



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: 17-03

PROPERTY LOCATION: 6 Church Street

PETITIONER & PROPERTY OWNER: Jane Abu, Five A. Realty, LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 56247, Pg: 395

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This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Jane Abu, Manager, Five A Realty, LLC, for a Variance to allow proposed signage on an existing building to exceed the maximum area of 32 square feet on the property located at 6 Church Street, Map 63 Parcel 66.

APPLICATION

1. On January 18, 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), Development Regulations, Signs, Signs in Business Districts, Wall Signs, of the Northborough Zoning Bylaw, to allow proposed signage on the front and side of an existing building to exceed the maximum area of 32 square feet on the property located at 6 Church Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 13, 2017 and February 20, 2017 and was mailed to abutters and other parties in interest on January 25, 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 Quitclaim Deed for 6 Church Street, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on 11/02/2016, BK: 56247, Pg: 395;
 - b. A certified abutters list for parcels 300 feet from 6 Church Street, Map 105 Parcel 49, dated January 12, 2017; and an 8.5" by 11" color map entitled 6 Church Street – 300ft Abutters, dated January 12, 2017;
 - c. An 8.5" by 11" plan entitled "Layout Plan, Sheet Number 2", dated August 2, 2011, revised 10/12/11, 11/29/11 & 1/24/12; prepared by The Berkshire Design Group, Inc., for United Bank, Northborough, Massachusetts; and
 - d. Five 8.5" x 11" color photos of the subject building by Signarama for Andrew Abu Realtors, with sheets showing the proposed signs on the sides on which they will be located.

HEARING

Mike Wood from Signarama, representing the Applicant, Jane Abu, Manager, Five A Realty, LLC, presented the Application at a duly noticed public hearing of the Board on February 28, 2017, in

Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Brad Blanchette and Mark Rutan were present throughout the proceedings. Board member Jeffrey Leland recused himself from the hearing.

Mr. Wood stated he was hired by Five A. Realty, LLC, to create signs for their business at 6 Church Street. The building requires three signs in order to be seen from the streets that approach the site – Church Street, Pierce Street and West Main Street. He noted the proposed signs will be the same size and colors as the temporary banners currently on the building.

Mr. Wood explained the Applicant is asking for a Variance because the maximum amount of signage allowed on the building is 32 square feet and the three proposed signs will total 67 square feet.

No person in attendance expressed opposition to the project and the Board received no letters of opposition to the project.

The hearing was closed on February 28, 2017.

FINDINGS OF FACT

1. The subject property at 6 Church Street is located in the Downtown Business District.
2. The Applicant is proposing to locate a 13-foot by 2-foot carved sign on each of two sides of the existing building (52 square-feet in total); and an 10-foot by 1.5 foot PVC sign (15 square-feet in size) on the North side of the building; for a total of 67 square feet of signage.
3. In the Downtown Business District, one wall sign not to exceed 32 square feet in area is allow; or two wall signs with a combined area not to exceed 32 square feet are allowed on a lot with a building with one tenant. Therefore, a Variance is required from Section 7-09-040, Development Regulations, Signs, Signs in Business Districts, Wall Signs, of the Northborough Zoning Bylaw, to allow 67 square feet of signage for one tenant on the subject property at 6 Church Street.
4. The subject property is on a corner lot at Church Street and Pierce Street, and is fairly visible from West Main Street (Route 20).
5. United Bank was formerly located in the subject building at 6 Church Street, and a drive-through service island for the former banking use faces Church Street.
6. One of the two proposed 13-foot by 2-foot carved signs will be on the front of the building facing Church Street; and the other will be on the side of the building facing Pierce Street.
7. The proposed 10-foot by 1.5 foot PVC sign will be located on the drive-through island facing Church Street.
8. Due to circumstances relating to the location of the subject site on a corner lot at Church Street and Pierce Street, and being one street back from the CVS development that fronts off West Main Street, which limits visibility of the building in which the Applicant's business is located, 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.
9. The allowed signage would be too small for the spaces on which it is intended on the building and would impact visibility of the business from the surrounding roads.
10. The proposed signs will fit well in the designated areas of the building; and will fit in with the other businesses in the surrounding area.
11. Because the building faces two different streets, one of the three proposed signs will be viewed from each approach to the building, which will reduce the impact of the overall signage, and help with visibility from Main and West Main Street.

12. The relief sought will not constitute a detriment to the public good, and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.

DECISION

1. On February 28, 2017, after due consideration of the Application, the four participating members of the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-09-040, Development Regulations, Signs, Signs in Business Districts, Wall Signs, of the Northborough Zoning Bylaw, to allow 67 square feet of signage area, (comprised of two 13-foot by 2-foot carved signs and one 10-foot by 2-foot PVC sign), on the building located at 6 Church Street, Map 63, Parcel 66, in the Downtown Business District.
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."
13. 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



RICHARD RAND, CHAIRMAN