



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 14-13

PROPERTY LOCATION: 27 South Street

PETITIONER & PROPERTY OWNER: Michelle Horan, Horan, LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 52712 Pg: 57

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the of petition of Michelle Horan for **VARIANCES** to allow more than one freestanding sign with less than 10 tenants, and to allow 2 signs to be located less than 50 feet apart, on the property located at 27 South Street, Map 63, Parcel 173, Lot 2.

APPLICATION

1. On September 4, 2014, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining **VARIANCES** from Section 7-09-040(G)(1)(a)[2][a] Development Regulations, Signs, Signs in Business Districts, Type, Size and Number of Signs, Downtown Business District, Lot With Three (3) or More Tenants, Sign; of the Northborough Zoning Bylaw, to allow more than one freestanding sign with less than 10 tenants; and to allow 2 signs to be located less than 50 feet apart, on the property located at 27 South Street, Map 63, Parcel 173, Lot 2.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on September 15, 2014 and September 22, 2014 and was mailed to abutters and other parties in interest on September 9, 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 certified abutters list for parcels 300 feet from 27 South Street, Unit 2 including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated August 29, 2014, and a Northborough, MA GIS Viewer map entitled "27 South Street, Unit 2", dated August 29, 2014;
 - b. A color picture of the existing sign at 27 South Street;
 - c. A black and white illustration of a 4-foot by 8-foot freestanding wood structure with three 32-inch by 12-inch tenant signs, including the proposed sign for the Applicant's business "Entryway Real Estate", by Gemini Signs and Letters, drawn by Matt Evangelous, dated 9-4-14;
 - d. A Quitclaim Deed for 27 South Street, Northborough, Mass., recorded at the Worcester District Registry of Deeds on 08/22/14, Bk: 52712 Pg: 57; and
 - e. A letter from Ann M. Cavanaugh, Trustee, 27-29 South Street Condominium, to the Zoning Board of Appeals, dated September 1, 2014, re: Petition by

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Michelle Horan seeking relief from zoning by-laws relative to number of signs in front of a business building.

HEARING

Applicant Michelle Horan, Horan LLC, presented the Application at a duly noticed public hearing of the Board on September 30, 2014, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Robert Berger and Mark Rutan were present throughout the proceedings.

Ms. Horan stated her real estate business, Entryway Real Estate, is located in a business condominium she owns at 27 South Street. The building consists of 6 units, and she plans to sub-let office space within her unit to two other businesses. Three tenants are on the existing freestanding sign on the property and the applicant stated there isn't any room for any additional tenants to be added. She stated she is requesting a Variance to add another freestanding sign with space for three tenants, her business and for each of the two businesses who will sub-let from her. She submitted to the board a picture of her proposed freestanding sign with three tenants and where she will locate it. She stated the condominium association, 27-29 South Street Condominium Trust, is comfortable with the style and location of her proposed sign. Ms. Horan stated she offered to replace the existing freestanding sign, but her request was denied by the condominium association. She stated she originally thought the proposed location of her new sign would be less than 50 feet from the existing freestanding sign, but it is not. When asked by the Board, the Applicant stated there is room on the existing freestanding sign for her business as the fourth tenant but not enough room for her sublet tenants.

Chairman Rand read an email message he received from Planning Board member Michelle Gillespie, in which Ms. Gillespie requested the board deny the Applicant's request because it does not comply with the sign bylaw.

Ms. Horan noted Ms. Gillespie is a real estate agent and is her competitor.

No person present spoke in opposition to the Application.

The hearing was closed on September 30, 2014.

FINDINGS OF FACT

1. The subject lot at 27 South Street is located in the Downtown Business District.
2. The Applicant owns one of the six condominium units within the building on the subject lot, in which her business, Entryway Real Estate, is located.
3. The Applicant plans to sub-let portions of her condominium to two other business owners.
4. An existing freestanding sign on the subject lot includes three tenants.
5. The Applicant is proposing to locate on the subject lot a second freestanding sign with the three tenants that will be located in her condominium.
6. In the Downtown Business District, one sign for up to ten tenants on a lot is allowed and therefore a Variance is required for the proposed additional sign from Section 7-09-040G(1)(a)[2][a], Sign Bylaw, Signs in Business Districts, Downtown Business District, Lot with three (3) three or more tenants, of the Northborough Zoning Bylaw.
7. The proposed additional freestanding sign on the subject lot will be 4-feet wide by 8-feet high, and will be similar in style and colors to the existing freestanding sign.
8. The proposed additional freestanding sign on the subject lot will be at least 50 feet from the existing freestanding sign.

9. In a letter from Ann M. Cavanaugh, Trustee, 27-29 South Street Condominium, to the Zoning Board of Appeals, dated September 1, 2014, re: Petition by Michelle Horan seeking relief from zoning by-laws relative to number of signs in front of a business building, Ms. Cavanaugh states:

"The majority of owners in 27-29 South Street are comfortable with the fact that the petitioner stated that she will make a reasonable attempt to follow the size, style and colors of our existing sign, and place the new sign on the other side of the front driveway. The existing sign looks professional and adding height or width to it would not be appealing from the sidewalk/street."

10. According to the 27-29 South Street Condominium Trust Master Deed, recorded at the Worcester District Registry of Deeds, Book 12557, Page 243 on 01/03/1990, the building on the subject lot at 27 South Street is comprised of 5 condominium units identified as 27-1, 27-2, 27-3, 27-4 and 27-5 South Street. The building next to the subject lot at 29 South Street is comprised of 2 condominium units identified as 29 South Street, First Floor; and 29 South Street, Second Floor.
11. The Applicant contacted the 27-29 South Street Condominium Trust and requested to add the 3 tenants located in her condominium to the existing freestanding sign on the site. In addition, she offered to replace the existing freestanding sign and place a new freestanding sign on the site with six tenants, including the 3 tenants on the existing sign and her proposed 3 tenants. Either of these options could have resulted in a freestanding sign in compliance with the zoning bylaw. The condominium association denied both requests.
12. The Northborough Planning Board, in conjunction with the Northborough Board of Selectmen, is working to eliminate sign clutter throughout the Town of Northborough. The downtown area of South Street, in which 27 and 29 South Street are located, is densely developed and contains many signs.
13. The Board prefers one freestanding sign for all businesses located at the site.
14. If the requested Variance was granted, and all 5 condominium units located in the 27 South Street building were to sub-let portions of their units to other businesses and needed additional signage for them, the sign situation on the subject lot, and in that area, would be much worse. In addition, if the two condominiums in the building at 29 South Street were to sub-let – a combination of the 7 condominium units of the 27-29 South Street Condominium Trust – the number of signs needed would increase proportionately.
15. Therefore, the relief sought cannot be given without nullifying or substantially derogating from the purpose and intent of the Northborough Zoning Bylaw, and the relief as requested will constitute a detriment to the public good.
16. There are no circumstances relating to the shape, topography or soil conditions of the subject lot that would involve a substantial hardship to the Applicant.

DECISION

1. On September 30, 2014, after due consideration of the Application, the Board voted unanimously to **DENY** a **VARIANCE** from Section 7-09-040(G)(1)(a)[2][a] Development Regulations, Signs, Signs in Business Districts, Type, Size and Number of Signs, Downtown Business District, Lot With Three (3) or More Tenants, Sign; of the Northborough Zoning Bylaw, to allow more than one freestanding sign with less than 10 tenants on the property located at 27 South Street, Map 63, Parcel 173, Lot 2, because the Applicant failed to show a hardship regarding the shape, topography, or soil conditions of the lot, necessary for the requested variance.

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.

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



RICHARD RAND, CHAIRMAN