

TOWN OF WELLESLEY



MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2002 OCT 18 A 4 31

RICHARD L. SEEGL, CHAIRMAN
CYNTHIA S. HIBBARD, VICE CHAIRMAN
DAVID G. SHEFFIELD

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2002-82
Petition of Motiva Enterprises, LLC
987 Worcester Street (Shell Station)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MOTIVA ENTERPRISES, LLC, on Stipulation of Remand from Massachusetts Land Court, to allow replacement of the existing sign panels on its 19 foot 10 inch standing sign identifying the SHELL STATION at 987 WORCESTER STREET, in a Business District:

1. To exceed the allowed height of 10 feet with a height of 19 feet 10 inches.
2. To exceed the allowed area of 50 square feet with a total area of 92.53 square feet, which includes a double-sided Shell pecten logo panel with a total area of 35.06 square feet (17.53 square feet/panel); a one-sided 7.47 square foot "Food Mart" panel; and a 50 square foot double-sided price panel (25 square feet/panel).
3. To internally illuminate the yellow portions of all 3 sign panels and the red portion of the Shell pecten panel.

On September 3, 2002, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was John Keegan of Bohler Engineering, agent for Motiva Enterprises, LLC. Mr. Keegan said he was before the Board to amend the Special Permit previously granted for the standing sign. The proposed sign is essentially the same as was granted, except that the only two colors to be internally illuminated would be all yellow areas of the sign and the red area in the pecten logo panel.

The Board noted that the Planning Board had no comment on the petition, and that the Board of Appeals was of the opinion that all issues had been addressed.

No other person present had any comment on the petition.

Statement of Facts

The subject sign is located on the premises of the Shell Station, 987 Worcester Street, in a Business District. The property is owned by Motiva Enterprises, LLC, formerly Shell Oil Company.

On November 29, 2001, the Board granted a Special Permit (ZBA 2001-88) to Motiva Enterprises, LLC to replace the existing three sign panels with a new double-sided 30.06 square foot logo pecten sign, a

ZBA 2002-82
Petition of Motiva Enterprises, LLC
987 Worcester Street (Shell Station)

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2002 OCT 18 4 31

single-sided 7.47 square foot "Food Mart" sign and a new 750 square foot double sided price sign. The total area of 92.53 square feet exceeded the allowed area of 50 square feet; the 19 foot 10 inch height exceeded the allowed height of 10 feet; and the internal illumination of the yellow ground of the pecten logo, the white letters of the "Food Mart" panel, the white price sign text and the white ground of the price panels, which is not allowed by right; and the internal illumination of a sign containing more than two colors, under the following conditions:

1. The total area of the standing sign shall not exceed 92.53 square feet.
2. The height of the standing sign shall not exceed 19 feet 10 inches.
3. The internal illumination shall be restricted to the yellow area of the Shell pecten, the white letters in the "Food Mart" panel, the white letters in the price panel and the white background of the individual price panels.
4. The sign shall be internally illuminated only during the hours of operation of the Shell station.
5. There shall be no illegal signs on the property at any time.

On January 22, 2002, the petitioner filed an appeal to the decision with the Massachusetts Land Court. An Amended Complaint was filed with the same Court on February 5, 2002. Following discussion with Town Counsel, Motiva Enterprises, LLC filed a Stipulation of Remand with Land Court on August 8, 2002.

The petitioner is now requesting essentially the same Special Permit for replacement of the existing sign panels in regard to height and total area. The only change is that the interior illumination of the sign shall be limited to the yellow portions of all three sign panels and the red portion of the Shell pecten panel.

A plan entitled "Level 2 RVI Site & ID Sign Plan", Rev. No. 4, stamped by William D. Goebel, Civil Engineer; and Proposed ID Sign, dated August 9, 2002, prepared by Bohler Engineering, were submitted together with the Stipulation of Remand filed with the Land Court Department on August 8, 2002.

On September 10, 2002, the Planning Board reviewed the petition and offered no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed sign does not comply with the allowed height, area and illumination requirements contained in Section XXIIA of the Zoning Bylaw.

It is the opinion of this Authority that the proposed three panel sign to identify the Shell station at 987 Worcester Street is in harmony with the general intent and purpose of Section XXIIA of the Zoning Bylaw in regard to area, height and illumination.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the proposed sign in accordance with the latest submitted plans noted in the foregoing Statement of Facts, subject to the following conditions:

1. The total area of the standing sign shall not exceed 92.53 square feet.
2. The height of the standing sign shall not exceed 19 feet 10 inches.

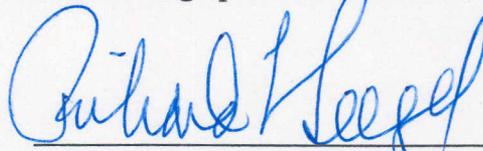
ZBA 2002-82
Petition of Motiva Enterprises, LLC
987 Worcester Street (Shell Station)

- RECEIVED
TOWN CLERK'S OFFICE
MAY 18 10 18 AM '02
3. The internal illumination of the sign shall be restricted to all yellow portions of the three sign panels and the red portion of the Shell pecten panel.
 4. The sign shall be internally illuminated only during the hours of operation of the Shell station.
 5. There shall be no illegal signs on the property at any time.

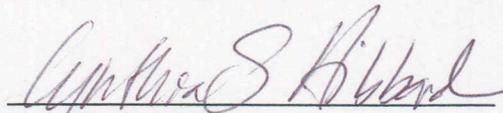
The Inspector of Buildings is hereby authorized to issue a permit for said sign upon receipt and approval of a sign permit application. No sign shall be removed or replaced until said sign permit has been issued.

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

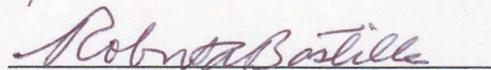
Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard



Robert A. Bastille