

Berlin Town Clerk

Application Number 2022-05Fee Paid \$ EXEMPT

**TOWN OF BERLIN BOARD OF APPEALS
APPLICATION FORM**

Please print or type answers to all of the following using additional pages if necessary.

1. Applicant's Name (and Company, if applicable): Steve Pusateri Berlin Memorial School
2. Applicant's Address: 34 South Street Berlin, MA
3. Applicant's Telephone 978-808-0807 E-mail spusateri@bbrsd.org
4. Applicant is : Owner ☐ Tenant ☒ Licensee ☐ Prospective Buyer ☐ Other ☐
5. If Applicant Is Not the Property Owner, Please Answer the Following.
Property Owner's Name (and Company, if applicable): Town of Berlin
Property Owner's Address: 34 Linden Street Berlin, MA
6. Application Type (Special Permit, Site Plan, Variance, Etc.) Please List All That Apply:
Variance
7. Property Location/Address: 34 South Street
8. Zoning District of All Lots: Residential Agriculture, Commercial Village
9. Map/Lot/Book/Page Identification for Property(s) as recorded in the Registry of Deeds:
10.0/17/0 5023/58
10. Section(s) of Zoning By-law That Apply to This Petition:
912.4, 912.6, 913.1, 943, 917.2
11. Details of Decision Being Appealed:
Current bylaws do not allow the type of LED sign the school wants to install
12. Specific Relief Requested:
To allow Berlin Memorial School to install double sided LED sign for School and town wide announcements.
13. Description of Petition and Applicant's Reasons for the Board to Approve the Petition:
Installation of this type of LED sign will allow town residents to be informed of events and school schedules as well as other town wide communications from, BPD, BFD, Highway Department as well as Town Government announcements
14. Please List Any Applicant Representatives* Who Will Be Present or Will Prepare Materials for the Public Hearings.

NAME	ROLE**	COMPANY	ADDRESS	TELEPHONE	E-MAIL
John Campbell	Principal	Berlin Memorial School	34 South Street	978-838-2417	jcampbell@bbrsd.org
David Goulding	Community Service	Berlin PD	23 Linden Street	978-838-7355	dgoulding.pd@townofberlin.com
Kenneth Clark	Fire Chief	Berlin FD	23 Linden Street	978-838-2444	firechief@townofberlin.com
Fred Cummings	DPW Manager	Berlin Highway Dept	112 West Street	978-838-2898	fcummings@townofberlin.com

* **NOTE:** Any such applicant representative whose statements or work product are presented to the Board must disclose the nature and extent of any personal interest beyond payment of customary fees for their service(s) related to the applicant.

** e.g. attorney, architect, contractor, etc.

15. Have any prior variances or special permits been granted for this property? NO ☒ YES ☐
If "yes", please provide details on a separate sheet.
16. Are there any outstanding enforcement actions or regulatory issues related to this property including, but not limited to: EPA/DEP, Town Boards, Federal or State Government agencies; or have there been any such issues related to this property at any time in the past five years?
If "yes", please provide details on a separate sheet. NO ☒ YES ☐
17. Are there any other pending applications with other Town Boards or necessary approvals from other Town Boards related to this application including, but not limited to, Planning Board, Conservation Commission, Board of Health? With other Towns? The State of Massachusetts?
If "yes", please provide details on a separate sheet. NO ☒ YES ☐
18. Is this property current with any financial obligations to the Town of Berlin including, but not limited to real estate taxes?
If "no", please provide details on a separate sheet. NO ☐ YES ☒

I hereby request a hearing before the Berlin Zoning Board of Appeals with reference to the aforementioned petition, and I hereby authorize the Board members and other Town officials, in their official capacity as related to this petition, to have unrestricted access to the subject property in relation to such hearings.

Signature of Applicant: Stephen Pusateri Digitally signed by Stephen Pusateri
DN: cn=Stephen Pusateri, o=Berlin-Boylston
Regional School District, ou,
email=pusateri@bbsd.org, cn=US
Date: 2022.04.04 13:59:28 -0400 **Date:** 4/4/2022
Print/Type Name: _____
If appropriate, Company and Title of Signatory: Berlin Boylston Regional School District Facilities Manager

Signature of Property Owner: Margaret Z. Nartowicz **Date:** 4/7/2022
(If different from petitioner) Print/Type Name: Margaret Z. Nartowicz
If appropriate, Company and Title of Signatory: Berlin Town Administrator

APPLICATION FILING WITH THE BERLIN TOWN CLERK

Filing Date: April 12, 2022 Elaine E. Sully
Berlin Town Clerk Signature

Applicants are advised that all papers filed with the Board seeking a variance, special permit, or any other relief from or action by the Board, shall be signed and dated by the party on whose behalf the filing is made or by the party's authorized representative and shall state the address, telephone number, facsimile number, and electronic mail (e-mail), address of the party or authorized representative. This signature shall constitute a certification that the signer has read the document and believes the content of the document is true and accurate, and that the document is not interposed for delay. Signature by an authorized representative also certifies the full power and authority to represent the party. Any paper filed with the Board that contains false, inaccurate, or misleading information may be grounds for the Board to deny any relief sought from, or request made to, the Board by any party.

Applicants are also advised that any public hearing the Board Chair, at his/her discretion, may elect to have the Applicant and/or the Applicant's representatives sworn in relative to the statements that they make to the Board. The Board, at its discretion and by majority vote, may require that the Applicant submit additional information related to the application, including, but not limited to, a proposed "Memo of Decision" specifying proposed finding and conditions.



TOWN OF BERLIN

23 Linden Street, Berlin, Massachusetts 01503

www.townofberlin.com

BERLIN ZONING BOARD OF APPEALS

Application Instructions

Adopted: August 11, 2021

Under Massachusetts General Laws and the Berlin Zoning By-law, the Berlin Zoning Board of Appeals (ZBA) is empowered to process applications for Comprehensive Permits, Appeals from Determinations of a Berlin Administrative Officer (e.g. Building Commissioner), Dimensional Variances, Special Permits, and Site Plans. The ZBA Board meets monthly usually on the second Wednesday of each month. The venue and agenda for the Board's meetings are posted on the website www.mytowngovernment.org/01503. Meeting agendas are subject to revision until forty-eight hours prior to the meeting date and time. These meetings are open to the public.

The website www.townofberlin.com/zoning-board-appeals contains these instructions, application forms, a filing deadlines document, an application fee schedule, and a list of the ZBA members. The filing deadlines document explains the filing date that must be met by a petitioner to place a hearing on the agenda for a given meeting of the Berlin ZBA. A hard copy of the application form must be filed with the Berlin Town Clerk (townclerk@townofberlin.com 978.838.2931) during posted office hours (www.townofberlin.com/town-clerk). The Berlin ZBA may be contacted by sending an e-mail to ZBA@townofberlin.com or calling 978.838.0046 during the working hours of the Clerk for Inspectors and Land Use Boards.

Petitioners and the subject properties must be current on their monetary obligations to the Town of Berlin including real estate and property taxes. It is the responsibility of the petitioner to review the individual requirements for those portions of the Berlin Zoning By-law that apply to her/his petition request. Plans that are submitted must conform to the by-law requirements. A copy of the Berlin Zoning By-law may be purchased from the Town Clerk or viewed on the website www.townofberlin.com/zoning-board-appeals. An incomplete application package may cause the ZBA to reject the application after it has been filed with the Town Clerk.

After a petition has been filed with the Town Clerk, the Berlin Zoning Board of Appeals will supply the petitioner with a hearing notice. It is the responsibility of the petitioner to post the hearing notice twice in a newspaper of local circulation (e.g. Clinton Item and Worcester Telegram & Gazette). The first newspaper posting must appear a minimum of two calendar weeks prior to the hearing date. Evidence of the two newspaper postings must be provided to the ZBA a minimum of two calendar days prior to the hearing.

Notification of abutters is the responsibility of the petitioner. Two weeks prior to the hearing date all abutters listed by the Berlin Assessors must be mailed a copy of the hearing notice by United States Postal Service with a return receipt request. These return receipt requests must be supplied to the ZBA a minimum of two days prior to the hearing date.

COMPREHENSIVE PERMITS

Comprehensive Permits are governed by Massachusetts General Law, Chapter 40B. The petitioner needs to follow the guidelines set forth in this state law and adhere to the requirements of all petitions for the number of copies, electronic copies, newspaper postings, abutter lists and other items as they apply.

APPEAL OF A BERLIN ADMINISTRATIVE OFFICER

Individuals aggrieved by a written determination of the Berlin Building Commissioner may appeal to the Berlin ZBA requesting a reversal of the Commissioner's decision. All pertinent information including a copy of the Building Commission's written determination should be attached to the petition filing.

ALL PETITIONS

All applications must include the following as part of the initial filing.

- Fifteen hard copies of the petition and all associated documents
- Electronic copies of all documents associated with the petition that are eleven inches by fourteen inches or less in size must be provided to both the Town Clerk and the Berlin ZBA
- A copy of the written determination of the Zoning /Building Commissioner stating what type of special permit, site plan, or variance is required or a written copy of the Commissioner's decision being appealed
- A certified copy of the list of abutters obtained from the Berlin Board of Assessors (www.townofberlin.com/assessors , assessors@townofberlin.com , 978.838.2256)
- The current fee for the application in a check made payable to the Town of Berlin
- If the petitioner is not the property owner, "proof of standing" in the form of a purchase and sale agreement, rental agreement, or other such document (the property owner's signature must be included on the application)
- A copy of any outstanding enforcement actions or regulatory issues related to this property with any local, state, or federal governmental agency
- Any Berlin Zoning By-law required pre-approval from another Town board or officer
- The Board may request additional information or material it deems necessary to process the petition

The Town of Berlin and the Berlin Boylston Regional School District are currently in the process of developing a lease agreement for the property.



FAILURE TO APPEAR

If the petitioner or her/his agent fails to appear on the night and time of the hearing opening without notifying the ZBA in advance, the Board will allow a fifteen-minute grace period. If after fifteen minutes the petitioner or her/his agent fails to appear, the Board may vote to cancel the hearing without prejudice. This will require the petitioner to re-file her/his petition and start the process all over again.

REQUEST FOR A CONTINUANCE

At any time during the hearing process, the petitioner may request a continuance of the hearing to the next Board meeting. This request must be on a form provided by the ZBA and signed by the petitioner. The Board must vote to approve or reject the petitioner's request. An approved request for a continuance will toll all statutory performance dates.

PETITION WITHDRAWAL

The petitioner may request to be allowed to withdraw her/his petition any time after it is filed with the Town Clerk. Any withdrawal request must be signed by the petitioner and filed with the Town Clerk and Zoning Board of Appeals. If the withdrawal is after the hearing has opened, the Board must vote to approve the request.

POST DECISION PROCESS

After the hearing is concluded and the ZBA has voted its decision, a signed copy of the decision will be filed in the Town Clerk's Office. The Town Clerk will send copies of the decision to the petitioner and all abutters. This filing date begins the twenty-day appeal period during which individual(s) aggrieved by the decision may file an appeal. If the twenty-day appeal period passes without an appeal or if any appeal is resolved, the Town Clerk will certify the decision. This certified decision must be filed by the petitioner in the Worcester County Registry of Deeds at her/his own expense. A copy of the Registry of Deeds receipt of the decision must be provided to the Berlin Town Clerk and the Berlin ZBA. No building permit may be issued for the project until the evidence of filing is received by the Town.

TOWN OF BERLIN



BUILDING COMMISSIONER

BuildingInsp@TownofBerlin.com

23 Linden Street
Berlin, MA 01503

Phone: 978.838.0046
Fax: 978.838.0014

August 16, 2021

Steve Pusateri
Facilities Manager
Berlin-Bolton Public Schools
215 Main Street
Bolton, MA 01505

Re: New LED sign for BMS

Dear Mr. Pusateri,

I have reviewed the proposed new sign for the Berlin Memorial School. Regretfully this sign will not comply with the following zoning bylaws.

- 1) Section 912.4: "No single sign, other than wall signs, shall be larger than twelve (12) square feet on one side, or a total of twenty-four square feet, if both sides of the sign are used". Your proposed sign consists of a 4'x6' (24 square feet) 2-sided along with a 2'x6' (12 square foot) electronic LED display.
- 2) 912.6: Signs incorporating light emitting diodes (LED) are only allowed for display of the time and temperature or, fuel prices.
- 3) 913.1: "Signs shall be illuminated only with steady, stationary, shielded external light sources directed solely onto the sign without causing glare". LED lights within a sign will not meet this definition.
- 4) 943, Free Standing Signs: The school is located within the Residential-Agricultural zoning district. Under the Table of Dimensional standards for Free-Standing signs, the maximum height is 8' and the maximum square footage per side is 10 square feet. And a minimum ground clearance of 4'.
- 5) 917.2 allows for a bulletin board or similar sign not exceeding twelve (12) sq. ft. in display area, in connection with a church, museum, library, school or similar public or semi-public structure.

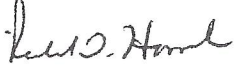
To sum up, the free-standing sign regulations are the most restrictive. So, under this section of the bylaws, you are allowed up to 10 square feet of sign area, which can be two sided (Berlin Memorial School). And you can have up to an additional 12 square foot bulletin Board, but not LED.

Should you disagree with this determination you may file for an appeal with the Board of Appeals within 30 days of receipt of this letter. You may also seek relief of the bylaws by filing for a variance. Also, with the Board of Appeals. The Board would make the final determination whether relief can be granted.

An application to apply to the Board of Appeals can be obtained from the Town Clerks Office, or by going to the Town's website, go to the Zoning Boards webpage, select 'Application Process' to find the forms. The completed application for is required to be submitted to the Town Clerk's Office.

If you have any questions regarding this letter please call or write me at this office.

Sincerely,



Richard D. Hanks,
RDH

C.c. Board of Selectmen
Zoning Board
Via Email
Street File
Binder



Town of Berlin
Office of the Board of Assessors

Request for Certified Abutters List

Property Address: 34 South St

Parcel ID #: Map: 10.0 **Block:** 17 **Lot:** 0

Current Owner: Town of Berlin

Board or Dept. List Requested for: (circle one)

- | | |
|-----------------------------------|----------------------------------------------------------|
| a). Zoning Board of Appeals | 300 ft. |
| b). Planning Board | 300 ft. |
| c). Board of Health | direct & across the street |
| d). Conservation Commission | 100 ft. |
| e). Conservation Commission | 1,000 ft. (linear shaped project > 1,000 ft in length) |
| f). Select Board – Fuel Storage | direct & across the street |
| g). Select Board – Pole Petition | 300 ft. |
| h). Select Board – Liquor License | 300 ft and any school, church or hospital within 500 ft. |
| i). Select Board – Earthworks | direct only |
| h). Other | |

Fees:

\$1.00 per abutter with a maximum fee of \$25.00 (includes 1 set of labels)

Additional address labels available upon request at \$2.00 per page

The Certified Abutters List should be:

1. Sent to owner: _____
2. Sent to requester (if other than owner) at: _____
3. Picked up (please call when ready) at: 978-808-0807
4. Faxed to _____ with original mailed to _____
5. Emailed to: _____ original mailed to: _____

Print Name Stephen Pusateri **Date:** 1-24-2022 **Phone:** 978-808-0807

Please note: There is a \$25.00 returned check fee (per Town Treasurer). A returned check can also jeopardize any hearing, if a certified list is technically unpaid at the time of the hearing date.



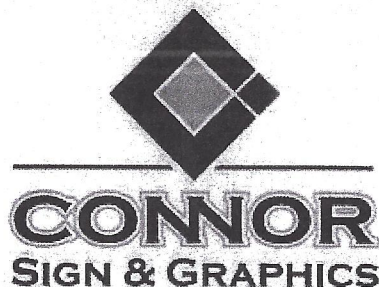
CERTIFIED LIST OF ABUTTERS

SUBJECT:		Owner Name	Co-Owner Name	Address-1	City, State, Zip
MBLU	BK/PG	Location	Owner Name	Address-1	City, State, Zip
10/0/ 17/ 0/ 1	502/3/58	34 SOUTH ST	BERLIN, TOWN OF	23 LINDEN ST	BERLIN, MA 01503
ABUTTERS WITHIN 300 FT:					
MBLU	BK/PG	Location	Owner Name	Address-1	City, State, Zip
6/0/ 17/ 0/ 1	651/3/72	135 PLEASANT ST	BERLIN RETIREMENT HOMES, INC	135 PLEASANT ST	BERLIN, MA 01503
10/0/ 15/ 0/ 1	3408/234	51 SOUTH ST	EAGER, VINCENT S & DORIS C	POB 87	BERLIN, MA 01503-0087
10/0/ 15/ 1/ 0/ 1	3408/234	49 SOUTH ST	EAGER, VINCENT S & DORIS C	POB 87 - 51 SOUTH ST	BERLIN, MA 01503-0087
10/0/ 16/ 0/ 1	1930/7302	43 SOUTH ST	BURTON, MARK R & LOREEN A	54 SOUTH ST	BERLIN, MA 01503-1607
10/0/ 18/ 0/ 1	65436/47	54 SOUTH ST	PHIPPS, SUSAN C, TRUSTEE	PO BOX 257	BERLIN, MA 01503
10/0/ 19/ 0/ 1	66187/199	58 SOUTH ST	THE CAPE OF BERLIN, LLC	88 SOUTH ST	BERLIN, MA 01503-0141
10/0/ 22/ 0/ 1	5280/554	88 SOUTH ST	ACKLEY, RONALD & ALMA	23 LINDEN ST	BERLIN, MA 01503
10/0/ 24/ 0/ 1	5108/7	SOUTH ST	BERLIN, TOWN OF	111 PLEASANT ST	BERLIN, MA 01503
10/0/ 27/ 0/ 1	61182/267	111 PLEASANT ST	SQUEIRA, VALDEMAR L	POB 54	BERLIN, MA 01503
10/0/ 28/ 0/ 1	187/34/337	103 PLEASANT ST	HALF PENNY, FRED N & VIRGINIA A	97 PLEASANT ST	BERLIN, MA 01503
10/0/ 30/ 0/ 1	62976/101	97 PLEASANT ST	EDSON, JOHN T & NICOLE M	91 PLEASANT ST	BERLIN, MA 01503-1610
10/0/ 31/ 0/ 1	3741/203	91 PLEASANT ST	WHEELER, DONALD B & SYLVIA A	79 PLEASANT ST	BERLIN, MA 01503
10/0/ 32/ 0/ 1	60722/397	79 PLEASANT ST	CLEMMER, KEITH R, BRIAN K & ANDREA G, TRUSTEES-79	8 KEYES RD	BERLIN, MA 01503
10/0/ 33/ 0/ 1	47486/56	8 KEYES RD	NOSEK, MOLLEE M	71 PLEASANT ST	BERLIN, MA 01503-1610
10/0/ 34/ 0/ 1	51555/386	71 PLEASANT ST	CHRISTENSEN, RICHARD & LUDITH A	63 PLEASANT ST	BERLIN, MA 01503
10/0/ 35/ 0/ 1	57394/132	63 PLEASANT ST	HIGGINS, PATRICK C & AL J	55 PLEASANT ST	BERLIN, MA 01503-1610
10/0/ 36/ 0/ 1	6492/284	55 PLEASANT ST	STANLEY, ROGER P & CHARLOTTE M	35 PLEASANT ST	BERLIN, MA 01503
10/0/ 37/ 0/ 1	65723/309	35 PLEASANT ST	REDINGTON, PATRICK D & MARY M	POB 39 - 7 CENTRAL ST	BERLIN, MA 01503-0039
10/0/ 38/ 0/ 1	3118/573	7 CENTRAL ST	SAWYER, JANE L	POB 39 - 7 CENTRAL ST	BERLIN, MA 01503-0039
10/0/ 39/ 0/ 1	3436/594	3 CENTRAL ST	SAWYER, JANE L	23 LINDEN ST	BERLIN, MA 01503
10/0/ 40/ 0/ 1	99999/9999	LINDEN ST	BERLIN, TOWN OF	8 SOUTH ST	BERLIN, MA 01503
10/0/ 41/ 0/ 1	66057/10	8 SOUTH ST	DIONNE, MARK D & LYNNE A	16 SOUTH ST	BERLIN, MA 01503
10/0/ 42/ 0/ 1	65987/166	16 SOUTH ST	ANGE, ARTHUR P & EVELYN V	35 SOUTH ST	BERLIN, MA 01503
10/0/ 43/ 0/ 1	47787/187	35 SOUTH ST	BAKER, ANTHONY C & BARBARA J	23 SOUTH ST	BERLIN, MA 01503
10/0/ 44/ 0/ 1	44288/2	23 SOUTH ST	FLORENTINO, NANCY	11 SOUTH ST	BERLIN, MA 01503
10/0/ 45/ 0/ 1	64869/283	19 SOUTH ST	MUNTER, EDWARD M	11 SOUTH ST	BERLIN, MA 01503
10/0/ 46/ 0/ 1	61758/310	SOUTH ST	MUNTER, EDWARD M	103 LINDEN ST	BERLIN, MA 01503-1611
10/0/ 47/ 0/ 1	62170/131	11 SOUTH ST	MUNTER, EDWARD M	20 LINDEN ST	BERLIN, MA 01503-1610
10/0/ 48/ 0/ 1	52203/257	3 SOUTH ST	SEED, SUSAN M & BRADLEY, ROGER L II	31 PLEASANT ST	BERLIN, MA 01503-0156
10/0/ 49/ 0/ 1	49162	20 LINDEN ST	NELSON, CHARLES M & LYNDIA	POB 448-23 PLEASANT ST	BERLIN, MA 01503-1610
10/0/ 50/ 0/ 1	19805/332	31 PLEASANT ST	DOERR, THOMAS M & USA M	11 PLEASANT ST	CLINTON, MA 01510
10/0/ 51/ 0/ 1	53954/79	23 PLEASANT ST	HUNTLEY, STEPHEN M JR & BARBARA D	200 CHURCH ST	MANSFIELD, MA 02048
10/0/ 52/ 0/ 1	13583/34	11 PLEASANT ST	ANDREW, THOMAS C & BERGEN, JOANNE	71 MAPLE STREET	BERLIN, MA 01503-0039
10/0/ 53/ 0/ 1	59994/243	35 CENTRAL ST	WACHUSSETT REALTY LLC	POB 39	BERLIN, MA 01503
10/0/ 54/ 0/ 1	52427/67	25-27 CENTRAL STREET LLC	SAWYER, IVERS S & JANE L	POB 58	LEOMINSTER, MA 01453
10/0/ 55/ 0/ 1	13412/61	15 CENTRAL ST	WHEELER, ROGER E	680 MECHANIC ST	BERLIN, MA 01503
10/0/ 56/ 0/ 1	00PR275EP1	66 SOUTH ST	NORTHBROOK SENIOR LIMITED PARTNERSHIP	PO BOX 257	BERLIN, MA 01503
10/0/ 57/ 0/ 1	54678/2	135 R PLEASANT ST	THE CAPE OF BERLIN, LLC	PO BOX 257	BERLIN, MA 01503
10/0/ 58/ 1/ 0/ 1	66187/199	SOUTH ST	THE CAPE OF BERLIN, LLC		
10/0/ 59/ 2/ 0/ 1	66187/199	SOUTH ST	THE CAPE OF BERLIN, LLC		
CERTIFIED BY: <i>Molly K Beech</i>					
DIRECTOR OF ASSESSING					
DATE: <i>1/24/2022</i>					

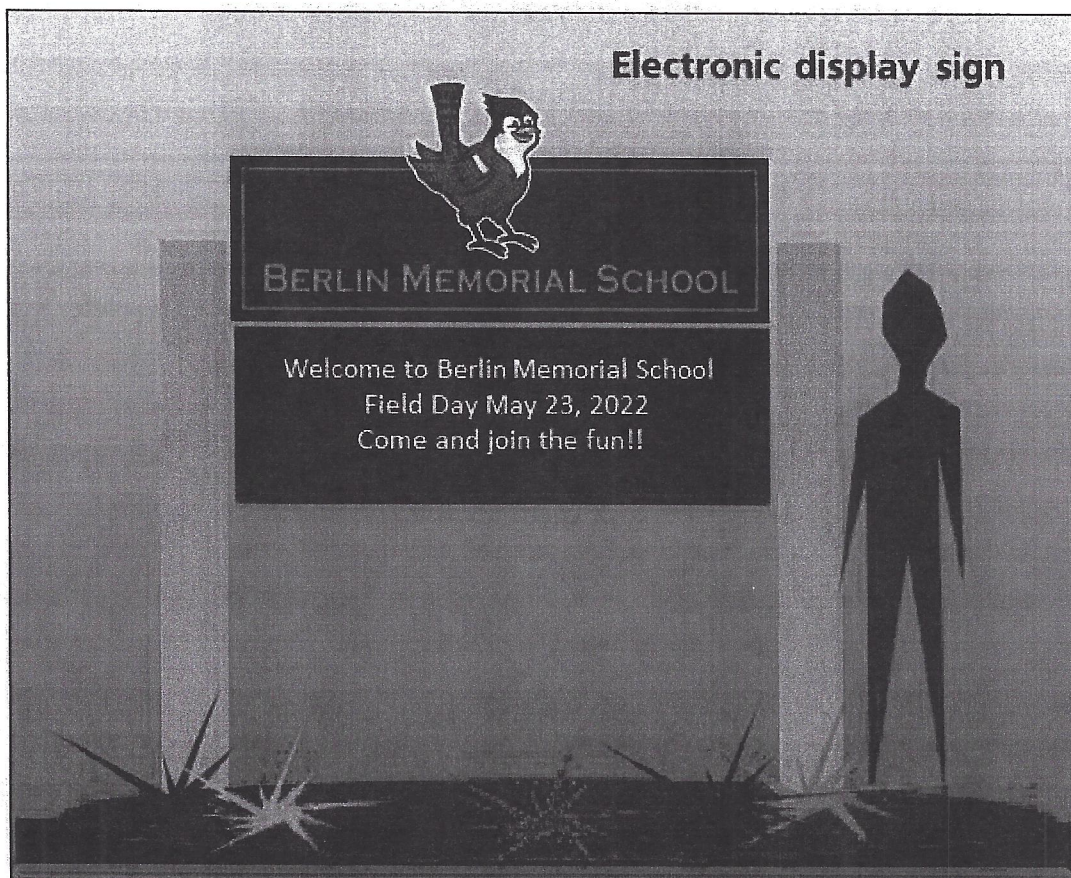


10-17-0
40 abutters

Steve



6/30/2021



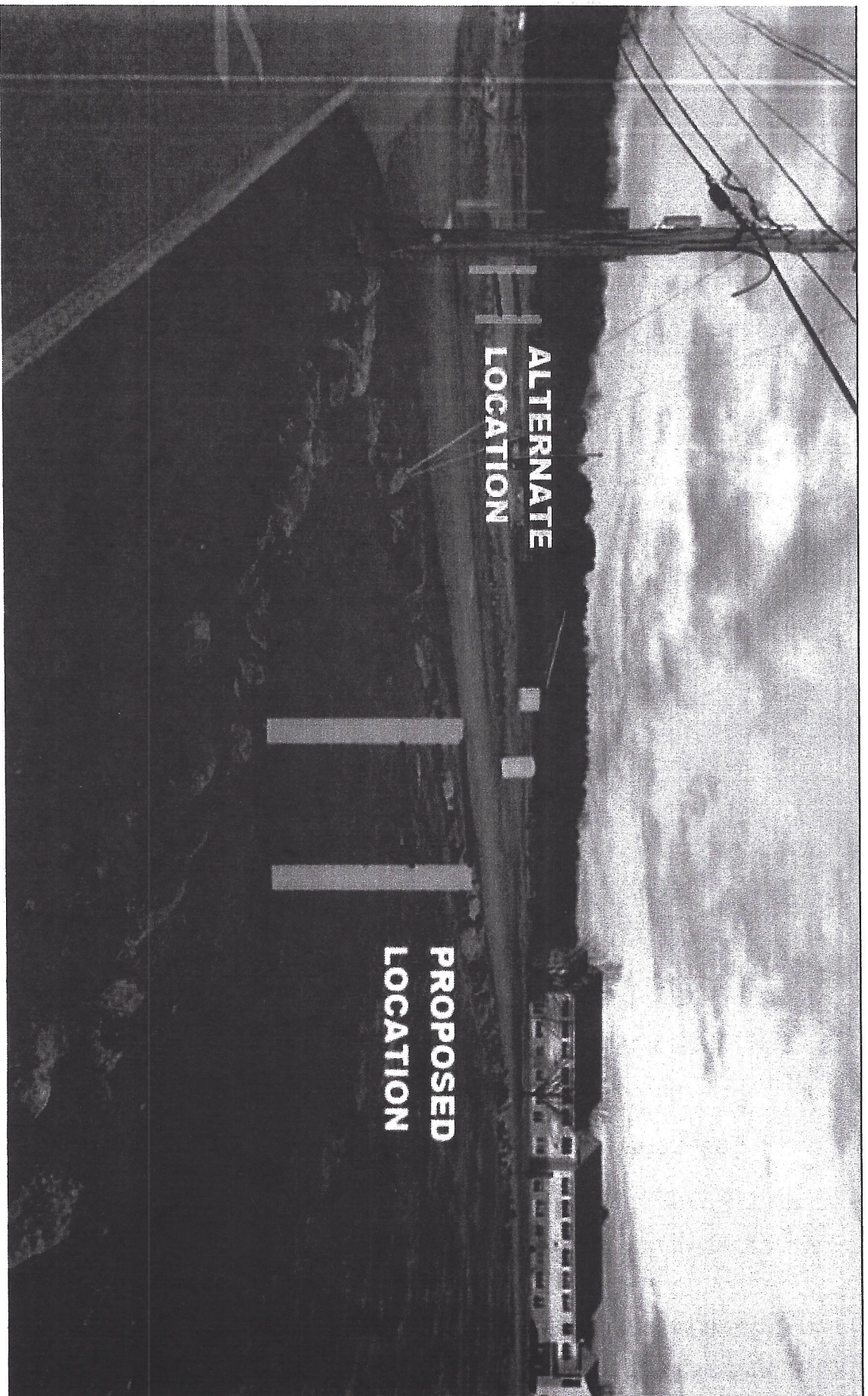
Electronic display sign

E L E V A T I O N

- 1- 4x6 2-sided sign
- 2'x6' x 1.5" thick HDU sign with carved 3D copy
- 2- 24"x 1" thick cutout logos
- as per layout & colors
- 1- 2'x6' electronic LED display full color 9mm 2- sided
- 2- 6"x6" granite posts

Installed cost \$ 17,465.00

any questions please call
Thank You, Luke
cell 508-769-1032



**ALTERNATE
LOCATION**

**PROPOSED
LOCATION**