



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 17-06

PROPERTY LOCATION: 293 West Main Street

PETITIONER & PROPERTY OWNER: Alexander Moheban

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 54718, Pg: 243

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Alexander Moheban for a **VARIANCE** to allow a proposed double-sided, freestanding, internally lit Pylon sign with a changeable message board to be more than 10 feet in height on the property located at 293 West Main Street, Map 82, Parcel 6.

APPLICATION

1. On May 3, 2017, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **VARIANCE** from Section 7-09-040G(1)(b)[1][a], Development Regulations, Signs, Signs in Business Districts, Type of Signs, Business East, Business West and Business South District, Lot with one (1) or two (2) tenants, Freestanding Sign, of the Northborough Zoning Bylaw, to allow a proposed double-sided, freestanding, internally lit Pylon sign with a changeable message board to be more than 10 feet in height in the Business West District on the property located at 239 West Main Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on June 12, 2017 and June 19, 2017; and was mailed to abutters and other parties of interest on June 9, 2017.

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 293 West Main Street, submitted by Alex Moheban, signed by Joseph M. Atchue on 5/3/2017;
 - b. A Quitclaim Deed for 293 West Main Street, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on December 18, 2015, Bk: 54718 Pg: 243;
 - c. A certified abutters list for parcels 300 feet from 293 West Main Street dated 5/3/2017; and a Northborough, MA GIS Viewer map for 293 West Main Street – 300ft Abutters, on 5/2/2017;
 - d. An 8.5" x 11" plan entitled "Proposed Parking Plot Plan, 293 West Main Street, Northborough, Mass., dated January 21, 2016, prepared

for Alex Moheban by Connorstone Engineering Consulting Civil Engineers;

- e. A set of seven 11" x 17" plans for 293 West Main Street, dated June 24, 2017, with sheets identified as: 1; 2; 3 – Site Plan for Parking Lot Paving, dated April 28, 2017; 4; 5; 6; and 7; and
- f. Two 24" x 36" color plan sheets entitled "Northborough Family Dental, 293 West Main Street", both dated 05.01.17; revised 05.09.17, 06.05.17, 06.20.17, 06.22.17, and 6.23.17; and prepared by ViewPoint Sign and Awning, with sheets identified as: "Option 3 – Page 1. Double Sided, Internally Illuminated Pylon Sign"; and "Option 3 – Page 2. Double sided Internally Illuminated Pylon Sign".

HEARING

Applicant Alexander Moheban presented the Application at a duly noticed public hearing of the Board on June 27, 2017 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Jeffrey Leland, Brad Blanchette, and Mark Rutan were present.

Mr. Moheban stated he is submitting final revised plans for his proposed double-sided, freestanding, internally lit Pylon sign with an electronic changeable message board. Originally, he was seeking a Variance to allow the height of the proposed sign to be 12 feet; and a Variance to allow the changeable message board on the proposed sign to be 32 square feet in area. He stated that, at the time, he did not have the full address of the site on the sign, which is required. He stated the plans he is submitting today include the full address of the site, and the reduction of the changeable message board to 16 square feet in area, which meets the requirements of the zoning bylaw. Therefore, he is asking only for a Variance for the height of the proposed sign.

Mr. Moheban stated he needs the proposed sign to be 12 feet in height because the subject lot at 293 West Main Street is at least 2 feet lower in elevation than the neighboring property and the lack of visibility caused by the lower elevation of the site is a hardship for him.

Abutter Jose Garcia expressed concern regarding the lights in the changeable message board sign bothering the tenants; the hours the lights will be on; and the proposed 12-foot height of the sign.

The board received no letters in opposition to the project.

The hearing was closed on June 27, 2017.

FINDINGS OF FACT

1. The subject property at 293 West Main Street is in the Business West District and is the site of the Northborough Family Dental business owned by the Applicant.
2. The Applicant is seeking to construct a 12-foot high, double-sided, freestanding, internally illuminated Pylon sign with a changeable message board on the subject property.
3. In the Business West District, the maximum allowed height of a double-sided, freestanding, internally illuminated sign as proposed is 10 feet. Therefore, a Variance is required from Section 7-09-040G(1)(b)[1][a], Development Regulations, Signs, Signs in

Business Districts, Type of Signs, Business East, Business West and Business South Districts, Lot with one (1) or two (2) tenants, Freestanding Sign, of the Northborough Zoning Bylaw, to allow the proposed freestanding sign to be 12 feet in height on the property at 293 West Main Street.

4. The subject site is at the intersection of West Main Street and Southwest Cutoff (Route 20). There is currently a sign on the subject property that advertises the Applicant's business.
5. The elevation of the subject site, in the area in which the proposed sign will be located, is 320 feet. The elevation of the front of the subject site, in front of the proposed sign, ranges from 324 feet to 322 feet; and behind the area of the sign, the elevation ranges from 317 feet up to 324 feet.
6. Due to the higher elevations of the roads and other lots in the area of the intersection of West Main Street and Southwest Cutoff, the existing sign on the subject property is not easily seen by drivers passing by.
7. The bottom of the proposed sign needs to be 5 feet up from the ground because vegetation on the property next to the subject site would block visibility of the sign if it was less than 5 feet from the ground. As a result, the height of the proposed sign needs to be 12 feet in height to be seen amidst the other stores and businesses in the area that are on properties with higher elevations.
8. The location of the proposed sign will be in the same area as that of the existing sign, which will make it easier and less expensive to construct since the electricity is already there.
9. Due to circumstances relating to the topography of the subject site, affecting only the subject lot, but not generally affecting land or structures in the same zoning district, the 12-foot height of the proposed double-sided, freestanding, internally lit Pylon sign with a changeable message board is necessary to increase visibility of the Applicant's business, and therefore a literal enforcement of the Zoning Bylaw would involve substantial hardship.
10. The relief sought will not constitute substantial detriment to the public good and will not adversely affect the neighborhood; and there will be no nuisance or serious hazard to vehicles or pedestrians.
11. Adequate and appropriate facilities will be provided for the proper operation of the proposed 12-foot high, double-sided, freestanding, internally lit Pylon sign with an electronic changeable message board.

DECISION

1. On June 27, 2017, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040G(1)(b)[1][a], Development Regulations, Signs, Signs in Business Districts, Type of Signs, Business East, Business West and Business South District, Lot with one (1) or two (2) tenants, Freestanding Sign, of the Northborough Zoning Bylaw, to allow the double-sided, freestanding, internally lit Pylon sign with an electronic changeable message board to be no greater than 12 feet in height, on the property at 293 West Main Street, Map 82, Parcel 6, *per the plans submitted as follows:*

- a. A set of seven 11" x 17" plans for 293 West Main Street, dated June 24, 2017, with sheets identified as: 1; 2; 3 – Site Plan for Parking Lot Paving, dated April 28, 2017; 4; 5; 6; and 7;
- b. Two 24" x 36" color plan sheets entitled "Northborough Family Dental, 293 West Main Street", both dated 05.01.17; revised 05.09.17, 06.05.17, 06.20.17, 06.22.17, and 6.23.17; and prepared by ViewPoint Sign and Awning, with sheets identified as: "Option 3 – Page 1. Double Sided, Internally Illuminated Pylon Sign"; and "Option 3 – Page 2. Double sided Internally Illuminated Pylon Sign".

And with the following condition:

- c. The sign as proposed shall be illuminated between the hours of 6:00 am to 9:00 pm only.
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** are not exercised within one year from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

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



RICHARD RAND, CHAIRMAN