

**Town of Hopedale  
Decision of the Hopedale Zoning Board of Appeals  
July 20, 2022**

**Case: 4-2022**

Applicant(s):	Sunshine Sign Co. Inc.
Property Owner:	Seven Hills Aspire Inc.
Property:	7 Charlesview Road, Hopedale, MA 01747
Application Filed:	June 2, 2022
Hearing Dates:	July 20, 2022

Relief Sought: Applicant is seeking a special permit to construct a seven square foot freestanding sign.

Decision: Following the closing of the public hearing on July 20, 2022, the Zoning Board of Appeals voted unanimously to issue a special permit for the construction of a seven square foot freestanding sign.

**Certification**

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 40A of General Laws, and that copies of this decision and plans referred to in this decision, if any, were filed with the Town Clerk on \_\_\_\_\_, 2022.

Special Permit or Variance is not in effect until the decision is recorded with the Worcester County Registry of Deeds and the building permit will not be issued until proof of recording is presented.

**APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PERSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING THIS DECISION IN THE OFFICE OF THE TOWN CLERK.**



**Christopher P. Hodgens, Chairman**

**Record of Proceedings and Summary of Findings and Decision  
Hopedale Zoning Board of Appeals**

**Case: 4-2022**

Applicant(s): Sunshine Sign Co. Inc.

Property Owner: Seven Hills Aspire Inc.

Property: 7 Charlesview Road  
Hopedale, MA 01747

**Hearing Proceedings**

On June 2, 2022, Sunshine Sign Co. Inc. filed an application for a special permit to construct a seven square foot freestanding sign at 7 Charlesview Road. The Zoning Board of Appeals (ZBA) scheduled a public hearing for July 20, 2022, and notified the Town Clerk, abutters and other interested parties, and requested publication of the notice in the Milford Daily News.

The Town Clerk posted the hearing notice on June 15, 2022. The Milford Daily News published the first notice on June 24, 2022, and published the second notice on July 1, 2022.

**Public Hearing July 20, 2022**

On July 20, 2022, the ZBA opened a public hearing on the application. Four members of the ZBA were present with one member (Louis Costanza) absent. Chairman Christopher Hodgens opened the public hearing, explained the process, and outlined the procedural posture of the application. Mr. Hodgens invited Megan Bradley to present the application.

According to Ms. Bradley, Aspire is a subsidiary of Seven Hills and offers educational programming at this location and wants to construct a freestanding, single-sided sign for identification purposes so that people can find them. Ms. Bradley said that the sign will conform to the sketch and plot plan submitted with the application.

Mr. Hodgens outlined the restrictions on general business district signs as set forth in the Hopedale Zoning By-Laws § 7.4: (1) one sign for the property; (2) area must be less than 40 square feet; (3) no dimension can exceed 8 feet; (4) must be 20 feet from property line; (5) no rotating, pulsating, or flashing signs; (6) no lights from 12 a.m. to 8 a.m.; and (7) must be structurally sound and maintained.

Sandra Biagetti asked about ground clearance to insure that drivers and others can see. Ms. Bradley said the sign will be 3.5 feet above the ground level and will reach a height of 5.5 feet. The width of the sign will be 2 feet. The sign will also be at the end of the access road. Ms. Bradley assured the ZBA that the sign will never block any line of sight in connection with traffic concerns.

No members of the public or abutters offered any comment or objections.

Scott Savage moved to approve the freestanding sign according to the dimensions indicated in the materials submitted. Ms. Biagetti seconded the motion. Mr. Hodgins reminded the applicant that all other requirements of the by-laws must be followed. Therefore, there was no need to add those requirements as conditions.

A roll call vote followed on the motion:

Scott Savage	yes
Nicholas Alexander	yes
Sandra Biagetti	yes
Christopher Hodgins	yes

Mr. Hodgins declared the motion had passed unanimously, and a special permit would issue.

### Summary of Findings and Decision

The subject property at 7 Charlesview Road consists of approximately .92 acres with a single wood-frame structure with three units (6150 square feet) built in 2001. The property is in a GB-A district (General Business A) under the Hopedale Zoning By-Laws. Freestanding signs are allowed in a general business district only with a special permit issued by the ZBA. Hopedale Zoning By-Laws § 7.4.

An applicant does not have “an absolute right to a special permit.” MacGibbon v. Board of Appeals of Duxbury, 356 Mass. 635, 638, 639 (1970). The decision to grant or deny “special permits is within the discretion of the board.” ACW Realty Management, Inc. v. Planning Board of Westfield, 40 Mass. App. Ct. 242, 246 (1996). “Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use.” G.L. c. 40A, § 9. Conditions may consider “protection of the neighborhood, the Town, and the natural environment” and may include limitations and restrictions designed to address specific features of the proposed use. Hopedale Zoning By-Laws § 10.6(e). Based upon the governing standard, the Hopedale Zoning By-Laws, and the facts presented at the hearings in the instant case, the ZBA exercises its discretion in favor of issuing a special permit.

A special permit may not issue unless the ZBA finds that “all of the requirements” of the Hopedale Zoning special permit criteria under Hopedale Zoning By-Laws §§ 10.6(d)(1)-(8) are satisfied. Based upon the information available at the public hearings, the ZBA concludes that the special permit criteria are satisfied.

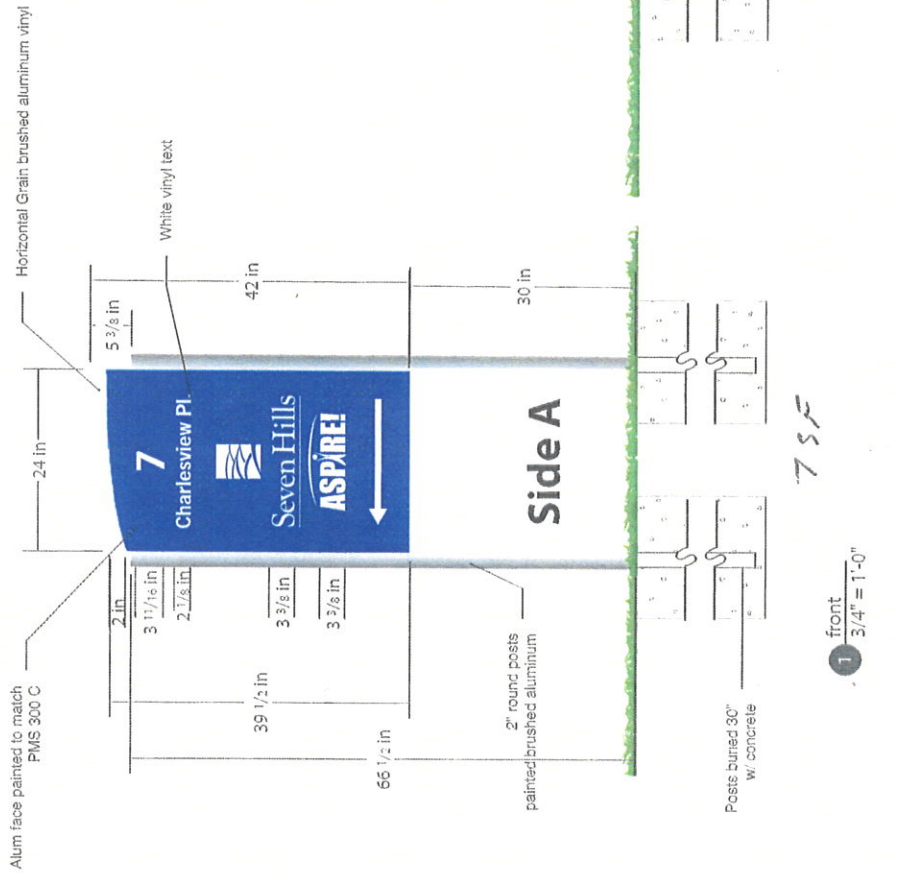
The proposed sign will be unobtrusive and will enable people to locate the subject business. There are no “detrimental effects which outweigh its benefits to the neighborhood, town or zoning district in which it is located.” Hopedale Zoning By-Laws § 10.6(1). The proposed sign is appropriate for this general business district. Charlesview Road is essentially an office/retail area with an access road from Hartford Avenue. The subject property is very similar to other properties, structures, and assorted businesses on the road. Signage would be helpful to distinguish this location from similar looking structures on adjacent lots. Notably, there were no objections raised by any abutters, members of the public, or local officials. Especially given the dimensions

of the sign, the location at the end of the road, and the assurance that the sign will not block any line of sight, the ZBA is satisfied that the sign will not “materially endanger or be hazardous to the public health and safety.” Hopedale Zoning By-Laws §10.6(3). There will not be any adverse impact on traffic or pedestrian safety. Hopedale Zoning By-Laws §10.6(8). Other factors for granting a special permit are not relevant here (off-street parking under Hopedale Zoning By-Laws §10.6(4), water and sewer under Hopedale Zoning By-Laws §10.6(5), Master Plan under Hopedale Zoning By-Laws §10.6(2)). At bottom, based upon the architecture of the building and the location of the building with reference to the road, a freestanding sign “is necessary to permit adequate identification of the building or its occupants.” Hopedale Zoning By-Laws §7.4(a).

Based upon the foregoing, the ZBA hereby allows the application for a special permit for the construction of a freestanding sign pursuant to the dimensions set forth in the one-page sketch and one-page plot plan submitted with the application and attached to this decision.

Copies of this decision will be filed with the Town Clerk and sent to the applicant, Building Commissioner, and Tax Assessor.





SIGN TYPE: H

S/F Entrance Sign

Quantity (1)

S/F wayfinding with 2" round posts painted brushed alum. 1" tube frame sign with painted .080 aluminum faces. Face has cut white vinyl text & brushed aluminum vinyl top accent piece. Mounted with bolts to posts buried 30" below grade with concrete.

PALETTE

Paint: MP Brushed Aluminum

Vinyl: Horizontally Brushed Aluminum

Paint: To match PMS 300c

Vinyl: White

CLIENT: SEVEN HILLS

PROJECT / SIGN TYPE: ASPIRE HOPEDALE

DRAWN BY: JG

JOB #: 18198-00000

DATE: 4/6/22

121 Westboro Road  
North Grafton, MA 01536  
P 508.839.5588  
F 508.839.9929  
www.sunshinesign.com

SUNSHINE  
sign

This drawing is given in confidence and may not be used or disseminated in any way without prior written consent from Sunshine Sign Company, Inc. All common law and copyright laws are hereby specifically reserved.

☐ Approved for Fabrication

☐ Revise and Resubmit

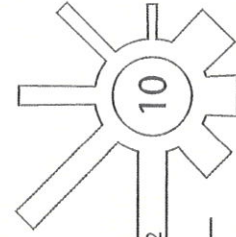
☐ Approved as Noted

☐ Rejected

Name

Signature

SIGN TYPE: H

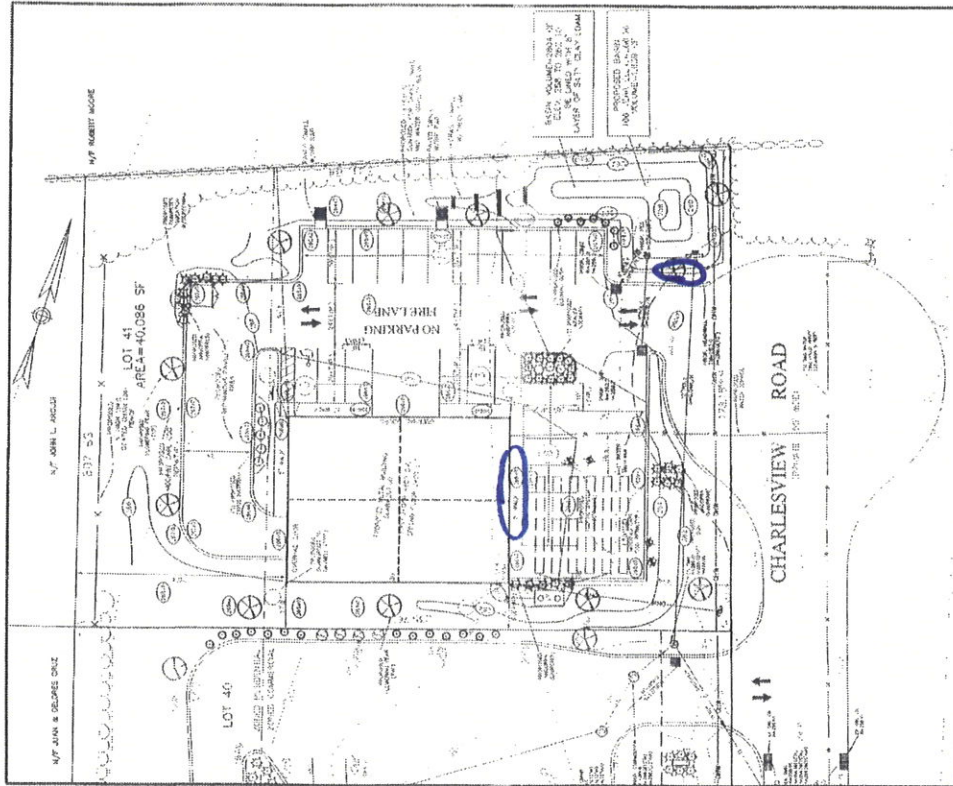


A detailed map of the Birmingham and Merton area. The River Sever flows from the top left towards the bottom right. Birmingham is located in the upper left, and Merton is in the upper right. Hovedale is in the lower left. The map shows various roads, bridges, and landmarks. A compass rose is located in the lower right corner.

NOT TO SCALE

[illegible]

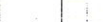
PLANT SCHEDULE				
QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	
18	SHRUB OF SPICE	FRAXINUS AMERICANA	2 GAL	
5	RED BUTTERFLY	ASPERULA	5 GAL	
2	SHRUB	ACHILLEA	10" 3"	
2	SHRUB, 10' H	SPYRREA	4 GAL	
12	ARCTIC	JUNIPER	2 GAL	



100

[illegible]

The first thing I noticed when I stepped out of the car was the cold, crisp air. It was a relief after the warm, humid weather of the South. I walked towards the entrance of the building, my eyes drawn to the ornate architecture. The door was open, and I stepped inside, feeling a sense of anticipation. The interior was dimly lit, with the light from the windows casting long shadows on the floor. I walked down a long hallway, the walls covered in tapestries and paintings. The air was thick with the scent of old wood and parchment. I reached a large, open room with a high ceiling. In the center of the room stood a large, ornate table. On the table were several books and papers. I walked towards the table, my heart pounding. I reached out and touched the books, feeling the texture of the leather and the weight of the pages. I looked up at the ceiling, where a large chandelier hung from the top. The light from the chandelier illuminated the room, casting a warm glow. I stood there for a moment, taking in the scene before me. It was a place of history and mystery, a place where secrets were hidden and truths were revealed. I felt a sense of purpose, a sense of destiny. I knew that I was here for a reason, and I was determined to uncover the truth. I turned and walked towards the door, my steps firm and confident. I knew that the journey was just beginning.

	DATE: 12-18-79 TIME: 11:41 AM	APPROVED DATE: 12/21/79 APPROVED BY: PLANNING BOARD	FILE NO.: 100-100-100 PROJECT NO.: 100-100-100	SUBMITTER: <i>Guertiere &amp; Hainon, Inc.</i> ADDRESS: <i>4675 BUILDING CORP</i> <i>PO BOX 351</i> <i>ROXBURY, MA 02147</i>
SITE PLAN OF LAND				
HOPEDALE, MA				
APPLICANT: <i>Guertiere &amp; Hainon, Inc.</i>				
PROJECT: <i>4675 BUILDING CORP</i>				
ADDRESS: <i>PO BOX 351</i>				
CITY: <i>ROXBURY, MA 02147</i>				
COUNTY: <i>WINDHAM</i>				
TOWN: <i>HOPEDALE</i>				
MAP: <i>100-100-100</i>				
SCALE: <i>1" = 100'</i>				
DRAWN BY: <i>100-100-100</i>				
CHECKED BY: <i>100-100-100</i>				
DATE: <i>12-18-79</i>				

1. ALL PLANS MUST BE SUBMITTED TO THE PLANNING BOARD FOR REVIEW AND APPROVAL.  
 2. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 3. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 4. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 5. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 6. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 7. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 8. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 9. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.  
 10. THE PLANNING BOARD SHALL HAVE THE RIGHT TO REQUEST ANY INFORMATION NECESSARY TO REVIEW ANY APPLICATION.