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**TOWN OF WRENTHAM  
ZONING BOARD OF APPEALS  
WRENTHAM TOWN HALL  
79 SOUTH STREET**

**WRENTHAM, MASSACHUSETTS 02093**  
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**DECISION  
ZBA 2020-25(SP)**

Location of Property:  
600/578 Washington Street  
Wrentham, MA 02093

Assessor's Reference:  
Assessor's Map: O-06  
Block-Lot: 3-4

Applicant:  
Carroll Advertising Company, Inc.  
415 Neponset Avenue  
Dorchester, MA 02122

Owner of Record:  
HHA, LLC  
600/578 Washington Street  
Wrentham, MA 02093

**DECISION** of the Zoning Board of Appeals (hereinafter the "Board") on the petition of Carroll Advertising Company, Inc. (hereinafter the "Applicant") for a SPECIAL PERMIT under Section 3.4.b of the Wrentham Zoning Bylaw (hereinafter "ZBL") and M.G.L. Ch. 40A, Sec. 6, for the Alteration of a Per-Existing Non-Conforming Structure of a Billboard on the property located at 600 Washington Street (a.k.a. 578 Washington St), Wrentham, Massachusetts and shown on Wrentham Assessor's Map O-06, Block-Lot 3-4 (hereinafter the "Site") located in the C-1S zoning district.

**BACKGROUND**

The above referenced application for a SPECIAL PERMIT was formally received on December 16, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on December 29, 2020 and January 5, 2021, posted with the Town Clerk's office on December 21, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on January 13, 2021 and continued to January 27 and February 10. During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on February 10, 2021.

The following members were present and voting at the hearing: Chairman William Casbarra, Vice Chairman Walter Pelrine, Clerk John Redman, Members William Burns and Keith Langer. At the hearing Dan Merrikin of Legacy Engineering and John Carroll of Carroll Advertising presented the Application.

**SUBMITTALS**

The following items were submitted as Exhibits to the Board for its consideration of this Application:

1. Application packet dated 12/16/20 including the following:
  - Legacy Engineering Submission Letter dated 12/16/20 2 pages

*\*Pursuant to Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the Town of Wrentham Zoning Board of Appeals conducted their public hearings via remote participation.*

- Application for Hearing dated 12/16/20; 2 pages
  - Certified Abutters List and Locus dated 11/16/20; 3 pages
2. Site Plans including the following:
    - Legacy Engineering Site Plan dated 12/14/20; 1 page
    - RMG Outdoor Inc Sign Structure Plan dated 12/19/20; 1 page
  3. Public Hearing Notice dated 12/21/20; 1 page
  4. Wade Saucier, BOH Agent Comments dated 1/6/21; 1 page
  5. Leo Immonen Comments dated 1/7/21; 1 page
  6. Correspondence (Immonen to TA) dated 1/7/21; 2 pages
  7. Continuance Request dated 1/14/21; 1 page
  8. Leo Immonen Comments dated 1/21/21; 2 pages
  9. Correspondence Atty. Carl Johnson III dated 1/24/21; 1 page
  10. Revised Plan Set including the following:
    - Legacy Engineering Site Plan, signed February 3, 2021, 1 page
    - Sign Plan, dated 2/2/2021, 1 page

## **FINDINGS**

At their meeting of February 10, 2021 after due consideration of the materials submitted with the application and the entire record of proceedings introduced and accepted in this matter, the Wrentham Zoning Board of Appeals made the following Findings:

1. That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and Exhibits submitted and presented in association with the Application.
2. That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations except where modified by this Decision.
3. That the Applicant seeks a SPECIAL PERMIT in accordance with ZBL Section 3.4.b for the alteration of a pre-existing non-conforming 27.5'± tall billboard structure on the Site. The alteration consists of the removal of a 10.5' x 49' single sided static billboard and four (4) 17'tall I-beam supports to be replaced with a 30' tall structure consisting of a 14' x 48' single sided static billboard and one (1) 13' tall support column with 9' offset monopole (Exhibit #10).
4. That during the public hearing the Board noted that the Applicant submitted sign plans which stated that the structure could be configured to hold a LED sign. The Applicant stated that they anticipated installing a LED sign at this location in the future. The Board further notes that due to the nature of LED signs and their potential impact on the neighborhood that the Applicant would need to review the particulars with the Board of Selectmen prior to submitting another application to the ZBA to change to that equipment.
5. That the existing single sided static billboard structure is located two (2) feet from the northern side property line and is set back 18.3 feet from the front property line. The Board further finds that the Applicant is proposing to maintain the same front setback of 18.3 feet from the single sided static billboard (Exhibit #10).
6. That the proposed 13' tall support column with 9' offset monopole will be installed within the footprint of the existing four (4) 17' I-beam supports which are proposed to be demolished. The Board further finds that the proposed support column construction will occupy less area than what is existing.

7. That during the public hearing the Board reviewed the ownership of the existing billboard structure. The Board requested that the Applicant submit an affidavit stating the ownership of the existing structure and authorization to alter (Exhibit #9).
8. That during the public hearing the Board noted that the existing use of a billboard is not allowed per ZBL Article 4.2 and 18, but the Applicant is allowed to alter such a structure/use so long as the proposed work is not more detrimental than existing. The Board notes that the Applicant is proposing to update the aging structure with new equipment (Exhibit #10).
9. That during the public hearing the Board noted that the use of a billboard has far reaching effects on neighboring properties and passing traffic.
10. That during the public hearing the Board reviewed the non-conformities of the billboard. The non-conformities are as follows:
  - Front Setback: Required 50', Existing 18.3', Proposed 18.3'
  - Right Setback: Required 25', Existing 2', Proposed 9'
  - Left Setback: Required 25', no change
  - Rear Setback: Required 25', conforming
  - Height: Required 35', Existing 27.5', Proposed 30'
11. That with regard to Section 9.1 of the ZBL, the Board finds that the proposed use will be conducted in a manner consistent with the land use objectives of the Town of Wrentham.
12. That with regard to Section 9.2 of the ZBL, the Board finds that the proposed use is in harmony with the intent and purpose of the ZBL as set forth in Article 1, s.1.2, is not in conflict with public health, safety, convenience and welfare and will not adversely affect the neighborhood.

### **CONDITIONS OF APPROVAL**

At their meeting of February 10, 2021 after due consideration of the documents and plans submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Zoning Board of Appeals **GRANTED** the **SPECIAL PERMIT** for the **Alteration of a Pre-Existing Non-Conforming Structure** subject to the following conditions:

1. This **SPECIAL PERMIT** specifically authorizes the alteration of a hown on the Plans identified as Exhibit #10 of this Decision, or as modified by the Conditions of this Special Permit.
2. The work authorized by this Special Permit shall be solely for the purposes as presented by the Applicant and as amended by this Decision and shall run with the land and be binding upon the property owners and as well as their administrators, successors and assigns.
3. The Applicant shall adhere to the Wrentham Zoning Bylaws and all other applicable provisions of municipal law and regulations, Federal and State statues and related regulations promulgated by Federal and State agencies.
4. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted or as amended by this Decision. Changes to the plan presented in this Application may be made only upon the authorization from the Zoning Board of Appeals provided that the change requested is not substantially different than the plan presented within the Exhibits of this Decision and is consistent with the intent and purpose of the Decision.
5. In accordance with Section 9.4 of the ZBL and Massachusetts General Law C.40A, Section 9, this Special Permit shall lapse after two (2) years from the date of the expiration of the appeal period if substantial use or construction has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and shall be submitted in writing to the Board prior to the expiration for review and approval.

6. This Special Permit shall not take effect until the Decision, bearing the Town Clerk's Certificate of No Appeal statement have been recorded at the NCRD within thirty (30) days following the expiration of the appeal period. Proof of recording of the Decision, including Deed Book and Page or Instrument Number shall be submitted to the Zoning Board of Appeals within thirty (30) days of recording.
7. By recording this Special Permit in the NCRD, the Applicant agrees to and accepts the Conditions set forth in this Special Permit Decision. Any inability, failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for immediate denial of building, construction or occupancy permits with respect to this project.
8. This approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utility installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approval/permits. All applicable requirements of the Wrentham Board of Health, Wrentham Public Works and all other utilities are hereby incorporated by reference as a requirement of this Decision.
9. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
10. Hours of construction shall occur Monday through Friday between the hours of 7 a.m. and 5 p.m., and Saturdays from 8 a.m. to 5 p.m. There shall be no construction activity on Sundays or Federal and State Holidays.
11. All grading and construction shall in compliance with the approved Plans and the Conditions of this Special Permit, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction and after completion.

#### DECISION OF THE BOARD

On February 10, 2021, the Wrentham Zoning Board of Appeals voted 5-0 (MOTION by Mr. Redman, SECOND by Mr. Langer) by Roll Call vote: Mr. Burns – Aye, Mr. Casbarra – Aye, Mr. Langer – Aye, Mr. Pelrine – Aye, Mr. Redman – Aye to **APPROVE with Conditions** the Special Permit pursuant to Section 3.4.b of the Wrentham Zoning Bylaws for the Alteration of a Pre-Existing Non-Conforming Structure at 600 Washington Street based on the information received at the public hearing and the aforementioned findings.

BY ORDER OF THE BOARD:

  
William Casbarra, Chairperson

 2/11/21  
Walter Pelrine, Vice Chairperson

cc: • Applicant / Owner • Assessor • Building Dept. • DPW • Board of Health • ConsCom