

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

February 19, 2025

Notice of Decision of an Application for a Special Permit

Property Address: 132 Turnpike Road, Southborough, MA 01772
Map/Lot: Map 37, Lot 28
Book/Page: Book 25209, Page 304
Petitioner: Capital Group Properties on behalf of 132 Turnpike Road, LLC
Application Filed: December 16, 2024
Public Hearing: February 12, 2025 at 7:00 P.M.
McAuliffe Hearing Room, 17 Common Street

Sitting as a Board: David Williams, Chair
Michael Robbins, Clerk
Paul Drepanos
Doris Cahill
Jamie Mieth
Doug Manz, alternate

For the Petitioner(s): Shannon Boyce, Esq., Capital Group Properties

Procedural History:

1. An application for a Special Permit was filed in the office of the Southborough Building Department on December 5, 2024 and the Office of the Southborough Town Clerk on December 16, 2024.
2. The application for the Special Permit is to allow signs that exceed the maximum allowable height. Relief was requested under the Southborough Zoning Bylaw Section 174-11.
3. The record owner of the subject property is 132 Turnpike Road, LLC, 259 Turnpike Road, Suite 100, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on January 29, 2025, and February 5, 2025.

5. The applicant was heard at the February 12, 2025 Zoning Board of Appeals meeting after describing that they are seeking to install a wall sign that exceeds the maximum allowable height under Southborough Zoning Bylaw Section 174-11.
6. The public hearing opened on February 12, 2025 and closed the same evening.

Plans/Documents:

1. Special Permit Application Form, dated November 18, 2024
2. Project Narrative, prepared by Shannon Boyce, Esq. of Capital Group Properties
3. Site Plan titled "Proposed Site Plan of Southborough Place", prepared by Connorstone Engineering, dated April 7, 2000 with a most recent revision date of November 15, 2000.
4. Proposed sign plan for Fusion Group, prepared by Viewpoint Sign & Awning, dated July 23, 2024 with the most recent revision date of August 2, 2024
5. Copy of Sign Permit S-24-20 as submitted to the Building Department, dated October 23, 2024
6. Comments from Building Commissioner Chris Lund on Sign Permits S-24-19, S-24-20, and Building Administrator Kelly OBrien on Sign Permit S-24-17
7. Building Elevations, prepared by Landry Architects, dated June 18, 2001 with a most recent revision date of October 19, 2001.
8. Photographs of subject property
9. GIS Map of subject property
10. Google Street view of subject property
11. Copy of Sign Permit S-24-13 for "Code Red" sign
12. Copy of Sign Permit S-22-22 for "Block" sign
13. Copy of Deed, Book 25209, Page 304
14. Certified Abutters List – 132 Turnpike Road
15. Legal Ad Billing Agreement
16. Supplemental Information submitted by Shannon Boyce, Esq, dated January 23, 2025
17. Report from the Southborough Planning Board to the ZBA, dated January 27, 2025

Findings:

1. The proposal requires a Special Permit under the Town of Southborough Zoning Bylaw, Section 174-11 E.
2. The property is located in the Business Highway Zoning District.
3. The applicant is seeking to allow wall signs on the existing building above the maximum allowable height in the Business Highway District, where a maximum height of 20 ft is allowed.
4. There are four (4) existing signs that exceed the maximum height requirements as outlined in Section 174-11 of the Southborough Zoning Bylaw that were previously approved through the Building Permit process but have not received Special Permits through the Zoning Board of Appeals.
5. The existing and proposed signs will otherwise comply with the requirements in Section 174-11 of the Southborough Zoning Bylaw.
6. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The Board finds the use sought and its characteristics are in harmony with the intent and purpose of Chapter 174 of the Southborough Zoning Bylaw, is not in conflict with public health, safety, convenience, and welfare, and will not be substantially more detrimental or offensive to the neighborhood or destructive of property values therein.

7. There are no objections from the public regarding this application, which is in harmony with the intent of the bylaw.

Decision and Vote of the Board:

At its meeting on February 12, 2025, the Zoning Board of Appeals voted (5-0-1) to grant the Special Permit pursuant to Section 174-11 of the Southborough Zoning Bylaw to allow signs on the building that exceed the maximum allowable height.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted unanimously (5-0-1) on a motion made by Ms. Mieth and seconded by Mr. Drepanos, with members voting by roll call as follows to grant the requested Special Permit:

Doug Manz	Aye
Paul Drepanos	Aye
Jamie Mieth	Aye
Michael Robbins	Aye
David Williams	Aye
Doris Cahill	Abstain

Pursuant to the vote taken by the Zoning Board of Appeals on September 20, 2023, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Board's electronic signature authorization vote recorded on November 6, 2023, with the Worcester Registry of Deeds, Book 69850, Page 154.

David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

Notice: Appeals, if any, shall be made pursuant to MGL c. 40A, Section 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Southborough Town Clerk. Further, no special permit, variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a special permit or variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the special permit or variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, 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.

Pursuant to the Town of Southborough Zoning Bylaws, Section 174-9, if the rights authorized by a special permit are not exercised within two years from the date of grant thereof, they shall lapse, and a new petition, notice and hearing will be required for their reestablishment.

**** 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
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