

Worcester South District Registry of Deeds Electronically Recorded Document

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Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
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Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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2019 APR -3 A 11: 52

SOUTHBOROUGH, MA

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

Jim Hegarty
Town Clerk
Town House
Southborough, MA 01772

April 3, 2019

Notice of Decision on Application for Variance

Property Address: 325 Turnpike Road, Southborough, MA 01772, Map 26, Parcel 26-0000-010-0; Recorded Worcester Registry of Deeds Book 49986, Page 52 (the "Property")

Applicant: Ken's Food Inc. ("Ken's"), One D'Angelo Drive, Marlborough, MA 01752

Sitting as a Board: Andrew R. Dennington, Acting Chair
David Williams
Paul Depranos
Debbie DeMuria
Michael Robbins

Applicants' Counsel: William Pezzoni, Esq.
Day Pitney
One International Place
Boston, MA 02110

Procedural History:

1. Ken's filed an application on February 20, 2019 seeking a variance to allow a 137.5 square foot sign on the front of its building facing Route 9. The proposed wall sign would say "Ken's." Specifically, Ken's sought a variance from the dimensional requirements of Section 174-11(E)(1)(d)(3) of the Southborough Zoning Bylaw, which otherwise would restrict the size of the sign to 100 square feet.
2. The variance request is related to a large-scale renovation of the Property that Ken's has been working on for several years. Several members of the Zoning Board of Appeals (the "Board") are familiar with that renovation having sat on prior public hearings in which Ken's sought other forms of relief from the Board.
3. In compliance with Section 174-11(E)(2) of the Southborough Zoning Bylaw, prior to acting on the variance application, the Board received a favorable report from Southborough Planning Board dated March 12, 2019 regarding the sign proposal in question.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West Daily News on Wednesday March 6, 2019 and Wednesday March 13, 2019.
5. The Board opened the public hearing on March 20, 2019 and closed it on the same evening.

Plans / Documents submitted to the Board:

1. Color photographs of current conditions comparing the otherwise allowable wall sign vs. the proposed 137.5 square foot wall sign.
2. Crowe Associates Building Sign Site Plan dated March 19, 2019.
3. Guerriere & Hainon survey/plan "Proposed Addition & Site Improvement Plan of Land" dated January 26, 2016.
4. Undated letter from the Building Commissioner / Zoning Enforcement Officer Laurie Livoli to Mark Evangelous regarding January 9, 2019 building permit application.
5. Certified assessors abutters list dated February 19, 2019.
6. Favorable report from Southborough Planning Board dated March 12, 2019.


Findings:

1. The Property is located in the Industrial Park & Residential A zoning district(s).
2. The Property is located along a busy section of Route 9, and the proposed wall sign would be visible only from Route 9. The proposed wall sign would not be visible from any nearby residence(s).
3. The wall sign variance request relates to an ongoing large-scale renovation project that the Board has carefully considered over the past several years in connection with prior requests for relief from Ken's.
4. The front of the Ken's building is set back 412 feet from Route 9. The Ken's building is plus/minus 600 feet wide and plus/minus 32 feet wide, and is located on plus/minus 55 acres of land.
5. The large front set back is due in part to a high water table and poor drainage at the front of the Property that render it unsuitable for building construction. These challenges do not generally occur together within the zoning district in question.
6. Due to the long shape of the building, the large front set back, and the resulting visual angles and scale, the larger sign is appropriate for this area. A wall sign limited to 100 square feet would be difficult to see from vehicular traffic on Route 9 412 feet away. Considering the large scale of the Property and the building, the relief sought is relatively de minimis.
7. There was no opposition presented to the variance application from any party.
8. Due to circumstances relating to soil conditions, topography or shape of land or structures and especially affecting such land or structures but not affecting generally the zoning district in which they are located, literal enforcement of Section 174-11(E)(1)(d)[3] of the Southborough Zoning Bylaw would involve substantial hardship to Ken's and that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this the Southborough Zoning Bylaw.

Decision and Vote of the Board:

After review of all evidence and facts presented at this hearing, and after deliberations on the same, at its meeting on March 20, 2019, the Zoning Board of Appeals voted unanimously (5-0) on a motion made by Ms. DeMuria and seconded by Mr. Drepanos to grant Ken's a variance to construct a "Ken's" wall sign with 137.5 square feet of lettering on the front of its building facing Route 9.

Andrew Dennington	Approve
Debbie DeMuria	Approve
David Williams	Approve
Paul Drepanos	Approve
Michael Robbins	Approve

 4/13/19

Andrew R. Dennington, Acting Chair

Signing on behalf of the Zoning Board of Appeals

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest:


James F. Hegarty, Town Clerk

210042109509.001

325 Turnpike Road

Date:

4/24/19

