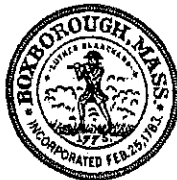


Owner: Societe Generale  
Financial Corporation

Owner deed ref:  
31154/533



**BOXBOROUGH BOARD OF APPEALS**

Decision No. 2001-1

Dated: June 4, 2001

Decision of the Board of Appeals on the Appeal and Petition of Beals and Thomas, Inc., on behalf of Cisco Development Partners-NEDC, LLC c/o Cisterra Partners, LLC, 260 Franklin Street, Suite 1840, Boston, Massachusetts 02110-3712.

This is an application for a Special Permit pursuant to MGL Chapter 40A and Boxborough Zoning By-Law Sections 3200, Signs, and Section 4300, Lands Bordering the W-District, to construct 11 free standing signs, 3 of which are within the within the W-District buffer zone. The property owner is Societe Generale Financial Corporation, 1221 Avenue of the Americas, New York, New York 10020. The subject property is located at 1414 Massachusetts Avenue, Boxborough, MA and is shown on Assessor's Map 2, Group 2, Parcels 130 & 209.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the petitioner, abutters, Planning Board, Board of Selectmen, Board of Health, Inspector of Buildings, Conservation Commission and Town Clerk as required by law; David Kembel, Chairman of the Board of Appeals, called the hearing to order at 8:00 p.m. February 20, 2001. On Tuesday, April 3, 2001, and with the consent of the applicant, the matter was completely reheard by the Board due to the illness of a participating Board Member. The hearing continued to a site walk on May 1, 2001 at which time the hearing was closed. Board of Appeals Members David Kembel, Lisa St. Amand, Christian Habersaat, Bruce Sabot and Peter Joy were present throughout the proceedings. Present for the application on behalf of Cisco Development Partners were Scott Ross of Cisterra Partners, LLC, and Michael Snow of Beals and Thomas, Inc. Also present was Thomas Gibbons representing Harvard Ridge Condominiums.

The following were rendered as exhibits:

Exhibit A: Plan of Land prepared for Cisco Development Partners-NEDC, LLC ("CDP") c/o Cisterra Partners, LLC, prepared by Beals and Thomas, Inc., dated January 25, 2001, for Site 1, 1414 Massachusetts Ave., Boxborough, MA, entitled SITE SIGNAGE EXHIBIT PLAN, and hearing notice.

Exhibit B: Application for Special Permit Package dated January 26, 2001.

Exhibit B-1: Site Identification Sign in Exhibit B, Section 4: Exhibit 1, A.

Exhibit B-2: Drawing in Exhibit B showing poles for signs, Section 4: Exhibit 1, A.

Exhibit B-3: Directional Signs in Exhibit B, Section 5: Exhibit 2.

Exhibit C: Second copy of Plan of Land prepared for Cisco Development Partners-NEDC, LLC ("CDP") by Beals and Thomas dated January 25, 2001, signed by Michael J. Snow and entitled SITE SIGNAGE EXHIBIT PLAN.

Exhibit D: Memorandum from Town Planner dated February 12, 2001.

Exhibit E: Boxborough Zoning Bylaw excerpts, May 2000 with copy of Board's Decisions Nos. 96-08 and 97-03 attached.

The Board met to deliberate on the proceedings on June 4, 2001. After due consideration of the application, the record of the proceedings, and the Exhibits, the Board makes the following **FINDINGS OF FACT**:

Filed in the Office of the Town Clerk on June 5, 2001 @ 10:30 a.m.

Beaver Brook Road off Swanson 1414 Mass Ave  
Boxborough

PL # 659

33207 PAGE 413  
SEE PLAN IN RECORD BOOK

MSD 07/05/01 02:43:58

1. The subject property is located at 1414 Massachusetts Avenue, Boxborough, MA. The property borders Massachusetts Avenue and is in the Office Park District.
2. The applicant proposes to construct one freestanding identification sign and ten freestanding directional signs.
3. Three of the proposed signs, EXS. 01, 02 and 04, are located within the 100-foot buffer zone to the W-District.
4. The applicant has filed and received a modified Order of Conditions from the Conservation Commission, included in Exhibit B.
5. No lighting is proposed for these signs.
6. The driveway layout at 1414 Massachusetts Avenue is confusing and directional signs would aid in the safe and efficient flow of traffic on the premises.
7. Section 6200 of the Zoning Bylaw defines "Sign" as an item "placed on a public way or within public view."
8. All of the proposed directional signs, with the exception of EX.07, are located beyond the public view.
9. Sign EX.07, as proposed, directs traffic to Rte. 2 by use of Rte. 111 instead of I-495.
10. The Memorandum from the Town Planner, Exhibit D, states that the Planning Board recommends that any references to Route 111 and Route 2 be eliminated from the directional signs, and that if any directional sign to Route 2 is allowed, it should direct traffic via I-495.

**CONCLUSIONS:** The applicant in its submission has met the requirements of Zoning Bylaw Section 4300 for Wetlands. All measures have been taken to mitigate any adverse impacts to the W-District buffer and wetlands, and the proposed use shall not endanger the health and safety of the occupants or the public and the use is consistent with the general purposes of the W-District. In addition, the applicant has substantially met the requirements of Section 3200, Signs, with the exception of small concerns regarding the direction of traffic flow from the premises and the visibility of a directional sign from a public way.

Therefore, after due consideration of the foregoing and the exhibits presented at the hearing, the Board of Appeals on June 4, 2001, voted unanimously to **grant a special permit to allow one freestanding identification sign and 10 freestanding directional signs subject to the following conditions:**

1. The applicant shall obtain a building permit from the Building Inspector prior to installation of the signs.
2. The applicant shall remove the existing freestanding signs from the premises.
3. The location and appearance of the signs shall be as presented both in Exhibit C and by testimony of the applicant's representatives, except as detailed here and in Condition No. 4, below. In particular, the freestanding identification sign referred to on the Site Signage Exhibit Plan as EX.01 shall not exceed 32 square feet, including the cap, as testified to by the applicant's representative Michael Snow.
4. All references to I-495 and Rte. 111 on the signs labeled EX.05, EX.06, EX.09, and EX.13 shall be changed to read "EXIT." The text on the sign labeled EX.07 shall be deleted with the exception of "TO I-495" and the accompanying arrow. Sign EX.07 shall be located 100' farther in from Massachusetts Avenue so as to mitigate its visibility from a public way.

5. The signs shall be located entirely on the applicant's property and shall be sited so as not to interfere with sight distance, traffic flow, or road maintenance.
6. The signs shall not be lit in any manner without further approval from the Board of Appeals.
7. The applicant shall comply with all requirements of the Conservation Commission's Order of Conditions, DEP File #113-362, as modified for sign placement.
8. No additional signs identifying the building, its owners, or its tenants shall be placed on the building or elsewhere on the premises.
9. Any changes or modifications to the plan shall require approval of the Board of Appeals. Violation of any of the conditions of this decision shall be grounds for revocation of this special permit, or of any building or occupancy permit granted hereunder.

**The foregoing restrictions have been spelled out for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Boxborough Zoning Bylaw.**

The Board shall have the power to modify or amend the terms and conditions of a special permit on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of this paragraph applicable to approval shall, where apt, be applicable to such modification or amendment.

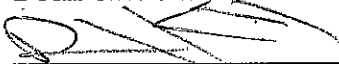
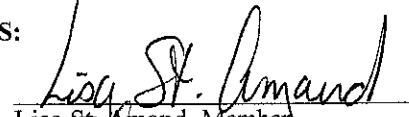
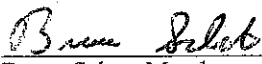
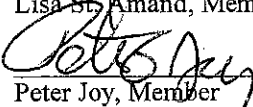
This permit shall not be valid until recorded with the Middlesex South District Registry of Deeds and evidence of such recording provided to the Inspector of Buildings.

This special permit will expire on June 4, 2003 if a substantial use thereof has not commenced except for good cause. Any further request for extension of time set forth herein must be made in writing to the Board at least thirty (30) days prior to June 4, 2003, and the Board herein reserves the right and power to grant or deny such extension without a public hearing. The Board shall not grant any extension of said permit unless it finds that the use of the property in question or construction on the site has begun and is proceeding in a timely manner except for good cause.

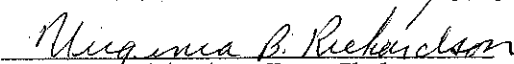
Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A and shall be filed within twenty (20) days after the date of filing of the above referenced decision with the Town Clerk.

Witness our hands this 4<sup>th</sup> day of June, 2001.

**BOXBOROUGH BOARD OF APPEALS:**

 <hr/> David Kembel Chairman	 <hr/> Lisa St. Amand, Member
 <hr/> Bruce Sabot, Member	 <hr/> Peter Joy, Member

I, Virginia B. Richardson, hereby do certify that this is a true copy of the above Board of Appeals Decision # 2001-1 filed on June 5, 2001

  
 Virginia B. Richardson, Town Clerk

**TO WHOM IT MAY CONCERN:**

I, hereby certify that the 20-day appeal period on this decision has expired, and no appeals have been filed with this office.

Virginia B. Richardson  
Virginia B. Richardson, Town Clerk

June 27, 2001  
Date