



TOWN OF FRAMINGHAM  
ZONING BOARD OF APPEALS

150 Concord Street B2  
Framingham, MA 01702

2016 NOV 29 P 3: 26

TOWN CLERK

BOARD OF APPEALS CASE NO. S16-12

PETITION OF SHERATON HOTEL AND CONFERENCE CENTER

DATE OF DECISION: NOVEMBER 15, 2016

1. **Application**

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) acting as the Sign Appeals Board on the Application of SHERATON HOTEL AND CONFERENCE CENTER (hereinafter the Applicant), for property located at 1657 WORCESTER ROAD (hereinafter the Site). This Decision is in response to a Petition for Variances in order to retain an existing nonconforming freestanding sign, in accordance to the Sign Bylaw (hereinafter the Application).

2. **Applicant**

Sheraton Hotel & Conference Center  
1657 Worcester Road  
Framingham, MA 01701

**Property Owner**

AP WCP Framingham Owner, LLC  
1657 Worcester Road  
Framingham, MA 01701

3. **Location**

Property is located at 1657 Worcester Road and is identified by Assessors' Parcel ID 096-23-0526-000 (hereinafter the Site).

4. **Board Action**

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on November 15, 2016 the Board voted to GRANT the requested VARIANCES by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

EDWARD COSGROVE	YES
JOSEPH NORTON	YES
PHILIP R. OTTAVIANI, JR	YES

5. **Proceedings**

The Application was received by the Board on October 4, 2016 pursuant to the Town of Framingham's Sign Bylaw, Article VII of the General Bylaws. A duly-noticed public hearing was held by the Board on the Application on November 15, 2016 at 7:45 P.M. in the Blumer Community Room of the Memorial Building. Board Members Edward Cosgrove, Joseph Norton, and Philip R. Ottaviani Jr., and alternate Steve Meltzer were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is

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based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

The Applicant's counsel, Mr. Paul Galvani, was present at the hearing with Brian Smith, General Manager of the Sheraton. He argued that the existing sign is only noncompliant with base dimensions. Mr. Cosgrove commented that the sign is easily missed and making it compliant would only be beneficial to Hotel guests. Mr. Ottaviani and Mr. Norton indicated they were in favor of letting the sign remain. Mr. Cosgrove commented that if the sign was to be replaced, it would need to be in compliance with the Sign By-law. The Board members agreed on a motion to allow the sign to remain subject to rust removal.

## **6. Exhibits**

Submitted for the Board's deliberation were the following exhibits:

- 6.1 Letter from the Building Official denying the sign permit application, dated August 9, 2016.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on October 21, 2016.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Sign Officer comments dated November 8, 2016.
- 6.5 Drawing and photograph detailing existing sign dimensions stamped "Received" by ZBA staff on October 4, 2016.
- 6.6 Site plan entitled "Sheraton-Tara Hotel and Office Building" prepared by The Russell A. Wheatley Co., Inc., 100 Bedford Street, Abington, Mass., dated August 6, 1997.

Exhibits 6.5 and 6.6 shall hereinafter be referred to as "the Plans".

## **7. Findings and Conclusions**

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1 The property is located within the General Manufacturing (M) zoning district and Highway Corridor (HC) overlay district.
- 7.2 On August 9, 2016, the Building Official denied the Application to keep the existing freestanding sign under §1.10.3.1 of the Sign Bylaw.
- 7.3 On October 21, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining Variances from the Sign Bylaw.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on October 31, and November 7, 2016 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting Members attended the hearing.
- 7.5 The Applicant is seeking approval of Variances to the Sign Bylaw to keep the existing noncompliant freestanding sign. Section 1.10.3.1 Chart 2 of the Sign Bylaw indicates

the allowable size dimensions for a freestanding sign for a single business. The current sign is noncompliant with sign face area, depth, address number, and height.

- 7.6 The Variance standard established by the Town of Framingham's Sign Bylaw, §1.12.2.b is a demanding criterion. A Variance may be granted from the limitations imposed by the Sign Bylaw if it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street, or the topography of the land are such that said Variance may be permitted without being contrary to the public good. The Applicant must demonstrate that compliance with the Bylaw presents a hardship to the Applicant. The hardship must relate exclusively to the specific and unique circumstance of the situation faced by the Applicant, and not apply generally to other land, buildings or structures in the same zoning district.
- 7.7 The Board finds that the nature of the use of the premises is such that a variance may be permitted without being contrary to the public good. *The sign serves a large hotel on a busy, fast-moving stretch of Route 9. The topography and vegetation screen the sign, making it easy to miss the driveway. The hotel is located in a commercial and industrial area.*
- 7.8 The Board finds that relief from the Sign Bylaw can be granted without substantial detriment to the public good and surrounding properties, and without degradation of the neighborhood's visual environment. *Allowing the sign to remain will not result in any adverse impact to the neighborhood or surrounding properties. When the sign is replaced, it must comply with the Sign Bylaw.*
- 7.9 The Board therefore moved to APPROVE the Variance Application, subject to the following condition:
- 7.9.1 The existing sign shall be cleaned of rust.
- 7.9.2 This Variance applies only to the existing sign. If replaced, the new sign must conform to the requirements of the Sign Bylaw.

## 8.0 Appeals

Appeals, if any, shall be made pursuant to Sign Bylaw, §1.12.6.f. and shall be filed within sixty (60) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS

By: \_\_\_\_\_

Edward Cosgrove, Chairman  
Sign Appeals Board

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