



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

NORTHBOROUGH TOWN CLERK
RCUD 2021 OCT 20 AM 9:11

ZBA CASE NO. 21-10

PROPERTY LOCATION: 9102 Shops Way

PETITIONER: Wegmans Food Markets

PROPERTY OWNER: RPT Realty

Recorded with the Worcester District Registry of Deeds: Bk:65436 Pg: 340

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Wegmans Food Markets for a Variance for a new wall sign on the property located at 9102 Shops Way, Map 106 Parcel 7, in the Industrial Zoning District.

Pursuant to Chapter 20 of the Acts of 2021; a Bill Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency; signed into law June 16, 2021; this meeting of the Northborough Zoning Board of Appeals will be conducted via remote participation.

APPLICATION

1. On July 20, 2021, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for a Variance for a new wall sign on the property located at 9102 Shops Way, Map 106 Parcel 7, in the Industrial Zoning District.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on September 3, 2021 and September 10, 2021; and was mailed to abutters and other parties in interest on September 1, 2021.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A Zoning Interpretation Request Form for 9102 Shops Way, submitted by Wegmans Food Markets, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated April 16, 2019;
 - b. A certified abutters list for parcels 300 feet from 9102 Shops Way, Northborough, MA prepared by the Northborough Board of Assessors, and a GIS Viewer Map of the site, location 9102 Shops Way, both dated July 20, 2021;
 - c. A Deed for 9102 Shops Way, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on June 21, 2021, Bk:65436 Pg: 340;

- d. An 11" x 17" colored sheet depicting the front (west) elevation of the property at 9102 Shops Way (Wegmans) with graphics portraying the locations of both the current and proposed signage;
- e. An 11" x 17" colored sheet depicting the dimensions of the current signage ("fork, dish and goblet") of the property at 9102 Shops Way (Wegmans);
- f. An 11" x 17" colored sheet depicting the dimensions of the proposed signage ("wine, liquor and beer") of the property at 9102 Shops Way (Wegmans); and
- g. An 11" x 17" sheet with two color images; one 4.3" x 11.3" image portraying the view of the property at 9102 Shops Way, as seen from the parking area.

HEARING

Tyrese Bryant, Wegmans Project Manager, presented an application at a duly noticed public hearing of the Board on September 28, 2021. Participating Board members were Chair Richard Rand, Fran Bakstran, Paul Tagliaferri, Brad Blanchette, Mark Rutan, and Alternate Suzy Cieslica.

Mr. Bryant explained that Wegmans is seeking a variance to swap out the current sign ("fork, dish and goblet") and replace it with a new sign ("wine, liquor and beer"). Mr. Bryant said that the new signage is key for marketing purposes. The proposed signage will have the same style of lettering and illumination as the current Wegmans sign.

Mr. Frederico said the zoning interpretation form included adding a fourth sign which requires a variance, however he didn't believe the Applicant was looking for a fourth sign; he believes he is just asking to exceed the 100 sf sign area that is allowed in that district. Mr. Frederico had asked the Applicant to provide the area of all the other signs so that he could determine how much relief was to be granted but hadn't received that information before the hearing so he wasn't sure how much relief was needed. He estimated that 18.1 sf of relief was needed and said the Applicant is basically replacing one sign with a new sign, and the actual count of signs will remain the same.

Mr. Rutan asked Mr. Bryant if he anticipated phasing out the other signs in the near future. Mr. Bryant said no.

Mr. Tagliaferri asked if there was a variance for the initial signs. Ms. Bakstran assumed there was a variance of 100 sf from the beginning. Mr. Bryant deferred to Ms. Joubert.

Ms. Joubert said she would review the file after the meeting as that information was not immediately available; however, since a similar application in that shopping area had been recently approved for a variance, and since this was just a sign replacement, Ms. Joubert did not think it was necessary to keep the hearing open for that information.

Ms. Bakstran said they could agree that the current signage was over the 100 square feet that would have been allowed so it is likely that a variance was granted; this application is for an additional variance to add to the current signage square feet and increase from 57 square feet to 75 square feet.

Ms. Joubert said the actual size of the signs was not able to be determined from the images provided in the application.

Ms. Bakstran asked the Board if that question was significant enough to keep the hearing open for another month.

Mr. Blanchette did not feel that was necessary and had no issue moving forward, and said the company is just rebranding. Mr. Rand agreed with Mr. Blanchette and suggested granting a dimensional variance for adding 20 square feet to the existing signage.

Mr. Tagliaferri similarly had no concerns with the application and said that the new sign is replacing the current one, it's an increase of 18 square feet on a sign that would have zero impact on any sort of public good.

Mr. Rutan made a motion to close the hearing, Mr. Rand seconded. All were in favor.

There were no comments from the public, and no further comments from the board.

The hearing was closed on September 28, 2021.

Mr. Rutan made a motion to grant a variance to allow an increase of up to 20 square feet to the current sign allotment for Wegman's at the property at 9102 Shops Way. Mr. Rand seconded the motion. Roll call vote is as follows:

Mr. Rutan	"aye"
Mr. Rand	"aye"
Mr. Blanchette	"aye"
Mr. Tagliaferri	"aye"
Ms. Bakstran	"aye"

FINDINGS OF FACT

1. The subject property is located at 9102 Shops Way, Map 106 Parcel 7, in the Industrial Zoning District.
2. The Applicant is seeking a Variance for a new wall sign on the property located at 9102 Shops Way, Map 106 Parcel 7, in the Industrial Zoning District.
3. Northborough Crossing is located in the Industrial zoning district under the Major Commercial Development Overlay District (MCDOD) and wall signs are limited to 100 square feet per Section 7-09-040 G(1)(c)[3].
4. The Applicant is swapping one sign out for the other for marketing purposes and not seeking to add another sign.
5. A literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship, financial or otherwise, but not of a personal nature, to the petitioner or appellant.
6. The relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Bylaw.

DECISION

1. On **September 28, 2021**, after due consideration of the Application, the Board unanimously voted to Grant a **Variance** to allow 20 additional square feet of signage to the existing signage on the property located at 9102 Shops Way, Map 106 Parcel 7, in the Industrial Zoning District.
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, they shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9.
4. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

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



Richard Rand, Chair