



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

NORTHBOROUGH TOWN CLERK
ROUD 2022 JUN 6 PM 4:36

ZBA CASE NO. 22-03

PROPERTY LOCATION: 326 Main Street

PETITIONER: Jeremy M. Roussel

PROPERTY OWNER: Gerald F. and Cheryl D. Swift

Deed Recorded with the Worcester District Registry of Deeds: Bk: 58589 Pg: 130

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Jeremy M. Roussel on behalf of Design Center West for a Variance for the dimensions of a freestanding sign, which is 17 feet in height. The applicable property is located at 326 Main Street, Map 47 and Parcel 92, in the Business East Zoning District.

APPLICATION

1. On April 19, 2022, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for a Variance for installation of a freestanding sign exceeding the maximum height specified in Zoning Bylaws, Section 7-09-040G(1)(b)[1][b] for the property located at 326 Main Street, Map 47 and Parcel 92, in the Business East Zoning District.
2. Notice of the public hearing was duly posted with the Town Clerk on April 27, 2022, published in "THE WORCESTER TELEGRAM & GAZETTE" on May 1, 2022 and May 8, 2022, and was mailed to abutters and other parties of interest on May 4, 2022.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals signed by Gerald F. Swift on April 14, 2022 and stamped received by the Town of Northborough on April 19, 2022, including:
 - a. A Zoning Interpretation Request Form for 326 Main Street, submitted by Jeremy Roussel, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated May 11, 2022; and
 - b. A certified abutters list for parcels 300 feet from 326 Main Street, Northborough, MA prepared by the Northborough Board of Assessors, and a GIS Viewer Map of the site, titled 326 Main Street-300ft abutters, both dated April 15, 2022; and
 - c. A deed for 326 Main Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on March 27, 2018, Bk: 58589 Pg: 130; and
 - d. An 8.5" x 11" color sheet portraying the existing freestanding sign, Job #: 63846, dated December 23, 2020, prepared by Signarama; and

- e. An 8.5" x 11" color sheet portraying the proposed freestanding sign with dimensions, Job #: 65258, dated November 19, 2022, prepared by Signarama; and
2. A document entitled: "Planning Director Questions, Comments and Recommendations" dated May 10, 2022.
3. An email dated May 11, 2022 from Robert Frederico to Laurie Connors RE: Sign Size Requirements.

HEARING

Jeremy Roussel presented his application at a duly noticed public hearing of the Board on May 24, 2022 at which opportunity was given to all interested to be heard in favor of or opposition to the application. The public hearing was broadcast on Northborough Public Access Television and live-streamed via ZOOM video and audio conferencing, allowing members of the public to participate in the hearing through real-time active participation, in accordance with Governor Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, S20, dated March 12, 2020 and Chapter 20 of the Acts of 2021. Participating Board members were Chair Paul Tagliaferri, Fran Bakstran, Brad Blanchette, Mark Rutan; and Alternate Jeff Leland. After listening to the testimony, the Board closed the public hearing.

FINDINGS OF FACT

1. The subject property is located at 326 Main Street, Map 47 and Parcel 92, in the Business East Zoning District.
2. No sign shall be erected on the exterior of any building or on any land unless and until the Building Inspector has issued a sign permit. Application for a sign permit shall be on the form prescribed by the Building Inspector and shall include such information and drawings as the Building Inspector requires, per 7-09-040C(1).
3. Per 7-09-040G(1)(b)[1][b], Signs in business districts, Business East, Business West, and Business South Districts, Freestanding sign: one (1) freestanding sign, size not to exceed 32 square feet in area, height not to exceed 10 feet as measured from the ground to the highest point of the sign or 12 feet to the top of the sign structure.
4. Per 7-09-040D(10), The location, by street number, for all nonresidential structures shall be included on the freestanding sign. The portion of the area used for the street address shall not exceed 15% of the allowed square footage and shall not affect the calculation of allowed sign square footage.
5. Per 7-09-040D(7), no sign may be illuminated between 12:00 midnight and 6:00 a.m. except signs identifying police or fire stations or essential public services.
6. On August 9, 1994, the Zoning Board of Appeals granted a variance for the property to allow the continuing existence of a freestanding sign that was 63 square feet in area and 12'6" in height.
7. The ZBA's role per 7-03-030B(2) in this case is to hear and decide appeals or petitions for variances from the use, dimensional, or density requirements of this bylaw, with respect to particular land or structures, as set forth in MGL C. 40A, § 10.

DECISION

1. **On May 24, 2022**, after due consideration of the **Variance** request, the Board voted unanimously to **GRANT** the Applicant’s request for 7’ of relief to allow one freestanding sign with a height not to exceed 17’ on the property located at 326 Main Street, Map 47 and Parcel 92, in the Business East Zoning District with conditions, safeguards, and limitations on time or use set forth as follows:
 - a. The freestanding sign may be illuminated between the hours of 8 am and 8 pm.
 - b. No snow shall be piled under the sign.
 - c. Plantings at the base of the freestanding sign shall consist of low-growing shrubs, perennials and annuals that shall not exceed the height of 18” from finished ground elevation.
 - d. The area between the top of the plantings and the bottom of the sign (at approximately 6’ above finished ground elevation) shall be kept clear of obstructions for visibility purposes.

Roll Call vote was taken by members and was as follows:

Ms. Bakstran	“aye”
Mr. Leland	“aye”
Mr. Rutan	“aye”
Mr. Blanchette	“aye”
Chair Tagliaferri	“aye”

2. 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.
3. 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.”
4. If the rights authorized by the **VARIANCE** is 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.

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



Paul Tagliaferri, Chairman