



**ZONING BOARD OF APPEALS, TOWN OF WEST BOYLSTON**  
140 WORCESTER STREET  
WEST BOYLSTON, MASSACHUSETTS 01583

**Notice of Decision to Grant a Variance**

**Applicants:** Ganesh Wellness, Inc. (Neel Patel)

**Nature of Request:** Variance to maintain an additional standing sign on the lot in the Business District

**Location:** 65-67 West Boylston Street

**Board Members:** Christopher E. Olson, Chair  
Barur R. Rajeshkumar, Vice-Chair  
Nathaniel Orciani  
Mark Wyatt, Associate Member  
Andrew Feland, Associate member

On May 12, 2021, the Petitioner, Ganesh Wellness, Inc. (d.b.a. Campfire Cannabis and represented by Neel Patel), filed a Petition with the Zoning Board of Appeals, Town of West Boylston, Massachusetts, for a Variance from the Zoning Bylaws, Sections 5.6.C.2, to maintain a second standing sign.

Under Section 6.2.F of the Zoning Bylaws, the Zoning Board of Appeals (“the Board”) may grant, upon appeal or petition with respect to particular land or structure, a variance from the provisions of the town’s bylaws.

Notice was duly given as required by Section 11, Chapter 40A, Mass. General Laws, as well as notices sent to all persons deemed to be affected thereby, as they appear on the most recent tax list, and at which hearing all parties desiring to be heard were given an opportunity to speak.

The Zoning Board of Appeals of the Town of West Boylston, Massachusetts held a public hearing on June 17, 2021 at the West Boylston Senior Center, 120 Prescott Street, West Boylston, MA.

The above noted Board members each attended the hearing and voted on this Petition.

**Submissions:** The Petitioner submitted along with the Petition, a Request for Findings of Fact (Form A), a certified list of abutters (Form C), a Zoning Interpretation Form, an overall site plan dated November 15, 2019, and a sign dimension drawing with details of the proposed standing sign, and a previous variance for the property granted to Il Forno V Inc. on April 23, 2010.

## **FACTS AND FINDINGS:**

The Zoning Board of Appeals (the Board), after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

1. The Board finds through testimony of the Petitioner (either in written submissions or in person at the hearing) and evidence submitted that Westford Group, Inc./West Boylston Sq. Realty Trust are the owners of certain land situated on the easterly side of West Boylston Street in the Town of West Boylston, described in a deed recorded in the Worcester District Registry of Deeds, Book 35854, Page 222 and 230, and as shown on the West Boylston Board of Assessors Map No. 153 Lot No. 81 (65-67 West Boylston Street).
2. The Board finds said land is situated in a district classified under the Town of West Boylston Zoning Bylaws as Business.
3. The Board finds that presently located on the premises is an existing business center with an existing standing sign at the plaza entrance. Further, the Board finds that on April 23, 2010, the previous business owner (Il Forno V Inc.) was granted a variance for a second sign.
4. The Petitioner seeks a variance to maintain a second standing sign on the property, pursuant to the previously granted variance.
5. The current lot at 65-67 West Boylston Street includes an existing business center with two buildings and a parking lot. The Petitioner has leased one of the two buildings in the existing business center (the building closer to West Boylston Street and for which the previous business owner was granted a variance for a second standing sign).
6. According to the previous variance, the following conditions were required for the second (Il Forno) sign:
  - a. The sign must be located between the restaurant and the street as shown on petitioner's application,
  - b. The petitioner must supply a site plan acceptable to the building inspector showing the location of the sign,
  - c. The petitioner must submit proof to the Board of Appeals that this Variance has been recorded at the Worcester Registry of Deeds; and
  - d. The petitioner shall meet all town and state regulations and comply with all permitting as required by town agencies.
7. Section 5.6.C.2 of the Zoning Bylaws details the sign schedule for signs allowed in the Business district. According to this sign schedule, one (1) standing sign is allowed per lot.

8. Section 5.6.F.6.a of the Zoning Bylaws also states that “[v]ariations may be granted by the Zoning Board of Appeals if it is determined that the approval criteria contained in Section 6.2 F have been met.

9. In accordance with the Zoning Bylaws Section 6.2.F, the Board may grant a variance in this matter if the Board finds that owing to the circumstances relating to the soil conditions, shape or topography of the land but not affecting the general zoning district, a literal enforcement of the provisions of the zoning bylaw would involve substantial hardship, financial or otherwise, to the petitioner, and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning bylaw.

10. The Petitioner argues that the business is located below the roadway and that the business is located separate from the commercial building served by the existing standing sign.

11. The Petitioner also argued that prior tenants have had a second standing sign in the same location with no substantial detriment to the public and that the proposed sign otherwise conforms to the town’s sign bylaw (Section 5.6).

12. The Building Inspector (George Tignor) was present at the hearing and testified that while the previous (Il Forno) sign was removed some time ago, the sign’s foundation and electrical connections were maintained at the site. Further, the Building Inspector stated that the location of the newly proposed sign is the same as the previous sign for which a variance was granted. Finally, the Building Inspector indicated that he possessed an acceptable site plan showing the location of the sign. The Board notes that this sign location, even if within the setback, was previously approved by this Board in the 2010 variance granted to Il Forno V Inc.

13. Because this Board previously granted a variance for a second standing sign at the proposed location on the property, and there is no apparent basis suggesting this variance has lapsed or been abandoned, the Board hereby approves the request for similar relief. The Board finds that the newly proposed sign and the proposed location do not introduce any further non-conformity beyond that allowed in the 2010 variance granted on the property for the same purpose.

## **DECISION:**

The Board finds and so votes, by a vote of one (5) in favor and none (0) opposed to the granting of the requested Variance, that in accordance with Zoning Bylaw Section 6.2.F the Petitioner in this matter has provided sufficient evidence that circumstances relating to the soil conditions, shape, or topography of the land and especially affecting the land exist; or that a literal enforcement of the provisions within the bylaws would involve substantial hardship, financial or otherwise to the Petitioner; or that no nullification or substantial derogation from the intent or purpose of the bylaw would result from the granting of a variance. Therefore, the Petition for Variance is granted with the following conditions (as per the 2010 variance):

1. The sign must be located between the restaurant and the street as shown on petitioner's site plan (Sheet 2.10, Plan date: November 15, 2019);
2. The petitioner must submit proof to the Zoning Board of Appeals that this Variance has been recorded at the Worcester Registry of Deeds; and
3. The petitioner shall meet all town and state regulations and comply with all permitting as required by town agencies.

Decision of the Town of West Boylston Zoning Board of Appeals Action: The Board, by the Chair's signature below, being present remotely, voted as follows for the above-referenced Variance request under Section 5.6.C.2 of the Zoning Bylaws:

Christopher E. Olson – “yes”  
Barur R. Rajeshkumar – “yes”  
Nathaniel Orciani – “yes”  
Mark Wyatt – “yes”  
Andrew Feland – “yes”



Christopher E. Olson  
Chair

Notice is hereby given that any appeal from this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of the filing of this Decision in the Office of the Town Clerk of West Boylston, MA.

Filed with the Town Clerk on

