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**Town of Southborough
Board of Appeals
Southborough, Massachusetts 01772
17 Common Street
P.O. Box 9109
Southborough, MA 01772
508-485-0710**

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SOUTHBOROUGH, MA
MB

Michelle Jenkins
Interim Town Clerk
Town House
Southborough, MA 01772

Map 27 Lot 13

***NOTICE OF DECISION
TO GRANT A
SPECIAL PERMIT***

**Coast 2 Coast R/E Holdings
(Volvo of Southborough)
251 Turnpike Road
Southborough, MA 01772
(Map 27 - Lot 13)**

The Board of Appeals of the Town of Southborough held a public hearing in the Public Meeting Room of the Southborough Town House on April 29, 2015 at 7:35 p.m. with regard to the petition of ***Coast 2 Coast R/E Holdings***. The petitioner(s) is seeking a Special Permit to install one (1) 34.5 square foot sign and one (1) 21.4 square foot sign on the side of building elevation. Relief is requested under Section 174-11 (4) (a) maximum number of signs allowed. A copy of the application may be reviewed at the office of the Building Department at the Town House during normal business hours.

Sitting as a Board: Leo F. Bartolini, Jr., Chairman
 Thomas Bhisitkul
 Paul N. Drepanos
 David J. Eagle
 Jeffrey M. Walker

For Petitioner: Gary Cunningham, Sunshine Sign Co., Inc.
 Jay Rose, Volvo of Southborough

Evidence Presented

1. The Clerk read into the record the Notice of Public Hearing. Petitioner is

James F. Hegarty
JAMES F. HEGARTY, TOWN CLERK

7/2

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For Petitioner: Gary Cunningham, Sunshine Sign Co., Inc.
 Jay Rose, Volvo of Southborough

Evidence Presented

1. The Clerk read into the record the Notice of Public Hearing. Petitioner is

requesting a Special Permit on behalf of Volvo of Southborough for relief from the Southborough Zoning Code, Section 174-11(4) (a) to install two (2) canopy signs on the east facing elevation of their dealership located at 251 Turnpike Road, Southborough, Massachusetts.

2. Petitioner submitted that the placement of the proposed signs brings Volvo of Southborough into compliance with signage standards required by Volvo Corporation. The combined area of the proposed signs represents twelve (12%) percent of the area of the east facing canopy.
3. On April 30, 1997, the Southborough Board of Appeals, after notice and public hearing, granted a Special Permit and Variance to Farboro Realty Trust, 251 Turnpike Road, Southborough, Massachusetts to construct additions lacking front and side setbacks onto a nonconforming structure in a Business Highway District.
4. On May 6, 1997, the Southborough Planning Board voted to approve the site plan for Farrell Volvo, 251 Turnpike Road per the plans and specifications dated January 13, 1997 and the landscape plan prepared by Doug Curtiss Landscape Design, dated February 12, 1997 and revised through April 29, 1997 with conditions. The conditions addressed, among other issues, hours of operation and lighting.
5. By letter dated February 17, 2015, the Southborough Building Commissioner /Zoning Officer notified petitioner that the property is located in the Business Highway (BH) District; the plan shows signs would exceed the allowable size and that zoning relief from 174-11 (4) (a) maximum number of signs allowed, in the form of a Special Permit, must first be granted by the Southborough Zoning Board.
6. The Clerk read into the record the March 23, 2015 Report to the Southborough Board of Appeals from the Southborough Planning Board on proposed sign for Volvo of Southborough, 251 Turnpike Road, Southborough, Massachusetts. The Planning Board voted that the sign scale is in reasonable relation to the development scale, viewer distance and travel speed, and sign sizes on nearby structures. The Planning Board voted that the sign design is in harmony with other signage in the same or adjacent structures and provides reasonable continuity in mounting location and height, proportions and materials. The Planning Board voted that the sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, neighborhood context and use. The Planning Board voted that the sign size, location, design and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic. As it relates to illumination, the Planning Board recommended that the Zoning Board of Appeals determine 1) how bright will the lights be; and 2) how

long the lights will be on.

7. Petitioner submitted that there are three legally permitted signs on the property. The Southborough Zoning bylaw restricts, with exceptions, the total number of signs per business to not more than two of the following four types of signs: wall, window, standing, or awning. There is currently a 44 s.f. freestanding sign on the property. Prior to this petition, the building also included two signs on the fascia that parallels Route 9 installed for Farrell Volvo and another sign on the right extreme canopy showing the name 'Volvo.' This petition will allow the placement of two additional east facing signs on the canopy as you enter the lot at the driveway entrance. The Farrell Volvo sign has been partially removed and will be completely removed. It is the desire of Volvo at Southborough that the 'Volvo' sign on the right extreme will remain and the two proposed additional signs will be allowed on the east facing portion of the building.
8. Petitioner addressed the Planning Board's concern regarding the degree and hours of illumination. Petitioner responded that their goal would be to have the degree of illumination to be seen in the evening although all of the lights would be shut off at 10PM. The existing lights are very bright lights, and the lights will be brighter than the illumination of the signs. The timers for the existing inventory lights and the signs would be set to shut off simultaneously so that it would be pitch black to protect the community and their abutters. The degree of illumination is based on the manufacturer's requirement to be compliant with the Volvo retailing image for some form of illumination behind the sign. The illumination is not stark bright, is stagnant and is not as bright as the inventory lights and will not cause a nuisance or a distraction. The letters are blue with white lights which are typical to Volvo.
9. Petitioner submitted that some dealerships leave their lights on all night due to safety reasons. There is no such issue in Southborough, and they would place two vehicles at the entrance to prevent entry if this became a concern. Petitioner submitted their business plans is opposite of the traditional car dealership, having no need or desire to leave the lights on all night. Petitioner stated they have no desire to create interest in purchasing a vehicle after 10PM. Petitioner stated their desire to work within their business hours and to protect the community and offered to turn off the signs at 9PM.
10. Petitioner submitted their hours of operation as follows: Monday through Thursday until 8PM; Friday until 6PM; Saturday until 5PM/6PM depending on customers; Sunday closed to be with their families.
11. Steven Gargalianos, 35 Clifford Street questioned the degree of lighting, due to his rear facing bedrooms with young children. He replied to Chairman Bartolini

that there is no issue with the existing lights at the site. Mr. Gargalianos thought it might be helpful as back neighbors to have a row of arborvitae to block the light, although he does not want a giant fence. Petitioner agreed to work with Mr. Gargalianos on bushes or screening that would provide protection and stated that he would provide Mr. Gargalianos with his business card so he could guide him on this request.

12. Christopher Robbins, 39 Parkerville Road, stated that Volvo has always been a good neighbor, and Jim Farrell did the right thing planting shrubbery and trees in the rear yard, which seems to be the same spirit being shown this evening.
13. Chairman Bartolini asked petitioner if he would agree to a condition to turn off the lights in the signs within an hour after the closing of the business. The Petitioner agreed to such a condition.
14. No representatives of other Town Boards or Committees and no other Town residents spoke in favor or against the application for a Special Permit.
15. Hearing no further input, on a motion by Board Member Eagle, seconded by Board Member Drepanos, the Chairman closed the Public Hearing at 7:50 PM.

Findings

1. The Zoning Board of Appeals finds that Petitioner has complied with the applicable rules and regulations pertaining to the application for a Special Permit.
2. The Zoning Board of Appeals finds that the proposal to install two (2) canopy signs on the east elevation of the Volvo Automobile Dealership at 251 Turnpike Road, Southborough, Massachusetts and its characteristics are in harmony with the intent and purpose of Chapter 174, Zoning, of the Code of the Town of Southborough and Massachusetts General Laws Chapter 40A when subject to the appropriate terms and conditions as provided herein. The Board of Appeals makes this finding subject to the completion and adherence by the Petitioner, its successors and assigns to the conditions more fully set forth herein.

Therefore, the Board of Appeals, based on the evidence presented at the hearing, including but not limited to the facts presented above, on a motion by Board Member Bhisitkul, seconded by Board Member Walker, unanimously voted to GRANT THE SPECIAL PERMIT as requested in the Special Permit Application dated March 9, 2015 submitted by Sunshine Sign Co. Inc. for Coast 2 Coast R/E Holdings, and as depicted in the plans, renderings, and specifications of the signs prepared by Federal Heath Sign Company, Volvo Store # NA, 251 Turnpike Road, Southborough, Massachusetts 01772, Job Number and Design Number 23-29576-10,

Dated 1-22-15, Pages 1 through 5, submitted to the Zoning Board of Appeals attached hereto as Exhibit #1 and subject to the following two (2) conditions:

- 1) The signs may be illuminated only during the following hours:**
 - 7:00 AM to 9:00 PM Monday through Thursday;**
 - 7:00 AM to 8:00 PM Friday;**
 - 7:00 AM to 6:00 PM Saturday;**
 - 12 Noon to 5:00 PM Sunday**
- 2) The illumination of the signs shall be less intensive than the parking lot illumination. [Note Petitioner's testimony in paragraph #8 above.]**

In favor:

Jeffrey M. Walker
Thomas Bhisitkul
Paul N. Drepanos
David J. Eagle
Leo F. Bartolini, Jr.



Leo F. Bartolini, Jr., Chairman

Notice: **Appeals**, if any, shall be made pursuant to MGL, C. 40A, s.17, and shall be filed within **twenty (20) days** after the filing of this notice in the Office of the Southborough Town Clerk.

**The Commonwealth of Massachusetts
Town of Southborough
Board of Appeals**

Date: May 8, 2015

**Certificate of Granting of Special Permit
(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Southborough hereby certifies that a Special Permit has been granted:

To: Coast 2 Coast R/E Holdings (Volvo of Southborough)

Address: 251 Turnpike Road (Map 27, Lot 13)

Town: Southborough, Massachusetts

Affecting the rights of the owner with respect to land or buildings at:

251 Turnpike Road, Southborough, Massachusetts (Map 27, Lot 13)

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance and that copies of said decision, and of all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.



Leo F. Bartolini, Jr., Chairman

Town Clerk