

**PUBLIC MEETING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF CHARLTON, MASSACHUSETTS**

In accordance with the Zoning By-Laws you are hereby being notified of a Public Hearing on: May 5, 2020

**PLEASE TAKE NOTICE:**

That Landreau Realty, Tree House Brewing Company, petitioner for the property located at 129 Sturbridge Road, Charlton, MA, Assessors Map 32, Lot 3/4, Block B has applied to the **Zoning Board of Appeals** for a Special Permit/Variance of the Town of Charlton Zoning Ordinance.

Presently located on the premises is Tree House Brewing Company Brewery and warehouse, lot is located in the area zoned BEP.

The petitioner seeks to add 2 Large signs to the side of each building – both with backlighting.

The petitioner is seeking the following relief: **a Special Permit/Variance:** §200-5.6G, Wall Signs.

A meeting will be held on this variance/special permit at the Town of Charlton – Municipal building at the office of the Zoning Board of Appeals on May 5, 2020 7:00 p.m. In the event that the town is still closed the meeting will be held: on a virtual Zoom platform <https://zoom.us/j/283366292> Call in: 1-646-558-8656 Meeting ID: 283 366 292 meeting on May 5, 2020 at 7:00 p.m. The public meeting will allow you to be heard relative to the approval of this application.

Frank Lombardi  
ZONING BOARD OF APPEALS

**EXHIBIT "A"**

**TOWN OF CHARLTON  
ZONING BOARD OF APPEALS PETITION**

The undersigned respectfully petitions the Zoning Board of Appeals for the following:

(Choose appropriate request(s) and fill in accordingly)

1. **VARIANCES**

A. Dimensional Variance

1. Gross Dimensional Variance  
Square Footage of proposed relief

2 signs

Check for relief 78 sq

① 12 ft x 11.5 ft

② 8 ft x 7.8 ft.

\_\_\_\_\_   
 Square Feet

324  
sq  
ft

2. Variance from Side Yard setback  
Measurement of proposed relief

\_\_\_\_\_   
 Feet    Inches

3. Variance from Frontage requirement  
Measurement of proposed relief

\_\_\_\_\_   
 Feet    Inches

4. Variance from Rear Yard setback  
Measurement of proposed relief

\_\_\_\_\_   
 Feet    Inches

5. Variance from Front Yard setback  
Measurement of proposed relief

\_\_\_\_\_   
 Feet    Inches

B. Other Variance

1. What provision of the Zoning Board Bylaw do you want a variance from?

Size  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. SPECIAL PERMIT**

A. For residential use:

1. New residential construction or conversion to additional dwelling units. \_\_\_\_\_

2. Number of units proposed. \_\_\_\_\_

B. For non-residential use:

1. New construction, reconstruction or conversion to non-residential use. \_\_\_\_\_

2. Square footage of proposed relief. \_\_\_\_\_

Square Feet

C. Waiver of parking/loading requirements:

1. Number of spaces for which relief is requested \_\_\_\_\_

Spaces

2. Waiver of landscaping or barrier requirement  
Square footage of proposed relief. \_\_\_\_\_

Square Feet

D. Expansion or change of a non-conforming use/structure \_\_\_\_\_

E. Sign/Signs \_\_\_\_\_

F. Other Special Permit:

1. Describe Special Permit sought \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. ADMINISTRATIVE APPEAL**

Define what action or decision (attached) you are appealing from and the relief you seek from this Board. \_\_\_\_\_

**4. AMENDMENT TO EXISTING VARIANCES OR SPECIAL PERMITS**

**5. EXTENSION OF TIME**

**ALL APPLICANTS: PLEASE COMPLETE QUESTIONS 1 THRU 6**

In requesting the above special permit(s), variance(s), appeal, amendment, extension, the undersigned states as follows: (\*delete inapplicable terms)

1. That he/she is the owner(s), lessee(s), optionee(s) of certain premises situated at 129 Sturbridge Rd Charlton, Massachusetts.

That the record title stands in the name of Landrean Realty, whose address(es) is/are \_\_\_\_\_, by deed duly recorded in the Worcester District Registry of Deeds, Book(s) 55493, Page(s) 42, Assessors Map 32 Lot 3/4 Block B.

2. The property is situated in a district classified under the Town of Charlton Zoning Bylaw as BEP.
3. Presently located on the property is Tree House Brewing Company Brewery Warehouse.
4. The petitioner seeks to Add 2 large signs to the side of each building - both with backlighting.  
(Describe what you want to do on the property).

5. Such a use is prohibited under the Town of Charlton Zoning Bylaw under \*see attached (A) 200-S.6 G  
(insert Article, Section(s) and paragraph numbers of the Zoning Bylaw which prohibits the proposed use of the property).

Because size exceeds allowed sq. ft.

(Explain how the proposed use violates the Zoning Bylaw).

6. WHEREOF, the petitioner asks that this Board grant the special permit(s), variance(s), appeal(s), amendment(s), extension(s), as requested above. (\*delete inapplicable terms).

By: Kimberly Golinski  
(Signature)  
Kimberly Golinski  
(Name)  
129 Sturbridge Rd  
(Address)  
kimberly@treehousebrew.com  
(e-mail)  
508 479-9850  
(Telephone)  
\_\_\_\_\_  
(Date)

**REQUESTS FOR FINDINGS OF FACT IN SUPPORT OF PETITION FOR  
A VARIANCE, SPECIAL PERMIT AND/OR APPEALS**

❖ **ALL APPLICANTS:** PLEASE COMPLETE QUESTIONS 1 THRU 5 THEN FOLLOW INSTRUCTIONS AT BOTTOM OF PAGE.

The Charlton Zoning Board of Appeals having conducted a public hearing and reviewed all the submitted evidence finds that:

**FINDINGS:**

1. The petitioner(s), Landrean Realty / Tree House Brewing, whose address is 129 Sturbridge Rd Charlton, is/are the owner(s), lessee(s), optionee(s) [~~delete inapplicable terms~~] of certain land situated at 129 Sturbridge Rd Charlton in the Town of Charlton and more particularly described in a deed recorded with the Worcester District Registry of Deeds, Book 55493, Page 42.  
(If the petitioner is not the owner, complete the following):  
The owner of said land is \_\_\_\_\_, whose address is \_\_\_\_\_
2. Said land is situated in a district classified under the Town of Charlton Zoning Bylaw as: BEP
3. Presently located on the premises is Tree House Brewing Company Brewery and Warehouse
4. The petitioner(s) desire(s) to use said premises as follows:  
add 2 new signs.
5. (If applicable) The petitioner(s) duly applied for a building permit to use said site for said purpose but was/were refused for non-compliance with the Zoning Bylaw.

**FOR A VARIANCE COMPLETE QUESTIONS 6 THRU 10 ON PAGE 6 ONLY**

**FOR A SPECIAL PERMIT COMPLETE QUESTIONS 11 THRU 23 ON PAGES 7,8, & 9 ONLY.**

## FINDINGS OF FACT FOR A VARIANCE ONLY

6. A literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner(s) for the following reasons:

N/A - However we have put a lot of thought into the design - with this design our signs would add to the visuals of approaching our buildings

7. Said substantial hardship is owing to circumstances relating to the soil condition, shape or topography of such land or structures for the following reasons:

~~N/A~~ The sign design is on the existing structures in order to avoid disrupting any soil conditions, shape or topography of our property.

8. Said substantial hardship especially affect said land or structures, but does not affect generally the zoning district in which it is located, for the following reasons:

~~N/A~~ We are in a BEP zone. The signs are creatively designed to blend in with the rest of our property designs.

9. Desirable relief may be granted without detriment to the public good for the following reasons:

The signs are not visible from the road as our buildings are set back on the property.

10. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Town of Charlton Zoning Bylaw, for the following reasons:

Our buildings are very big - visually the signs will fit well. Aspect and ratio are fitting.

❖ STOP HERE FOR VARIANCE APPLICATIONS

**FINDINGS OF FACT FOR A SPECIAL PERMIT ONLY**

11. The proposed use is in harmony with the general purpose and intent of the Town of Charlton Zoning Bylaw for the following reasons:

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12. The specific site is an appropriate location for the proposed use for the following reasons:

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13. The proposed use as developed will not adversely affect the neighborhood for the following reasons:

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14. There will be no nuisance or serious hazard to vehicles or pedestrians for the following reasons:

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15. Adequate and appropriate facilities will be provided for the proper operation of the proposed use for the following reasons:

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16. The proposed use will conform to any special requirements provided in Article IV, Section 9, ("Regulatory Provisions for all Districts") of the Zoning Bylaw.

17. (\*Applicable to a request for extensions or alteration of a pre-existing, non-conforming structure or use). The requested change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood for the following reasons:

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18. Grant of the requested Special Permit is authorized by Section \_\_\_\_\_ of the Town of Charlton Zoning Bylaw.



**FINDINGS OF FACT FOR A SPECIAL PERMIT ONLY**

19. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The public good would be served by grant of the Special Permit for the following reasons:

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20. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The non-residentially zoned area will not be adversely affected by the requested residential use for the following reasons:

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21. (\*Applicable to a request for multi-family residential use in a non-residentially zoned area). The permitted use in the non-residentially zoned area is not noxious to a multi-family use for the following reasons:

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22. (\*Applicable to a proposed accessory use necessary to a permitted use in connection with scientific research or scientific development or related production). The proposed accessory use does not substantially derogate from the public good for the following reasons:

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23. (\*Applicable to a request for a cluster development). Open land for cluster development shall be conveyed to (\*strike out the inappropriate clauses): (\*The Town of Charlton for its acceptance for park or open space use). (\* \_\_\_\_\_, which is a non-profit organization whose principal purpose is the conservation of open space; (\* \_\_\_\_\_, which is a corporation of trust owned or to be owned by the owners of lots or residential units within the land.

APPEALS

DATE: \_\_\_\_\_

Appeal From: \_\_\_\_\_

\_\_\_\_\_

SIGNED \_\_\_\_\_

A.

200-5.6

H. Exceptions. The following signs are exempt from the requirements of this section:

- (1) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (2) Temporary devices erected for a charitable or religious cause, provided they are removed within five (5) days of erection.
- (3) Temporary displays inside windows, covering not more than thirty percent (30%) of window area, illuminated by building illumination only.
- (4) Integral decorative or architectural features of a building, including letters, logos and trademarks.

Wall sign	P	Y	Maximum size is the lesser of 10% of the facade associated with the business being advertised or 60 square feet, whichever is smaller	Any business that has no street frontage may have 1 sign facing the parking area	1 wall sign per business established in the structure; in addition, 1 secondary wall or window sign not to exceed in area 50% of the primary wall or window sign is permitted by special permit issued pursuant to § 200-5.6F
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200-5.6 J.

(4) The Planning Board shall be the special permit granting authority for the purposes of this section. The Board shall grant special permits hereunder if it determines that:

- (a) The sign requested pursuant to the special permit application is necessary due to topography or site conditions unique to its proposed location; or
- (b) A unique and particular type of use requires additional signage in order to identify the premises adequately.

(5) The Zoning Board of Appeals shall have the authority to issue a variance from the provisions of this section in accordance with § 200-7.3B(1) hereof.



# Town of Charlton

[www.townofcharlton.net](http://www.townofcharlton.net)

37 MAIN STREET  
CHARLTON, MA 01507  
508-248-2241

DEPARTMENT of BUILDING  
INSPECTIONAL SERVICES

[Building.ZEO@townofcharlton.net](mailto:Building.ZEO@townofcharlton.net)

March 25, 2020

Kimberly Golinski  
Office Manager  
Treehouse Brewery  
129 Sturbridge Road  
Charlton, MA 01507

Re: Sign application  
2 graphic signs  
Assessors Map 32, Block B, Lot 3/4

I have reviewed the sign permit application received by this office March 25, 2020, for 2 large wall signs, to be installed at the above referenced location, on your existing buildings.

While walls signs are allowed, the signs you propose exceed the size limit of the Town of Charlton Zoning Bylaw § 200-5.6 G, Wall Signs, which limits the area of this type of sign to sixty (60) square feet in area for the first sign and fifty (50) percent of the primary sign for the second wall sign.

If you disagree with this opinion, relief may be sought from the Zoning Board of Appeals within thirty days of this opinion.

The town of Charlton Zoning Bylaw and General Bylaw are available from the Town Clerk or at [www.townofcharlton.net](http://www.townofcharlton.net).

This opinion does not constitute approval of any other board or commission; you should obtain a Town of Charlton Permitting Guidebook and use that as a baseline for other boards or commissions that may be involved in the project process.

Sincerely,

Curtis Meskus  
Building Commissioner  
Zoning Enforcement Officer



Curtis Meskus - Building Commissioner/Zoning Enforcement Officer  
William LePage Local Inspector  
Peter Starkus - Plumbing & Gas Inspector  
Joseph Ostrowski - Inspector of Wires  
Nancy Shields - Administrative Assistant

Reply Reply All Forward IM



Fri 4/24/2020 10:01 AM

Gelb, Susan

FW: Tree House

To Meskus, Curtis

From: Crockett, Janet <Janet.Crockett@townofcharlton.net>

Sent: Tuesday, April 21, 2020 3:15 PM

To: Gelb, Susan <Susan.Gelb@townofcharlton.net>

Subject: Tree House

Hi Sue,

How are you? Hope all is well with you and your family.

I received an e-mail from Kim at Tree House saying her abutters list had to be certified. I am working from home and have no way to stamp it certified.

I am sending you this e-mail to say that I certify the abutters list for 29 Sturbridge Rd.

Let me know if this is acceptable.

Thanks Janet

*Patriot Properties*

## TOWN OF CHARLTON

04/01/2020

### Abutters List

10:42:50AM

**Filter Used:** DataProperty.AccountNumber in (2409,3064,3099,2324,5763,2313,2415,2410,2327,2328,2309)

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**Abutters List**

**Subject Parcel ID: 32-B-3**

**Subject Property Location: 129 STURBRIDGE RD**

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
30-C-17	STURBRIDGE RD	JSL REAL ESTATE LLC (6/00)		730 EAST MOUNTAIN RD	WESTFIELD	MA	01085
30-D-1	134 STURBRIDGE RD	KANGISER IRWIN B.		23 RAWSON HILL RD	SHREWSBURY	MA	01545
30-D-2	132 STURBRIDGE RD	DIMOPOULOS CHRISTOS (6/02)	DIMOPOULOS JOHN T/C	132 STURBRIDGE RD	CHARLTON	MA	01507
30-D-4.1	104 STURBRIDGE RD	104 STURBRIDGE RD LLC (4/17)		104 STURBRIDGE RD	CHARLTON	MA	01507
30-D-4.2	STURBRIDGE RD	104 STURBRIDGE RD LLC (4/17)		104 STURBRIDGE RD	CHARLTON	MA	01507
32-B-2	13 SAMPSON RD	MCKINSTRY MARK A		7 SAMPSON ROAD	CHARLTON	MA	01507
32-B-3	129 STURBRIDGE RD	LANDREAU REALTY LLC (6/16)		129 STURBRIDGE RD	CHARLTON	MA	01507
32-B-4	STURBRIDGE RD	LANDREAU REALTY LLC (9/19)		129 STURBRIDGE RD	CHARLTON	MA	01507
33-A-1	56 CAPEN RD	CAPEN HILL NATURE SANCTUARY ASSOC.INC.		P.O. BOX 218	CHARLTON CITY	MA	01508
44-A-15	BERRY CORNER RD	CAPEN HILL NATURE ASSOCIATION		P.O. BOX 218	CHARLTON CITY	MA	01508
45-A-17	85 SAMPSON RD	PLANPOW REALTY CORPORATION		PO BOX 220	CHARLTON	MA	01507

Parcel Count: **11**

**End of Report**