

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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

James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

December 28, 2020

Notice of Decision of an Application for a Variance

Property Address: 20 Turnpike Road; Recorded Worcester Registry of Deeds Book 2616, Page 343

Appellants: Jeff Newman, Signarama c/o NY Bagel Factory, 2 Southville Road, Unit C, Southborough, MA 01772

Application Filed: November 5, 2020

Public Hearing: December 16, 2020 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Deborah DeMuria
Doris Cahill
Jamie Mieth
Craig Nicholson

For the Appellants: Jeff Newman of Signarama c/o NY Bagel Factory, Applicant
2 Southville, Road, Unit C
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of the Southborough Building Department on November 5, 2020.
2. The application for the Variance is to allow a new sign face panel to be attached to the existing roof sign structure to cover up the existing Red Barn Coffee face in the Business Highway District.
3. Relief was requested under Section 174-11 (C) (5) (8).
4. The record owner of the subject property is PLB, LLC, PO Box 369, Southborough, MA 01772.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West Daily News on Wednesday December 2, 2020 and Wednesday December 9, 2020.

6. The applicants were heard at the December 16, 2020 Zoning Board of Appeals meeting after describing that roof signs are not currently allowed in the Town of Southborough, the roof sign has been in existence for at least eight years and there is no documentation of the original allowance of the roof sign. The applicant noted that other than the lettering, no component of the existing sign would be changed.
7. Public hearing opened on December 16, 2020 and closed the same evening.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to Jeff Newman dated November 13, 2020.
2. Certified Copy of Abutters List from the Town of Southborough, MA.
3. Planning Board Application for a Sign from Jeff Newman dated October 27, 2020.
4. Copy of Mysouthborough.com blog post depicting the opening of Red Barn Coffee Roasters with a picture of the roof sign dated April 19, 2012 and two adjoining blog comments.
5. Copy of Board of Selectmen meeting minutes dated March 27, 2012.
6. Set of two current photographs of the property depicting the roof sign.
7. One set of sign plans depicting proposed changes and dimensions to the current roof sign.

Findings:

1. The proposal constitutes a Variance under the Town of Southborough Zoning Bylaw.
2. The property is located in the Business Highway District.
3. The applicant is proposing the approval to allow the alteration of the face of an existing roof sign in the Business Highway District.
4. There is no evidence or documentation that the roof sign was originally allowed, the date of erection, violations or complaints for the current roof sign.
5. There were no abutters in support or opposition of the changes proposed to the current roof sign.
6. Roof signs are not allowed under Section 174.11 (C)(5)(8) of the Town Code.
7. The Board was divided that the Applicant, if denied this request, would suffer a hardship 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 as found the By-Law, Section 174-25 A (3).
8. The Board was divided that literal enforcement of this chapter would involve substantial hardship to the appellant, petitioner and that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this chapter in that the alteration of the face of an existing roof sign would substantially derogate from the intent of this bylaw.

Decision and Vote of the Board:

At its meeting on December 16, 2020, the Zoning Board of Appeals made a motion to grant the Variance pursuant to Section 174.11 (C) (5) (8) to allow a new sign face panel to be attached to the existing roof

sign structure to cover up the existing Red Barn Coffee face in the Business Highway District with the following condition:

1. The lighting for the sign needs to be replaced and updated to meet current Building Codes which include code-compliant lights and shields.

The motion failed (3-2-0) by roll call vote.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted (3-2-0) on a failed motion made by Mr. Nicholson and seconded by Ms. Mieth to allow the alteration of the face of the roof sign with the condition to update the lighting to current Building Codes, with members voting by roll call as follows to allow the requested Variance with the above condition:

David Williams	Aye
Doris Cahill	Nay
Deborah DeMuria	Nay
Jamie Mieth	Aye
Craig Nicholson	Aye



David Williams, 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: _____

Date: _____

James F. Hegarty, Town Clerk
1775196.1 09569.001