



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

RECEIVED

MAR 28 2024

NORTHBOROUGH TOWN CLERK

ZBA CASE NO. 24-01

PROPERTY LOCATION: 61-65 West Main Street & 10 Monroe Street

PETITIONER: Town of Northborough

PROPERTY OWNER: Town of Northborough

Deed Recorded with the Worcester District Registry of Deeds: Bk: 68237 Pg 362 and Bk 68469 Pg 63

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition submitted by the Town of Northborough for a **Variance** of 19 feet from the 20-foot maximum front yard setback requirement, a **Variance** of 113 square feet from the 32 square foot maximum size of a wall sign, and a **Variance** to allow an Electronic Message Center within a freestanding sign. The applicable property is located at 61 & 65 West Main Street, Map 63 Parcels 9 & 10, and 10 Monroe Street, Map 63 Parcel 7, in the Downtown Business District and Groundwater Protection Overlay District Area 3.

APPLICATION

1. On March 7, 2024, the Applicant filed with the Town Clerk an Application for Hearing before Board of Appeals to consider the petition, submitted by the Town of Northborough, for a **Variance** of 19 feet from the 20-foot maximum front yard setback requirement, a **Variance** of 113 square feet from the 32 square foot maximum size of a wall sign, and a **Variance** to allow an Electronic Message Center within a freestanding sign. The applicable property is located at 61 & 65 West Main Street, Map 63 Parcels 9 & 10, and 10 Monroe Street, Map 63 Parcel 7, in the Downtown Business District and Groundwater Protection Overlay District Area 3.
2. Notice of the public hearing was duly posted with the Town Clerk on March 8, 2024, published in "THE WORCESTER TELEGRAM & GAZETTE" on March 12, 2024 and March 19, 2024 and was mailed to abutters and other parties of interest on March 8, 2024.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals signed by Timothy P. McInerney, Town Administrator, on behalf of the Town of Northborough, on March 5, 2024 and stamped received by the Town of Northborough on March 7, 2024, including:
 - a. A Zoning Interpretation Request Form for 61-65 West Main Street, submitted by the Town of Northborough, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated March 7, 2024;
 - b. A certified abutters list for parcels 300 feet from 61 West Main Street, 65 West Main Street, and 10 Monroe Street, Northborough, MA prepared by the Northborough Board of Assessors, dated February 27, 2024, and a GIS Viewer Map of the site, titled "61 West Main Street (63-9), 65 West Main Street (63-10). 10 Monroe Street (63-7) – Abutters 300 ft.";

- c. A deed for 61-65 West Main Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Registry of Deeds on September 20, 2022, Bk: 68237, Pg: 362;
 - d. A deed for 10 Monroe Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Registry of Deeds on November 9, 2022, Bk: 68469, Pg: 63;
 - e. A letter to the ZBA from Janet M. Slemenda, dated March 1, 2024, RE: Zoning Variance Application Schedule of Fees for the New Fire Station, Northborough, MA;
 - f. A set of plans entitled: "Existing Conditions Plan, 61-65 West Main Street, Northborough, MA", dated September 1, 2023, prepared by Chappell Engineering Associates, LLC, 201 Boston Post Road West, Suite 101, Marlborough, MA;
 - g. A site plan for the property located at 61-65 West Main Street, Northborough, dated January 11, 2024, prepared by Pare Corporation, 10 Lincoln Road, Suite 210, Foxborough, MA;
 - h. A set of schematic designs for the property located at 61-65 West Main Street, Northborough, dated February 22, 2024, prepared by HKT Architects Inc, 35 Medford Street, Somerville, MA.
2. A memo from the Planning Director dated March 18, 2024.

HEARING

Janet Slemenda, HKT Architects, presented this application at a duly noticed public hearing of the Board on March 26, 2024, 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, Chapter 20 of the Acts of 2021, Chapter 22 of the Acts of 2022, Pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on March 29, 2023. Participating Board members were Chair Paul Tagliaferri, Fran Bakstran, Brad Blanchette, Mark Rutan, and Suzanne Cieslica. After listening to the testimony, the Board closed the public hearing.

WAIVER

On March 26, 2024, after closing the public hearing, the Zoning Board of Appeals voted to grant a waiver of all application and advertising fees.

FINDINGS OF FACT

1. The subject property is located at 61-65 West Main Street, Map 63, Parcel 9 and Map 63, Parcel 10, and 10 Monroe Street, Map 63, Parcel 7, in the Downtown Business District.
2. The Town seeks two dimensional variances and one use variance from the Zoning Board of Appeals.

3. The proposed application is to construct a 30,000 square foot fire station, 53 parking spaces and associated improvements.
4. The municipal fire station is classified as an exempt use in accordance with Zoning Bylaw Section 7-05-020A.(2). It requires site plan approval from the Planning Board in accordance with Zoning Bylaw Section 7-03-050A.(1)(a).
5. Within the Groundwater Protection Overlay District, a municipal fire station, which is a necessary public facility, is a by-right use per Zoning Bylaw Section 7-07-010D(1)(a)(6).
6. The subject property consists of two lots on West Main Street totaling 3.54 acres and 412.7 feet of frontage and one lot on Monroe Street consisting of .43 acres and 10 feet of frontage.
7. The subject property conforms to the existing dimensional requirements of the Downtown Business District.
8. The Table of Density and Dimensional Regulations (Zoning Bylaw Section 7-06-030) specifies that the minimum front yard setback in the Downtown Business District is 6 feet, and the maximum front yard setback is 20 feet. The Applicant seeks approval to locate the proposed building 39 feet from the front lot line, which constitutes 19 feet of relief.
9. The Applicant seeks approval to install an Electronic Message Center within a freestanding sign that conforms to the dimensional requirements specified in Zoning Bylaw Section 7-09-040G.(1)(a)[1][a]. The municipality wants to use the Electronic Message Center to advertise public events, such as Annual Town Meeting and Local and National Elections, as well as important public safety information (i.e., location of public warming stations during storms). According to Zoning Bylaw Section 7-09-040, Electronic Message Centers are allowed in Highway Business and Industrial Districts only. Within the Downtown Business District, a freestanding sign may have an additional 16 square feet of space for changeable copy message, which shall be changed manually.
10. The Applicant seeks approval for a wall sign of 145.33 square feet. Zoning Bylaw Section 7-09-040G.(1)(a)[1][b] specifies that the maximum size of a wall sign in the Downtown Business District is 32 square feet. The Applicant seeks 113.33 square feet of relief on the size of the wall sign.
11. Zoning Bylaw Section 7-03-020B.(2) authorizes the Zoning Board of Appeals to grant a variance from the use, dimensional, or density requirements of the Zoning Bylaws, with respect to particular land or structures, as set forth in MGL Chapter 40A, Section 10.
12. The Zoning Board of Appeals found that the unique conditions of the site (conditions related to the shape and topography) constitute a hardship relative to the front yard setback and the size of the wall sign.
13. The Board found that 19 feet of relief from the 20-foot maximum setback requirement is necessary to maneuver the large fire apparatus into/out of the building, maintain the maximum grade of 3% and ensure clear sightlines.
14. The Board found that the proposed wall sign, at 113.33 square feet in total area, is of appropriate size and scale for the Fire Station. A larger sign is necessary given the building's location relative to the roadway.
15. The Board found that a literal enforcement of the applicable provisions of the Zoning Bylaw would involve a substantial hardship relative to the requested dimensional variances.

16. The Board found that the relief sought from the front yard setback and maximum size of a wall sign may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.
17. The Board did not find that the relief sought to allow an Electronic Message Center is satisfied by circumstances relating to the soil conditions, shape, or topography of such land and that a literal enforcement of the provisions of the by-law constitute a substantial hardship, financial or otherwise.

DECISION

1. On March 28, 2024, after due consideration of the Variance requests, the Board voted unanimously to **GRANT a Variance** of 20 feet from the 20-foot maximum front yard setback requirement and a **Variance** enabling installation of a wall sign totaling 172 square feet, or 140 square feet of relief.

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

Mr. Rutan	"Aye"
Ms. Cieslica	"Aye"
Ms. Bakstran	"Aye"
Mr. Blanchette	"Aye"
Chair Tagliaferri	"Aye"

The vote received a super majority of affirmative votes, therefore the **application is approved**.

2. The Board voted to **GRANT a Variance** enabling installation of a freestanding sign containing an Electronic Message Center.

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

Mr. Rutan	"Aye"
Ms. Cieslica	"Nay"
Ms. Bakstran	"Aye"
Mr. Blanchette	"Nay"
Chair Tagliaferri	"Nay"

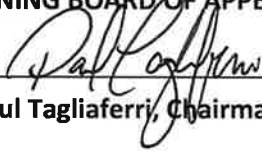
The vote did not receive a super majority of affirmative votes, therefore the **application is denied**.

3. The applicable property is located at 61 & 65 West Main Street, Map 63 Parcels 9 & 10, and 10 Monroe Street, Map 63 Parcel 7, in the Downtown Business District and Groundwater Protection Overlay District Area 3.
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.
5. The **VARIANCES** 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.”

6. If the rights authorized by the **VARIANCES** 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.

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



Paul Tagliaferri, Chairman