

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

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2014 APR 17 PM 1 56
CITY CLERK'S OFFICE
GARDNER MA

NAME: Chair City Realty Trust
ADDRESS: 442 West Broadway, Gardner, MA 01440

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:
442 West Broadway
Parcel ID #M17-9-10

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS Book 18537, Page 233.

ON APPLICATION DATED March 3, 2014 FOR A Variance TO:
Install additional signage at 442 West Broadway, Gardner, MA. Parcel ID Number M17-9-10. Denied a building permit by the Building Commissioner because it does not comply with Chapter 675, Article 9, Signs and Advertising Devices, Section 970B, in Commercial 2 zoning district of the Gardner City Code.

The Gardner Zoning Board of Appeals at its April 15, 2014 meeting voted unanimously to grant a Variance under Section 675-970(B) to Chair City Realty Trust to install additional signage at 442 West Broadway, Gardner, MA.

The Public Hearing was held on April 15, 2014. The Board being familiar with the site did not see the need for a site visit. Additionally, the Applicant provided adequate documentation to support the application and provide the Board enough information to render a decision.

The Applicant owns and operates the current Chrysler, Dodge and Ram automobile and truck dealership at this location and is required by corporate to update the signage at this dealership. To update the signage creates a violation of the secondary signs section of the Code, whereby a Variance is needed. The rebranding involves the replacement of the existing Chrysler and Dodge signs and the addition of the "RAM" truck branding sign. This "RAM" is 3.69 sq. feet as provided by the submitted documentation and is to be located on the front of the building. Similarly, on the west side elevation of the building facing Route 2, the additional "RAM" branding sign is 5.74 sq. feet. Additionally, the Applicant proposes a new sign delineating the entrance to the service department which is to be 31 sq. feet. This sign will face the existing Chevrolet dealership also owned by the Applicant.

The signs are proposed to be internally illuminated by LED lights and would be on a timer and are proposed to not be illuminated overnight.

The dealership is located several hundred feet off of West Broadway and has no residential abutters. Its abutters are the Chevrolet dealership and Route 2.

The granting of this Variance does not create or aggravate a safety hazard.

The granting of these signs does derogate from the intent of the Code, but the additional 40.4 square feet of additional signage required by a corporation for a dealership to maintain his business should be a paramount concern to the City. The additional signage is minimal and is complementary to the business and is no impact to abutters.

A hardship related to shape, topography or soil conditions is a difficult argument to be made with regard to signage. The dealership building is located off of West Broadway. The improved branding signage will better direct customers to the dealership. The additional sign for the service department will provide improved directions to customers seeking service for vehicles.

The Variance for additional secondary signage is granted as proposed.

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 17th DAY OF April, 2014

<i>Raymond F. LaFond</i> <i>dk</i>	<i>Randall W. Heglin</i> <i>dk</i>	<i>Michael D. Gerry</i> <i>dk</i>
Raymond F. LaFond, Chairman	Randall W. Heglin, Clerk	Michael D. Gerry, 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