



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, MA 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

WILLIAM PAYNTON
ASST. BUILDING COMMISSIONER

ROBERT BOURNE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

AMENDED SIGN DETERMINATION

April 12, 2024

RE: SP-23-83
261 Boston Post Road West
Marlborough, MA 01752

Dear City Council President and City Council Members,

In early November 2023, this office received communication from Viewpoint Signs, that the Royal Plaza Trade Center, was exploring a replacement of their Electronic Message Center (EMC) Sign on the existing freestanding sign on Boston Post Road West. The sign had begun to have operational issues and Viewpoint was no longer able to secure replacement parts for the sign.

As part of the initial review of the sign permit application, the applicant did not indicate on the application that there was any sign special permit or variance associated with the existing sign, and as such, this department erred in its decision that the applicant would need a sign special permit to replace the existing EMC sign.

Upon further research and review, this existing freestanding sign with an EMC component received a variance from the Planning Board decision August 7, 1989; this was not factored into the initial determination. After re-examining the freestanding signs' history, this office offers the following comments:

- 1) On August 7, 1989, the Planning Board heard an appeal for a variance regarding installing an Electronic Message Center Sign on the freestanding signs at The Royal Plaza Trade Center.
- 2) The variance was granted on August 15, 1989, for an Electronic Message Center Sign to be installed on the freestanding sign.
- 3) Due to this sign having an operational issue and lack of available replacement parts, the entire EMC component will be replaced with another EMC component of the

same dimensions. Additionally, the applicant has provided a letter explaining the need to replace the entire EMC component.

- 4) The sign is a pre-existing non-conforming sign that is within the 10 year time frame listed as part of §526-13C, therefore the sign can be replaced with the same size in kind based upon their pre-existing Planning Board variance that was received on August 15, 1989.
- 5) It is noted that all pre-existing non-conforming signs that are to be replaced after October 6, 2024 will need to comply with all portions of §526-13.

This office recommends, that the applicant modify their sign application to a sign repair permit and that your council rescind any actions taken before this special permit application.

Code Sections, along with the Planning Board Decision have been attached to this letter.

Best Regards,



Tin Htway, CBO
Building Commissioner
CC: Legal Department
File

§ 526-12 Administration and penalties.

C. Rights to appeal.

(1) Any applicant for a permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign and any person dissatisfied with any refusal, order or decision of the Building Commissioner may appeal to the Planning Board within 30 days from the date of such refusal, order or decision. The fee for the filing of said appeal shall be \$25, payable to the City of Marlborough upon the filing of said appeal. After written notice given to such parties as the Planning Board shall order, the Planning Board shall address the appeal at a regularly scheduled meeting of the Board. Applying the standards described in Subsection C(2) below, where applicable, and interpreting this chapter, the Planning Board shall affirm, annul or modify such refusal, order or decision within 45 days after hearing the appeal. The action of the Building Commissioner may be annulled or modified only by a two-thirds vote of the Planning Board. If the action of the Building Commissioner is modified or annulled, the Building Commissioner shall issue a permit or order in accordance with the decision of the Planning Board.

[Amended 10-6-2014 by Ord. No. 14-1005921A]

(2) Variances. The Planning Board may vary the provisions of this chapter in specific cases which appear to it not to have been contemplated by this chapter, and in cases wherein its enforcement would involve practical difficulties if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this chapter but not otherwise. Any decision to vary the provisions of this chapter shall be by 2/3 majority and shall specify any variance allowed and the reason therefor. Each decision of the Planning Board shall be filed in the office of the City Clerk within 30 days after the decision and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within 30 days after the hearing shall not be deemed to be approval of any variance sought. No variances shall be allowed by the Planning Board from the date on which this sentence becomes effective until July 1, 2007.

[Amended 10-30-2006 by Ord. No. 06100-1323A]

(3) Conditions and safeguards. The Planning Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

§ 526-13 Electronic message center signs; digital display signs.

[Added 8-25-2014 by Ord. No. 14-1005880B]

B. Standards. EMC signs and digital display signs shall be allowed by special permit, but only pursuant to the following standards:

(3) Display area. No more than 25% of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of 24 square feet.

C. Legally preexisting nonconforming EMC and digital display signs. Legally preexisting nonconforming EMC signs and digital display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light-sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13B(6) above or that the signs are turned off from sunset to sunrise. All legally preexisting nonconforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Commissioner or a designee of the Building Commissioner, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

[Amended 10-6-2014 by Ord. No. 14-1005921A]

The code in its entirety may be found at www.ecode360.com/MA1056

120" (10'-0")

48"

**Full Color EMC with
Static Changing Messages**

E1 Elevator #13851: Qry 1) Electronic Message Center

Scale: 3/4" = 1'

Description:

- Qry 1) Electronic Message Center
- Qry 9' min Full Color LED Display, complete
- Replace existing EMC with new EMC.

Colors:

Electronic Message Center - Silver Full Color LED Display

Installation:

By Vendor.

This sign is intended to be installed in accordance with the requirements of Article 520 of the National Electrical Code (NEC) and/or other applicable local Electrical Code (LEC). The installer must ensure proper grounding and bonding of the sign.



Existing



Proposed

Photo Scale VIF



Cheryl

CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752
PLANNING BOARD

To Applicant/Appellant:

Name: Tony La Cava Street and No. 181 Boston Post Road
City: Marlboro State: MA Zip: 01752 Tel.# 890-4404 / 480-0008

VARIANCE TO PROVISIONS OF SIGN ORDINANCE: DECISION OF PLANNING BOARD

Date hearing held by Planning Board: August 7, 1989

Information from appeal from (Items 1-7):

1. Location of property where sign is located: (a) Street# 181 Boston Post Rd
(b) Zoning District: RT (c) Plate: 78 (d) Parcel 3
2. Name of business: Royal Plaza Trade Center
3. Applicant is: Owner; Tenant; Other (discrbe): _____
4. Date of Building Inspector's decision from which appeal is taken: 8/3/89
5. The section of the Sign Ordinance in question is: Article: 9 Section: D
Section heading/subject: Freestanding sign 9 163 9.B Flat Wall sign
6. Why does sign need variance? Freestanding too large / Banner instead of Flat Wall
7. Description of sign: 210 sq ft / Replicable banner for shows
8. Brief outline of what applicant proposed to do with the sign: (Details on next page) see 2nd page
9. DECISION OF PLANNING BOARD: (if hearing was extended, see Item 10.)
The Board made a decision on this case on date August 7, 1989
(The decision must be made within forty-five (45) days of hearing.)

The Board voted 4 in favor, 0 opposed: to grant appeal.

Appeal was: A) Granted B) Denied . (See conditions attached to approval of variance (if any) on next page.)

A) Appeal was granted. The Board determined that this specific case appeared to them not to have been contemplated by this ordinance, that enforcement would involve practical difficulties, and that a grant of relief would not substantially derogate from the intent and purpose of this ordinance. * see conditions.

The applicant should apply to the Building Inspector who will issue a new sign permit in accordance with the decision of the Planning Board.

~~B) appeal was denied: The Board determined that the circumstances of this specific case appeared to them to have been contemplated by this ordinance, that enforcement would not involve unusual practical difficulties, and that a grant of relief would substantially derogate from the intent and purpose of this ordinance.~~

10. HEARING EXTENDED:

~~The hearing was extended. The board voted _____ in favor, _____ opposed to grant an application by the applicant for an extension of the hearing on the appeal to date _____. (The applicant must submit a written application for the extension.)~~

Applicant Name: Tony LaCava Business Name: Royal Plaza Trade Center

Sign Location: 181 Boston Post Rd Date of Planning Board Hearing: 2/7/89

10. SUMMARY OF STATEMENT AND INFORMATION SUPPLIED BY APPLICANT AT HEARING
(attach copies of letters of other material submitted):

Copies of photographs of site/sign were reviewed by Planning Board:
Yes No Not Applicable Requested!

a) Freestanding sign at entrance on Rte 20, increase to 210 sq ft.

b) Replaceable banner instead of Flat wall sign on front facade of Trade Center building.

11. REASONS CITED BY PLANNING BOARD FOR THEIR DECISION:

see analysis attached, dated 7/28/89

a) site contains 2 major businesses (hotel & convention center).

b) The Trade Center is located far from Rte 20 & cannot be seen from any public street.

c) planning Board agrees with need to advertise Trade Center events.

d) Present sign is too small to announce events.

12. CONDITIONS ATTACHED TO APPROVAL OF VARIANCE (if any):

a) Flat wall: Directly flat against the building face, allow a removable sign, of max. size 175 sq. ft. for a trial period of one (1) year.

b) Free standing: Remove Avis sign at entrance and yellow panels on main freestanding sign.

c) Main sign to be a max. 210 sq. ft. with the top half 14' x 16' and the bottom half 14' x 9 with changeable letters. No banner allowed on main sign.

d) No other freestanding signs at entrance.

Copies of decision mailed to:

- 1) Applicant/Appellant
- 2) Filed with City Clerk
- 3) Building Inspector
- 4) Planning Board

Signed by: Kent W. Smith
for Planning Board

Date: 8.15.89

IMPORTANT: If a variance has been granted, applicant MUST apply for a new sign permit from the Building Inspector BEFORE erecting sign. Freestanding signs MUST have street number included and Prominently Displayed.

PERMIT NO. 11589
DATE OF ISSUANCE: 10/5/89



WRITE CLEARLY

BUILDING DEPARTMENT
CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

APPLICATION FOR PERMIT TO ERECT OR ALTER SIGNS

TO THE INSPECTOR OF BUILDINGS:

The undersigned hereby applies for a permit to erect or alter a sign according to the following information and agrees to comply with all Bylaws pertaining to signs:

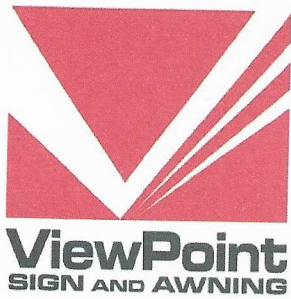
1. Street and No. (where sign located): 181 Boston Post Rd West, Marlborough
2. Zoning District: LI between ROUTE 20 and _____
Plate 78 Parcel 3 cross street _____ cross street _____
3. Name of Business Establishment (if any): Best Western Royal Plaza Tel # 417-0700
4. Name of Sign Owner: Anthony Lacava Address SAME Hotel & Trade Center
5. Name of Property Owner: SAME Address 181 Boston Post Rd West
6. Name of Applicant: Cheryl Bullock Address SAME
7. Linear Feet of Building Main Entry Facade (in feet): _____ Tel. # 417-0000
8. To Erect or Alter the Following Type of Sign:
 - (a) FLAT WALL SIGN: Size: Width _____ Length _____ Sq. Ft. Area _____
Location on Building: Which face of building (N., E., S., W.,)? _____
Are any other flat wall signs on this building? Yes _____ No _____ Total Area _____
 - ✓(b) FREE STANDING SIGN: Size: Width TOP 14x16 / BOTTOM 14x9 Length _____ Sq. Ft. Area 210
Height of highest part of sign above ground elevation _____
Location of sign: Distance from street line _____ Distance from Building 100 FT.
Setback of Building from Street Line: _____. (Under 30', allowed 50%. Under 10', none)
Are there any other free standing signs on this lot? Yes _____ No _____ How many _____
Corner visibility: Is sign within 20 ft. of corner? Yes/✓ No /-/
(See Zoning Chapter 200-24, section N.)
 - (c) OTHER: type of sign: Explain _____ Area: _____
9. Material of Sign: Frame PLASTIC Face PLASTIC Supports PLASTIC
Method of attaching to building: NOT.
10. Illumination: Yes /✓/ No /-/
Internally /✓/ Externally /-/
Electric code checked /-/
11. Color(s) of sign face-white
12. Wording on sign - it will be a marquee, so it will change
13. Remarks: PERMIT TO COVER ADDITION OF MARQUEE INTERIOR AND ALSO TO COVER THE CHANGE OF THE ADDRESS TO ROAD ROYAL PLAZA HOTEL & TRADE CENTER - RATHER THAN HOTEL
14. Permit fee (to be paid upon permit approval):

Up to 25 square feet	\$ 25.00
Greater than 25 and up to 50 square feet	\$ 50.00
Greater than 50 and up to 100 square feet	\$100.00
Greater than 100 square feet	\$200.00
15. The property owner MUST approve this sign. Approved--Yes No

CERTIFICATION: I hereby certify that all information provided in this sign permit application is correct, and understand that all sign applications are subject to conformance with the Sign Ordinance.

APPLICANT'S SIGNATURE: Cheryl Bullock
Application must be accompanied by a dimensioned drawing of the proposed sign, showing location on site, size, color, lettering, type of exterior materials, and method of construction.

Permit Granted By: Robert S. Carpenter Date: 10/5/89 Permit Denied: _____
Sign variance granted by Planning Board on _____ (Copy of variance to be attached)



Date 4-2-24

City of Marlborough
Attn; Building Department
140 Main Street
Marlborough, MA

35 Lyman Street
Northboro, MA 01532

508 393-8200
508 393-4244 Fax
signs@ViewPointSign.com
www.ViewPointSign.com

**INTERIOR/EXTERIOR
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VEHICLE GRAPHICS

MEMBERS

Massachusetts Sign Association
Rhode Island Sign Association
International Sign Association
Northeast States Sign Association
North East Canvas Products
Association
Industrial Fabrics Association
International

UL LISTED FABRICATORS

**RE: Royal Plaza Hotel, Marlborough, MA existing non
Conforming pylon sign**

Attn: Marlborough building commission

**We had filed for a permit to replace a pre existing non conforming EMC sign on
behalf of our client Best Western Hotel Royal Plaza located at 181 BOSTON POST RD
W, Marlborough, MA 01752.**

***This replacement of the existing EMC as a component of the existing sign is
required, as the existing RF communication devise was struck by lightning and has
lost its ability to change messages. The RF communication devise that was
damaged is no longer available, therefore we need to change out the EMC part of
the sign in order to repair the sign and regain the ability to change the messages.***

Sincerely
Scott J Spaulding
Scott J Spaulding
Account Manager