

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
CORRECTED DECISION

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2014 MAY 19 AM 10 47
CITY CLERK'S OFFICE
GARDNER MA

NAME: Wass Arthur Signs for Abigail Allen, Victory Lane Holdings, LLC, 137 Hosley Road, Gardner, MA
ADDRESS: 74 Victoria Street, Gardner, MA

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:

74 Victoria Street
Parcel ID #R17-9-8

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS Book 51560, Page 265 and Book 51513, Page 264.

ON APPLICATION DATED January 21, 2013 FOR A Variance TO:
Install signage at 74 Victoria Street, Gardner, MA. Denied a building permit by the Building Commissioner because it does not comply with Chapter 675, Article 9, Signs and Advertising Devices, Section 970, in Commercial One zoning district, of the Gardner City Code.

The Gardner Zoning Board of Appeals at its April 15, 2014 meeting voted unanimously to approve only the following signage at 74 Victoria Street, Gardner, MA:

1. Two chimney signs, 28' high x 4' 9" wide, illuminated. One sign will be located on the westerly side of the chimney to be viewed by the traffic headed east on Route 2. The other identical sign will be located on the easterly side of the chimney to be viewed by traffic headed west on Route 2.
2. One sign on the building designated as side B, facing Victoria Street, 3' high x 31' 6" long and illuminated.
3. One sign on building designated as side D, facing Pearson Boulevard, 7' high x 24' wide and illuminated.

The following sign was denied:

The changeable banner sign 7' high X 20' wide located on side C.

The granting of the Variance(s) for the signage noted above does not create or aggravate a safety hazard. It is the Board's opinion that said signage would improve the identification by the motoring public and allow for decisions to be made in a timely and safe manner.

The granting of the Variance(s) for the above signage does mitigate their derogation from the zoning ordinance. The building is large in nature and sits physically a significant distance from the existing road ways and also in a depression adjacent to Route 2. To require adherence to the allowed signage would be out of character based on the building's size and also could elevate a safety issue due to readability and possible distraction to driver.

A literal enforcement of the ordinance to establish a hardship due to shape topography and soil conditions of the property would place undue hardship to the Applicant. The Applicant presented information that the subject

building is located a significant distance from the South Main Street road system and actually sits significantly below the Route 2 roadway. Due to the building's location larger than allowed signage would be required to properly identify the facility and do it in a tasteful and safety focused manner.

ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR THE COUNTY IN WHICH THE LAND CONCERNED IS SITUATED BY BRINGING AN ACTION WITHIN TWENTY (20) DAYS AFTER THE DECISION HAS BEEN FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. (M.G.L. SECTION 17, CHAPTER 40A)

A COPY OF THIS DECISION HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS 19th DAY OF May, 2014

Raymond F. LaFond dk
Raymond F. LaFond, Chairman

Michael D. Gerry dk
Michael D. Gerry, Acting Clerk

Anthony J. Asmar dk
Anthony J. Asmar, Third Member

I, Alan L. Agnelli, City Clerk, City of Gardner, hereby certify the attached decision by the Zoning Board of Appeals was filed with my office on _____ and that twenty days have elapsed since the filing of said decision with my office and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

Dated

Alan L. Agnelli, City Clerk