

COMMONWEALTH OF MASSACHUSETTS  
 CITY OF GARDNER  
 ZONING BOARD OF APPEALS  
DECISION

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CITY CLERKS OFFICE  
 GARDNER, MA

NAME: Angelo G. Salvatore and Melody J. Salvatore, as Co-Trustees of Chair City Realty Trust  
 ADDRESS: 340 Fruitland Road, Barre, MA 01005

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

249 Timpany Boulevard

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS:

BOOK 22939 PAGE 007

ON APPLICATION DATED May 4, 2010 FOR A **Variance** TO:  
 Install a 4'x16' wall sign on the north side of the building at 249 Timpany Boulevard, Gardner, MA. (Denied a building permit by the Building Commissioner because it does not comply with Section 9, #916 Signs Permitted in the Commercial or Industrial Districts, subsections #1 and #2, in Commercial II Area, of the Gardner Zoning Ordinance.)

The Gardner Zoning Board of Appeals at its July 7, 2010 meeting voted unanimously to grant with condition a Variance to install a wall sign at 249 Timpany Boulevard, Gardner, MA.

The Applicant seeks a Variance to install a wall sign on the north side of the building to advertise the business. This business was granted a Variance in 2002 for the installation of a sign of 180 square feet on this side of the building. The owner recently painted the building and removed this larger sign and proposes to replace it with an internally illuminated sign of 64 square feet (4'x16').

Public Hearing was held on this application on June 15, 2010 with a site visit on June 24, 2010. The business is located on the northwesterly corner of intersection of Route 68 and 2A. The business is a used car business. Immediate abutter to the north is McDonald's, Shell self service gas station to the east, residents to the south and the National Guard Armory to the west. The sign is proposed to be placed on the north side facing McDonald's.

The granting of a Variance for installation of a sign would not create or aggravate a safety hazard. Improved signage will permit patrons of the business to safely locate the business at a fairly congested and busy intersection.

The granting of the Variance would derogate from the intent of the Zoning Ordinance. The proposed sign does not comply with the Ordinance, although a Variance was issued in 2002 for a much larger sign on this same side of the building. A condition in the granting of this sign addresses the existing approved sign.

Although no hardship exists due to shape, topography or soil conditions of the property, a literal interpretation by the Board of the Ordinance would create a hardship to the Applicant is not allowed signage to indicate the business activity in the building. The area is comprised of many business activities, all having signage to identify their business. The use of signage is appropriate for the area.

The Board in its decision also recognizes that the proposed sign is significantly smaller than the sign that was previously approved.

A Variance to install an internally illuminated sign (4'x16') on the north side of the building located at 249 Timpany Boulevard is granted with the following condition:

1. This approval for a 64 square foot internally illuminated sign supersedes the 180 square foot sign approved by the Board in Variance granted on December 27, 2002.

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 9th DAY OF July, 2010

Randall W. Heglin (d)     Michael Gerry (d)     Wayne Gallant (d)  
 Randall W. Heglin, Chairman Pro Tem     Michael Gerry, Clerk     Wayne Gallant, 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 July 9, 2010 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.

30 July - 2010  
Dated

Alan L. Agnelli  
Alan L. Agnelli, City Clerk

