND AARON J	CHAMBERLAND BRIANNA L	47 HEMLOCK DRIVE	NORTHBOROUGH	MA	01532
052.0-0060-0000.0	5	LAUREL AVENUE	MORRIS FRANK AND	MORRIS BARBARA	5 LAUREL AVENUE	NORTHBOROUGH	MA	01532
052.0-0061-0000.0	7	LAUREL AVENUE	KAMINSKY JOHN A	KAMINSKY KATHY A	7 LAUREL AVENUE	NORTHBOROUGH	MA	01532
052.0-0062-0000.0	9	LAUREL AVENUE	FITZGERALD DAVID & SARA DB Trustees	DAVID & SARA FITZGERALD REVOC TRUST	9 LAUREL AVENUE	NORTHBOROUGH	MA	01532
047.0-0216-0000.0	2 A	LITTLE POND ROAD	ROOT DJ	ROOT DIANE	2A LITTLE POND ROAD	NORTHBOROUGH	MA	01532
047.0-0071-0000.0	85	LITTLE POND ROAD	CALABRESE STACY M Trustee	STACY M CALABRESE REVOC TRUST	85 LITTLE POND ROAD	NORTHBOROUGH	MA	01532
047.0-0066-0000.0	88	LITTLE POND ROAD	TOWN OF NORTHBOROUGH	VACANT LAND	63 MAIN STREET	NORTHBOROUGH	MA	01532
052.0-0133-0000.0	0	MAIN STREET	FISKE PHYLLIS E &	FISKE RONALD C & FISKE RALPH F	45 BARTLETT STREET	NORTHBOROUGH	MA	01532
047.0-0101-0000.0	266	MAIN STREET	ST BERNADETTE'S CATHOLIC CHURCH/SCHOOL	ROMAN CATHOLIC BISHOP OF WORCESTER	266 MAIN STREET	NORTHBOROUGH	MA	01532
047.0-0007-0000.0	305	MAIN STREET	AFO LLC		276 WEST MAIN STREET REAR	NORTHBOROUGH	MA	01532
047.0-0094-0000.0	308	MAIN STREET	308 MAIN LLC		17 SWEENEY RIDGE ROAD	BEDFORD	MA	01730
047.0-0008-0000.0	309	MAIN STREET	AFO LLC		276 WEST MAIN STREET REAR	NORTHBOROUGH	MA	01532
047.0-0093-0000.0	318	MAIN STREET	318 POST ROAD CORP		259 TURNPIKE ROAD Suite 100	SOUTHBOROUGH	MA	01772
047.0-0092-0000.0	326	MAIN STREET	SWIFT GERALD F		835 WOONSOCKET HILL ROAD	NORTH SMITHFIELD RI	RI	02896
047.0-0074-0000.0	338	MAIN STREET	338 MAIN LLC	SWIFT CHERYL D	214 GREEN STREET	NORTHBOROUGH	MA	01532

318 Main Street



Property Information

Property ID 047.0-0093-0000.0
 Location 318 MAIN STREET
 Owner 318 POST ROAD CORP



**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.



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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

DECISION



Bk: 52178 Pg: 237
Page: 1 of 4 04/01/2014 01:12 PM WD

2014 MAR -7 PM 12:01

RECEIVED
NORTHBOROUGH TOWN CLERK

ZBA CASE NO. 14-02

PROPERTY LOCATION: 318 Main Street

PETITIONER: ViewPoint Sign & Awning

PROPERTY OWNER: 318 Post Road Corporation/AKA Fiske's Garden Center, Inc.

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 7010 Pg: 192

This document is the DECISION of the Northborough Zoning Board of Appeals the petition of ViewPoint Sign & Awning for a Variance to allow the use of an awning with lettering to advertise the Tavern in the Square restaurant located in the building at 318 Main Street, Map 47, Parcel 93.

APPLICATION

1. On January 21, 2014, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Variance from Section 7-09-040D(3) to allow the use of an awning with lettering to advertise the Tavern in the Square restaurant located in the building at 318 Main Street, Map 47, Parcel 93.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 10, 2014 and February 17, 2014 and was mailed to abutters and other parties in interest on February 6, 2014.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals including:
 - a. A Statute Form of Quitclaim Deed for Boston Post Road Off, recorded at the Worcester District Registry of Deeds on August 12, 1980, Bk: 20, Pg: 72; and a Quitclaim Deed for Tracts Bartlett St. and Post Boston Rd (Fiske's Garden Center, Inc.), recorded at the Worcester Registry of Deeds on July 3, 1980, Book: 7010, Page: 192;
 - b. An 8"x11" plan entitled "Subdivision of Land in Northborough" identified as "copy of part of plan file in Land Registration Office, July 15, 1949, recorded at the Worcester District Registry of Deeds, Certificate No. 3872, Registration Book 20; on August 3, 1950, subdivision of part of Land shown Plan 4247, Sheet 2;
 - c. A stock certificate indicating William A. Depietri is the owner of 300 shares of the Capital Stock of Fiske's Garden Center, Inc., Certificate Number 56, dated March 31, 2005, signed by Allen T. Fiske, Treasurer;
 - d. A document from ViewPoint Sign and Awning entitled "Landlord Authorization", dated 1/21/14, signed by William Depietri, owner of the property at 318 Main Street, Northborough, MA 01532;

④ a

- e. A page from the decision for ZBA Case No. 04-18, dated November 19, 2004, recorded at the Worcester Registry of Deeds, Bk; 36180. Pg: 243, with condition #3 of the decision highlighted in yellow; and
 - f. A certified abutters list for parcels 300 feet from 318 Main Street, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated January 17, 2014; and a map entitled "Northborough MA GIS Viewer" for 318 Main Street, dated 1/17/2014.
2. An 11" x 17" plan entitled "As-Built Plan for Post Road Marketplace in Massachusetts", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, dated 7/31/2006, with revisions dated October 13, 2006 and January 29, 2007; and
 3. A set of 11" x 17" architectural plans entitled "Tavern in the Square, Northborough, 318 Main Street, Northborough, MA 01532", prepared by Sousa design Architects, dated 1-14-2014, with sheets identified as A-3.1 Exterior Elevation and A-3.2 Exterior Details.

HEARING

Jeff Kwass, representing the Applicant, ViewPoint Sign and Awning, and Joey Arcari, Tavern in the Square, presented the Application at a duly noticed public hearing of the Board on February 25, 2014 in Conference Room B of the Northborough Town Hall. Board members Fran Bakstran, Mark Rutan, Dick Rand, Dick Kane, Rob Berger and alternate board member Brad Blanchette were present throughout the proceedings.

Mr. Kwass and Mr. Arcari stated they have been working with the property owner to develop a sign concept for the Tavern in the Square restaurant. In replacement of the allowed wall sign, they are proposing to have an awning with 54-square feet of lettering (sign area) as a store-front sign. Mr. Kwass noted condition #3 of the ZBA decision for the building at 318 Main Street, Case No. 04-18, states in part that if one tenant occupies more than one unit, said tenant shall be allowed signage on the building not to exceed 96 square feet. The zoning bylaw does not allow signage on awnings and therefore a Variance is required.

No person present spoke in opposition to the project and the Board received no letters in opposition to the project.

The hearing was closed on February 25, 2014.

FINDINGS OF FACT

1. The subject property at 318 Main Street is located in the Business East District and is the site of a retail/commercial building known as Post Road Marketplace.
2. A restaurant known as Tavern in the Square is in the process of locating in four units of the building on the subject site, and instead of using a wall sign to advertise their location in the building, the Applicant is proposing to use an awning with 54 square-feet of lettering. Section 7-09-040D(3) of the Northborough Zoning Bylaw states no sign shall be part of, or attached to, marquees or awning and therefore a Variance is required.
3. The Zoning Board of Appeals granted various Variances and Special Permits for the use of a proposed retail building on the subject site, known as Post Road Marketplace, in November 2004, per Case No. 04-18. Included in the permits granted for the proposed retail building is a Variance for the Applicant's proposed formula for tenant wall sign allocations. In addition, condition #3 of the decision states in part "*if one tenant occupies more than one unit then said tenant shall be allowed signage on the building based on the formula of thirty-two square feet per unit, not to exceed ninety-six square feet*".

4. The building on the subject site, known as Post Road Marketplace, is a traditional retail development designed to be occupied by several store-fronts units. The Tavern in the Square restaurant is combining four of the store-front units into a single restaurant facing Main Street (state highway Route 20). It will be a major tenant in the Post Road Marketplace and, per the decision issued for ZBA Case No. 04-18, is allowed 96 square-feet of sign area.
5. The proposed 54 square-foot lettering is in compliance with the Zoning Bylaw. An awning is allowed without lettering, and lettering is allowed on the building in the form of a wall sign. The lettering proposed on the awning is not allowed.
6. The Tavern in the Square has designed a traditional and attractive storefront and the awning and illumination will add an element of architectural interest.
7. Due to circumstances relating to the size of the retail building and its location on a state highway (Route 20), as well as the Tavern in the Square's location in four store-front units of the building, the proposed awning with 54 square-feet of sign area is needed to provide appropriate visible identification for the Tavern in the Square restaurant, and a literal enforcement of the application of the Zoning Bylaw would involve substantial hardship to the Applicant.
8. The proposed awning with 54-square feet of sign area will create an environment that displays the scale of the Tavern in the Square in its 4 store-front units of the building. It will not change the current use of the building. Therefore the relief sought will be in harmony with the retail use of the building, will not constitute a detriment to the public good, and will not nullify or substantially derogate from the purpose and intent of the Northborough Zoning Bylaw.

DECISION

1. On February 25, 2014 after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040D(3) to allow 80 square-feet of total boxed area for all lettering on the proposed awning for the Tavern in the Square restaurant located in the Post Road Marketplace building on the property located at 318 Main Street, per the plans identified as:
 - a. A set of 11" x 17" architectural plans entitled "Tavern in the Square, Northborough, 318 Main Street, Northborough, MA 01532", prepared by Sousa design Architects, dated 1-14-2014, with sheets identified as A-3.1 Exterior Elevation and A-3.2 Exterior Details.
2. The VARIANCE shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
3. If the rights authorized by the VARIANCE are not exercised within one year from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS**



FRAN BAKSTRAN, CHAIRMAN