



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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2016 MAR 14 AM 9:54

DECISION

ZBA CASE NO. 16-01

PROPERTY LOCATION: 333 Southwest Cutoff

PETITIONER: 333 Building One, LLC

PROPERTY OWNER: NorthAcres, LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 53946 Page: 325

This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of 333 Building One, LLC, for Variances to allow a proposed double-sided, free-standing, internally illuminated sign to exceed 20 feet in height and 100 square feet in area on the property at 333 Southwest Cutoff.

APPLICATION

1. On January 19, 2016, 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 7-09-040G(1)(c)[2][a] to allow a proposed double-sided free-standing sign to be 24.95 feet in height; and to allow a proposed free-standing sign to be 223 square feet in area for the purpose of advertising businesses located in the buildings on the property located at 333 Southwest Cutoff, in the Industrial District and the Major Commercial Development Overlay District (MCDOD).
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 8, 2016 and February 15, 2016; and was mailed to abutters and other parties in interest on January 25, 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 Zoning Interpretation Request Form from Mark L. Donahue, Esquire, for 333 Southwest Cutoff, signed by Joseph M. Atchue, Inspector of Buildings, on 1/14/16;
 - b. An Application cover letter to the Zoning Board of Appeals from Attorney Mark L. Donahue, Fletcher Tilton, dated January 19, 2016, re: 333 Building One, LLC/Application for Sign Variance;
 - c. A 2-page narrative explaining the project;
 - d. A document entitled "Notice of Lease" for 333 Southwest Cutoff, Northboro, recorded at the Worcester District Registry of Deeds on 7/01/2015, Bk: 53948 Pg. 325;

- e. A certified abutters list for parcels 300 feet from 333 Southwest Cutoff, Map 109, Parcel 11, dated 12/31/15 and a Northborough, MA GIS Viewer map for 333 Southwest Cutoff 300 ft abutters, dated 12/31/15;
 - f. A color architectural drawing of an interior illuminated LED sign for site address 333 Southwest Cutoff and customer UMASS/CareWell, by Back Bay Signs, dated 9/18/15; and
 - g. Four 8.5" x 11" black and white plans for New England Baseball Enterprises LLC, 333 Southwest Cutoff, prepared by Waterman Design Associates, Inc., with sheets identified as follows:
 - Phase 1B, Sheet C101, Layout and Materials Plan, dated 11/10/14;
 - Phase 1B, Sheet LE-1, Lease Area Exhibit; 10/24/15;
 - Phase 1A & 1B, Sheet 1, As-Built Plan, dated 12/4/15; and
 - Phase 1B, Sheet 2(C102), As-Built Plan Detail, dated 12/4/15
2. A letter to the Zoning Board of Appeals from Attorney Mark Donahue, Fletcher Tilton, re: 333 Building One, LLC/Application for Sign Variance, dated February 19, 2016, and three 8.5" x 11" color renderings of the proposed sign prepared for 333 Building One LLC by Sunshine Sign dated February 23, 2016, with sheets identified as #1, Pylon Sign, Sign Type A, showing the specifications of the whole proposed sign; #2 Sign Type A, Pylon Sign, showing specifications for the base of the proposed sign; and #3 Sign Type A, Pylon Sign, showing the proposed sign on the location on which it will be placed on the subject site.

HEARING

Attorney Mark Donahue, representing the Applicant, 333 Building One, LLC, and Jason Barthe, Project Manager, Sunshine Sign Company, Inc., presented the Application at a duly noticed public hearing of the Board on February 23, 2016 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 throughout the proceedings.

Mr. Donahue submitted revised plans dated February 23, 2016 and explained the Applicant is seeking a Variance to construct a free-standing, double-sided internally-illuminated sign that is 25.2 feet in height and 280 square feet of sign area to service the current and future multi-tenant complex at 333 Southwest Cutoff. He stated the shape, location and topography of the land requires a sign of adequate size to identify the site for travelers, and advertise the many tenants proposed to be located at the site. Currently, the site includes baseball fields, a snack facility and 30,000 square feet of office space. The new building in the front portion of the site has two tenants and there is vacant space at the street level and at the bottom level available for rent now. In addition, plans are being made for the future use of 1.75 acres of undeveloped land on the site on which the former East Coast Golf building is located.

Mr. Barthe, Project Manager from Sunshine Sign Company, Inc., answered questions regarding the proposed sign and acknowledged the Northborough Crossing sign across the street from the subject property is similar in lighting and size to the proposed sign. He noted the lighting used for the proposed sign is white LEDs. The "333 Southwest Cutoff" sign area and the "New

England Baseball Complex" sign area of the proposed sign will not be lit; only the tenant panels will be lit.

Mr. Donahue stated the proposed sign will not be a detriment to the public. He added the tenants believe the proposed sign will be very important to their success at the subject location.

No person present expressed opposition to the project and no letters in opposition to the project were received by the Board.

The hearing was closed on February 23, 2016.

FINDINGS OF FACT

1. The subject property at 333 Southwest Cutoff is located in the Major Commercial Development Overlay District (MCDOD). The site is also located in the Industrial District however, due to its location in the Major Commercial Development Overlay District, dimensional requirements of the Highway Business District apply.
2. The Applicant is proposing to locate a double-sided, free-standing, internally-illuminated Pylon sign for three or more tenants that is 25.2 feet in height, measured from ground to the highest point of the sign, and 13.6 feet in width, on the property located at 333 Southwest Cutoff.
3. The Applicant is proposing to locate a double-sided, free-standing, internally-illuminated Pylon sign for three or more tenants with 280 square feet of sign space, from the header advertising the site location "333 Southwest Cutoff" to the lower section advertising "New England Baseball Complex", on the property at 333 Southwest Cutoff.
4. In the Highway Business District, the maximum allowed height of a free-standing sign for three or more tenants is 20 feet, as measured from the ground to the highest point of the sign. Therefore, a Variance is required from Section 7-09-040G(1)(c)[2] to allow a 25.2-foot high sign as proposed, measured from the ground to the highest point of the sign, to be located on the property at 333 Southwest Cutoff.
5. In the Highway Business District, the maximum allowed area of the subject free-standing sign for three or more tenants is 100 square feet. Therefore, a Variance is required from Section 7-09-040G(1)(c)[2] to allow the sign area of the proposed double-sided, free-standing, internally-illuminated Pylon sign for three or more tenants to be 280 square feet in area, on the property at 333 Southwest Cutoff.
6. Lighting to be used for the proposed sign is bright white LEDs (Light-Emitting Diodes). The header ("333 Southwest Cutoff") and lower section ("New England Baseball Complex") of the proposed sign will not be lit. Only the tenant panels will be lit.
7. The subject site at 333 Southwest Cutoff is sharply elevated when approached from the north on Southwest Cutoff (Route 20). From the south, the site is very near to the off-ramp of Route 9. Therefore, a larger sign than allowed in the zoning district is necessary for the motoring public to direct drivers to the subject site.
8. The tenants currently located in the building in the front portion of the site, UMassMemorial/CareWell and Quest Diagnostics, along with future tenants, will require adequate signage.

9. The New England Baseball complex is located in the rear of the subject site and cannot easily be seen from Southwest Cutoff, making adequate signage a necessity.
10. The retail nature of all the sites in the immediate area, and the fact that all the sites are used by a multitude of tenants, suggests that appropriate signage is important for both the business that is trying to establish itself and for the safety of the motoring public trying to find destinations in a safe and efficient manner.
11. Due to circumstances relating to the location and topography of the subject site, across from the Northborough Crossing retail development and in close proximity to the interchanges of Route 20 and Route 9, affecting only the subject lots but not generally affecting land or structures in the same zoning district, the size of the proposed sign is necessary and therefore a literal enforcement of the Zoning Bylaw would involve substantial hardship.
12. The proposed double-sided, free-standing, internally-illuminated Pylon sign will not have characters that move or flash or be designed to attract the eye by intermittent or repeated motion, nor will it constitute a hazard to vehicular traffic by the direction and amount of its illumination and, therefore the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.
13. The proposed use of a double-sided, free-standing, internally-illuminated Pylon sign on the site will not adversely affect the neighborhood, nor will there be any nuisance or serious hazard to vehicles or pedestrians.
14. The proposed use will conform to any special requirements of the Board as stated in its written decision.

DECISION

1. On February 23, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040G(1)(c)[2] of the Northborough Zoning Bylaw, to allow a proposed double-sided, free-standing, internally-illuminated sign to be no more than 26 feet in height, measured from the ground to the highest point of the sign, and no more than 14 feet in width, on the property located at 333 Southwest Cutoff, in the Highway Business District and the Major Commercial Development Overlay District
2. On February 23, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040G(1)(c)[2] of the Northborough Zoning Bylaw, to allow a proposed double-sided, free-standing, internally-illuminated sign to have not more than 280 square feet of sign area measured from the top (header) section advertising the site location "333 Southwest Cutoff" to the lower section of the sign advertising "New England Baseball Complex", on the property located at 333 Southwest Cutoff, in the Highway Business District and the Major Commercial Development Overlay District, and per the plans submitted and identified as:
 - a. An 8.5" x 11" black and white plan for New England Baseball Enterprises LLC, 333 Southwest Cutoff, prepared by Waterman Design Associates, Inc., identified as "Phase 1B, Sheet C101, Layout and Materials Plan" dated 11/10/14 and submitted with the Application;

- b. Three 8.5" x 11" color renderings of the proposed sign prepared for 333 Building One LLC by Sunshine Sign, dated February 23, 2016, with sheets identified as:
 - i. 1, Pylon Sign, Sign Type A, showing the specifications of the proposed sign;
 - ii. 2, Sign Type A, Pylon Sign, showing the specifications of the base of the proposed sign; and
 - iii. 3, Sign Type A, Pylon Sign, showing the proposed sign on the location on which it will be placed on the subject site.
- 3. 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.
- 4. 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."
- 5. If the rights authorized by the **VARIANCES** 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. 9.

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



FRAN BAKSTRAN, CHAIRMAN