



Town of Boxborough, Massachusetts  
Planning Department  
Staff Report – Special Permit

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Prepared by: Simon Corson, Town Planner

April 1, 2021

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**Site: 629 Massachusetts Avenue**

**Applicant Name:** Douglas Kelly

**Applicant Address:** 3 Batterymarch Park, Quincy MA 02169

**Owner Name:** Mark Lionetta, 629 Massachusetts Avenue LLC

**Owner Address:** 532 Great Road, Acton MA 01720

Legal Notice: Pursuant to MGL Chapter 40A and Sections 6307, 9100, and 9200 of the Boxborough Zoning Bylaw, a public hearing will be held before the Boxborough Zoning Board of Appeals on April 6, 2021 at 8:00 PM to consider the application received from Viewpoint Sign and Awning for a Special Permit to install signage.

The subject property, located at 629 Massachusetts Avenue in the Business Zoning District, is identified as Assessor's Parcel # 14-161-000 and is owned by Mark Lionetta, 629 Massachusetts Avenue LLC.

Based on current COVID-19 circumstances, this public hearing will be held in the Town Hall **or otherwise** will be held via Zoom videoconferencing. All details will be made available on the Zoning Board of Appeals agenda when posted, a minimum of 48 hours prior to the meeting on the town web site, [www.boxborough-ma.gov](http://www.boxborough-ma.gov).

For questions, please call the Zoning Board of Appeals Office at the Boxborough Town Hall at 978-264-1722.

Zoning District(s): Business

Zoning Approval Sought: Special Permit under Section 6307, Section 9100, & Section 9200

Date of Application: February 25, 2021

Date(s) of Public Hearing: April 6, 2021

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**I. Project Description**

1. Subject Property: The subject property is located at 629 Massachusetts Avenue (the Project site), and consists of an approximately 2.47 acres in the Business Zoning District.
2. Proposal: The Applicant is seeking approval for a Special Permit to install a freestanding sign, as well as a Variance to install an awning sign that exceeds ten percent of the surface area of the wall.

3. Nature of Application: Section 6307 of the Zoning Bylaw requires that applicant seek permission from the Zoning Board of Appeals prior to installing a freestanding sign within the Business Zoning District.

4. Surrounding Neighborhood: The project site is located in a Business Zoning District on the north side of Massachusetts Avenue directly across from its intersection with Loring Avenue. To the north, the property abuts single family residences off on Cobleigh Road. Immediately to the east and west, the subject property abuts commercial businesses, namely, AlphaCars & Motorcycles, and Win Group.

## **II. Compliance with Section 6307**

6307 Signs Permitted in Business Districts, Office Park Districts, and Industrial-Commercial Districts shall include:

- (1) One wall sign per street frontage for each business or industrial establishment within. The aggregate of all such wall signs shall not exceed ten percent of the surface area of the wall to which said sign or signs is (are) attached and no wall sign shall extend above or beyond its wall.

The proposed awning sign would exceed ten percent of the surface area of the wall. The proposed sign is forty (40) square feet, which is in excess of ten percent of the approximately one-hundred eighty-four and five tenths (184.5) square feet of wall surface area.

- (5) One freestanding, ground sign or signs affixed to poles or other ground supports may be permitted on special permit by the Board of Appeals. Such sign shall not be placed so as to obstruct sight lines along the public way, and shall not exceed thirty-two (32) square feet in area per side nor ten (10) feet in height above mean sea level elevation of the undisturbed ground directly beneath it. If necessary, a sign may be placed at the discretion of the Board of Appeals to afford visibility, providing it does not obstruct sight distances, traffic flow or roadway maintenance.

The proposed sign is thirty-two (32) square feet in area, and four and five tenths (4.5) feet in height. Thus, this sign would conform to the signage requirements. The exact location of the sign is to be determined based on ground conditions. As such, the Town Planner is recommending a condition to ensure that the sign is not placed so as to obstruct sight lines along Massachusetts Avenue.

## **III. Compliance with Section 9204**

No application for a Special Permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

- Social and community needs which are served by the proposal.
- Traffic flow and safety.
- Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water.
- Density of population, intensity of use, neighborhood character and social structures.
- Impacts on the natural environment.

- Impacts on health.
- Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

#### **IV. Recommendation**

##### **Special Permit for Signage under Sections 6307, and 9200**

Based upon the above findings and subject to the following conditions, the Town Planner recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

This recommendation is based upon a technical analysis of the application materials by the Town Planner, the required findings of the Boxborough Zoning Bylaw, and only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings, and/or conditions based upon additional information provided to the Town Planner during the public hearing process.

1. Approval is based upon the following Plans and Documents:
  - a. Plot Plan of Land prepared by Joseph March dated February 10, 2021.
  - b. Proposed Sign, Sheets 1-4 dated September 8, 2020.
2. **Prior to the issuance of a Building Permit**, the Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of the recording to the Town Planner and Building Inspector.
3. Freestanding sign shall not be placed so as to obstruct sight lines along Massachusetts Avenue.
4. Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of this Decision, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.