



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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

## DECISION

**ZBA CASE NO: 17-01**

**PROPERTY LOCATION: 10,000 & 10,010 Shops Way**

**PETITIONER & PROPERTY OWNER: 920 LLC**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk 53177, Pg 273 &  
Bk 54324, Pg 158**

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TOWN CLERK

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of 920 LLC for a **VARIANCE** to allow a free-standing sign to be located on the property between MedPost Urgent Care and the existing Avalon Pylon sign; and a **VARIANCE** to allow two wall signs to be located on the south and east walls of the building in which Saint Vincent Medical Group is located, on the property located at 10,010 - 10,010 Shops Way, Map 109, Parcel 15 and Map 108, Parcel 2.

### APPLICATION

1. On December 27, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **VARIANCE** to allow a free-standing sign to be located on the property between MedPost Urgent Care and the existing Avalon Pylon sign; and a **VARIANCE** to allow two wall signs to be located on the south and east walls of the building in which Saint Vincent Medical Group is located, on the property at 10,000 & 10,010 Shops Way, Map 109, Parcel 15 and Map 108, Parcel 2.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on January 9, 2017 and January 16, 2017 and was mailed to abutters and other parties in interest on December 28, 2016.

### EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals, including:
  - a. A document entitled "Attachment to ZBA Application, 920 LLC, Summary";
  - b. Copies of prior ZBA decisions for 370 Southwest Cutoff as follows: Case No. 14-14, dated November 26, 2014; and Case No. 15-11, dated August 27, 2015;
  - c. An 8.5" x 11" color plan sheet identified as "Overall Layout Plan, 370 Southwest Cutoff, Sheet 3", dated 09/29/14, revised 10/28/14 and 4/03/15, prepared for 920 LLC by Waterman Design Associates, Inc.; identifying locations of "Proposed Wall Sign 1" and "Proposed Wall Sign 2" for Saint Vincent Medical Group; and the location of a free-standing sign for MedPost Urgent Care;

- d. An 8.5" x 11" color sheet from ViewPoint Sign and Awning, for Saint Vincent Medical Group entitled "10,010 Shops Way, Northborough, MA - Proposed Wall Sign 1 Submittal", identified as "Option 2. South Elevation Sign – Channel Letters Mounted to Raceway", submitted by Capital Group Properties, LLC, dated 11.07.16, revised 11.18.16;
- e. An 8.5" x 11" color photo identified as "10,010 Shops Way, Northborough, MA, Existing Conditions Photo", (page 32) submitted by Capital Group Properties, LLC;
- f. An 8.5" x 11" color sheet from ViewPoint Sign and Awning, for Saint Vincent Medical Group entitled "10,010 Shops Way, Northborough, MA - Proposed Wall Sign 2 Submittal", identified as "East Elevation Sign – Channel Letters Mounted to Raceway", submitted by Capital Group Properties, LLC, dated 11.07.16, revised 11.18.16;
- g. An 8.5" x 11" color photo identified as "10,010 Shops Way, Northborough, MA, Existing Conditions Photo", (page 35) submitted by Capital Group Properties, LLC;
- h. An 8.5" x 11" color rendering entitled "10,010 Shops Way, Northborough, MA, Proposed Pylon Sign Submittal", identified as "Small Pylon Sign – Page 1:", dated 11.29.16;
- i. Two 8.5" x 11" color photo identified as "10,010 Shops Way, Northborough, MA, Existing Conditions Photo", (pages 40 & 41) submitted by Capital Group Properties, LLC;
- j. A Quitclaim Deed for 370 Southwest Cutoff, Northborough, Mass., recorded at the Worcester District Registry of Deeds on 12/19/2014, Bk: 53177 Pg: 273;
- k. A Confirmatory Deed for 370 Southwest Cutoff, Northborough, MA, on recorded at the Worcester District Registry of Deeds on 09/22/2015, Bk: 54324 Pg: 158;
- l. A certified abutters list for parcels 300 feet from 10,000 – 10,010 Shops Way, Map 109, Parcel 15; and Map 108, Parcel 2, including a cover sheet signed by Julie Brownlee for the Town of Northborough Board of Assessors, dated 12/15/2016, and a Northborough, MA GIS Viewer map entitled "10,000 – 10,010 Shops Way – 300ft Abutters, dated December 22, 2016; and
- m. A 24" x 36" color plan sheet identified as "Overall Layout Plan, 370 Southwest Cutoff, Sheet 3", dated 09/29/14, revised 10/28/14 and 4/03/15, prepared for 920 LLC by Waterman Design Associates, Inc.; identifying locations of "Proposed Wall Sign 1" and "Proposed Wall Sign 2" for Saint Vincent Medical Group; and the location of a free-standing sign for MedPost Urgent Care.

## HEARING

Applicant and property owner, Robert DePietri, 920 LLC; William Fox, Saint Vincent Medical Group; and Attorney Marshall Gould, Gould and Ettenberg, representing the Applicant, presented the Application at a duly noticed public hearing of the Board on January 24, 2017, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand,

Fran Bakstran, Brad Blanchette, Jeffrey Leland and Mark Rutan were present throughout the proceedings.

Mr. Gould explained Saint Vincent Medical Group is the parent company of MedPost. Saint Vincent Medical Group and MedPost Urgent Care are both located on the Northborough Crossing site at 10,000 – 10,010 Shops Way, which is part of the final phase of the Northborough Crossing development. There are two large retail buildings on the site that form an L shape, identified on the layout plan submitted by the Applicant as Building R-1 and Building R-2. Building R-1 is 28,000 square feet in size and Saint Vincent Medical Group is located in 9,300 square feet of that building. The remaining area of Building R-1 is vacant at this time, as is Building R-2.

Mr. Gould explained the Applicant is seeking a Variance to allow a freestanding sign advertising MedPost and Saint Vincent's Medical Group, to be located on the subject property between the building in which MedPost Urgent Care is located and the existing Avalon pylon sign; and a Variance to allow two wall signs, each advertising Saint Vincent's Medical Group, to be located on the south and east walls of the building in which Saint Vincent Medical Group is located. The proposed freestanding Pylon sign will be near the entrance to Northborough Crossing and will allow people driving on Route 20 to locate MedPost Urgent Care and Saint Vincent's Medical Group. The two wall signs will help drivers identify the location of the Saint Vincent's Medical Group. He noted that directly across the street, where the New England Baseball Enterprises facility is located, there is an emergency care facility (Carewell). Currently, the location of Carewell causes confusion for people heading to MedPost Urgent Care.

Mr. Gould stated the elevation and size of the development is such that it required very large buildings on this part of the site, but the only existing signs face into the parking area and nobody sees the buildings until they arrive at the site. He explained the large area of the final phase of Northborough Crossing calls for more signage than would normally be allowed on one lot. Mr. Gould stated a small portion of the site fronts on Route 20, but the majority of it fronts on Shops Way and has significant elevation changes. Directly across the street are wall signs and a pylon sign that are visible to Route 20. The proposed signage will make it easier for people to find the facilities and is intended to provide direction.

Joseph Atchue, Zoning Enforcement Officer/Inspector of Buildings, was present and noted MedPost Urgent Care has two signs on the top portion of their building; has a building permit for a 25.8 foot wide by 2-foot high illuminated sign for the top back of their building; and they are now asking for an additional pylon sign. In addition, he noted a freestanding sign, almost 200 square feet in size, was approved to be located on the property at 1C Belmont Street (Route 9) for the purpose of advertising the businesses of the Northborough Crossing development, but has not been built yet.

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 January 24, 2017.

#### **FINDINGS OF FACT**

1. The subject property at 10,000 – 10,010 Shops Way is in the Industrial District and the Major Commercial Development Overlay District. It is the final phase of the Northborough Crossing development.
2. For the purpose of identifying the location of MedPost Urgent Care and Saint Vincent's Medical Group, the Applicant is proposing to locate an 8.1-foot high by 6.2-foot wide freestanding internally-illuminated pylon sign on the subject property, between the MedPost Urgent Care building and the existing Avalon freestanding pylon sign, along with two internally-illuminated wall

signs to be located on the south and east walls of the building in which Saint Vincent Medical Group is located.

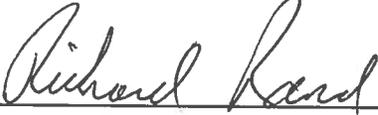
3. The subject property is located in the Industrial District.
4. In the Industrial District, a freestanding sign shall not exceed 42 square feet in area. The proposed freestanding sign is 50 square feet in area. Therefore, a Variance is required from Section 7-09-040H(3), Development Regulations, Signs, Signs in the Industrial District, Freestanding Signs, to allow the proposed freestanding sign to be more than 42 square feet in area.
5. The Applicant is proposing to locate two 60 square-foot (41" x 211") internally-illuminated wall signs on the building in which Saint Vincent's Medical Group is located, for a total of 120 square feet.
6. In the Industrial District, the total area of all signs shall not exceed 200 square feet. Due to the multiple number of signs permitted for the final phase of the Northborough Crossing development, per ZBA Case No. 14-14, including the Saint Vincent's Medical Group sign at the entrance to their facility in Building R-1, and the signs on the MedPost Urgent Care facility, there is currently more than 200 square feet of signage on the site. Therefore, a Variance is required from Section 7-09-040H(1)(b) Development Regulations, Signs, Signs in the Industrial District, of the Northborough Zoning Bylaw, to allow the two wall signs as proposed to be located on Building R-1, in which Saint Vincent's Medical Group is located.
7. The subject property contains significant elevation changes. A small portion of the subject property fronts on Route 20, and a significant portion of it fronts on Shops Way.
8. Building R-1 on the subject site is located at the highest point of this final phase of the Northborough Crossing development. The subject building faces the parking lot, not Route 20. As a result, patients looking for MedPost Urgent Care or Saint Vincent Medical Group may not see the location of the subject building from Route 20. The requested signs will allow patients driving on Route 20 to locate the appropriate facility more easily, thus contributing to the safety and direction of vehicular traffic.
9. Due to circumstances relating to the significant slopes and elevation of the subject site, which does not allow visibility of the medical office signs on the front of the MedPost Urgent Care and Saint Vincent's Medical Group facilities; and because the front of the buildings face the parking lot and not Route 20, affecting only the subject land but not generally affecting land or structures in the same zoning district, a literal enforcement of the Zoning Bylaw would involve substantial hardship.
10. The wall signs as proposed will not constitute substantial detriment to the public good. They are compatible with the adjoining parcels; will cause minimum impact; and will contribute to vehicular safety and less traffic by appropriately directing patients to their anticipated location. Therefore, the relief sought may be given without nullifying or substantially derogating from the intent and the purpose of the Zoning Bylaw.
11. Adequate and appropriate facilities will be provided for the proper operation of the proposed signs.
12. The proposed signs will conform to any special requirements of the special permit granting authority as stated in its written decision.

## DECISION

1. **On January 24, 2017**, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040H(1)(b) Development Regulations, Signs, Signs in the Industrial District, of the Northborough Zoning Bylaw, to allow a 60 square-foot internally-illuminated wall sign to be located on the east side of Building R-1; and a 60 square-foot internally-illuminated wall sign to be located on the south side of Building R-1, on the property located at 10,000 – 10,010 Shops Way, in the Industrial District and the Major Commercial Overlay District, with the following condition:
  - a. The subject wall signs as proposed shall be illuminated during the normal business hours of the business they are advertising.And per the plans submitted and identified as:
  - b. A 24" x 36" color plan sheet identified as "Overall Layout Plan, 370 Southwest Cutoff , Sheet 3", dated 09/29/14, revised 10/28/14 and 4/03/15, prepared for 920 LLC by Waterman Design Associates, Inc.; identifying locations of "Proposed Wall Sign 1" and "Proposed Wall Sign 2" for Saint Vincent Medical Group; and the location of a free-standing sign for MedPost Urgent Care;
  - c. An 8.5" x 11" color sheet from ViewPoint Sign and Awning, for Saint Vincent Medical Group entitled "10,010 Shops Way, Northborough, MA - Proposed Wall Sign 1 Submittal", identified as "Option 2. South Elevation Sign – Channel Letters Mounted to Raceway", submitted by Capital Group Properties, LLC, dated 11.07.16, revised 11.18.16;
  - d. An 8.5" x 11" color sheet from ViewPoint Sign and Awning, for Saint Vincent Medical Group entitled "10,010 Shops Way, Northborough, MA - Proposed Wall Sign 2 Submittal", identified as "East Elevation Sign – Channel Letters Mounted to Raceway", submitted by Capital Group Properties, LLC, dated 11.07.16, revised 11.18.16; and
  - e. An 8.5" x 11" color rendering entitled "10,010 Shops Way, Northborough, MA, Proposed Pylon Sign Submittal", identified as "Small Pylon Sign – Page 1, dated 11.29.16.
2. **On January 24, 2017**, after due consideration of the Application, the Board voted 1 member in favor and 4 **opposed** to **GRANT** a **VARIANCE** from Section 7-09-040H(3) Development Regulations, Signs, Signs in the Industrial District, Freestanding Signs, of the Northborough Zoning Bylaw, to allow an 8.1-foot by 6.2-foot freestanding internally-illuminated Pylon sign to be located between the MedPost Urgent Care building and the existing Avalon pylon sign, on the property located at 10,000 – 10,010 Shops Way, as the proposed freestanding sign was deemed to be potentially confusing, and not necessarily safer, by the majority of the voting members.
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 **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."

6. 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. 10.

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

  
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**RICHARD RAND, CHAIRMAN**