

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-28

Petition of Timothy Jaroch
165-177 and 195 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of TIMOTHY JAROCH, requesting a Special Permit pursuant to the provisions of Section XXII A and Section XXV of the Zoning Bylaw to install externally illuminated two 6 foot by 2 foot standing signs, each with a total area of 35 square feet, with less than required setback, at 166-177 WORCESTER STREET and 195 WORCESTER STREET, in a Business District.

On December 28, 2004, the petitioners 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 Donald Richard, Vice President, John G. Crowe Associates, Inc. Also present was Tim Jaroch.

Mr. Richard said that there is currently one owner of both properties. They have submitted two applications for the signs.

Currently they have small signs facing Route 9. The signs are hard to see. They propose to put the new signs on a curved portion of the stone wall, pointing down Route 9.

The signs at 165-177 and 195 Worcester Street will be located six feet from the property line, on mortared stone walls. They will be located approximately 50 feet from the Mobil Station and 98 feet from the Wellesley Housing property line.

Mr. Richard said that the petitioner had gone before the Design Review Board for approval of two new site signs at 167-177 and 195 Worcester Street.

They have taken into consideration the major concern of the Design Review Board. The font will be Roman Times. They will use white raised letters mounted on the stone wall. The wall is six feet high. The lowest letters will be two feet off of the ground.

Mr. Richard said that they have provided a planting plan. All plant material will be in the range of 12 to 18 inches high.

The Board said that some areas of the lots have snow piled up on them, impeding visibility. Mr. Richard said that the owner is aware of that and will have the snow removed. Mr. Jaroch said that most of the snow that is piled along Route 9 is put there by the State.

The Board asked if the letters are sufficiently large for traffic on Route 9 to see. Mr. Richard said that their consultant, Bernard Lebow of SignWorks provided a visibility chart. Mr. Lebow said that they are confident that the scale and readability is adequate for traffic traveling 50-55 miles per hour.

The Board asked about the proposed schedule for shutting the lights off at night. Tim Jaroch said that he is the Managing General Partner of the David Nassif Company. He said that people who come to the Birthing Center after hours know how to find the place already. They could set the lights on a timer to go off at a reasonable hour.

Mr. Jaroch said that the gas station that abuts the property is open most nights until after 9:00 p.m. The Board said that residences would not be affected by the lights. Mr. Jaroch said that they would provide a fairly low level of illumination, just enough so that people can see the signs coming up Route 9.

The Board asked about the number of signs at 195 Worcester Street. Currently there is one temporary sign and one wall sign. There are 3 types of signs at 165-177 Worcester Street; one temporary, one wall, and one standing sign. Mr. Jaroch said that the temporary signs will be taken down.

The Board said that it would grant the Special Permits for the signs with the condition that the external lighting of the signs will be turned off at 10:00 p.m. If that condition proves to be a hardship, the petitioner may come back before the Board.

Statement of Facts

The subject property is located at 165-177 and 195 Worcester Street, in a Business District.

The petitioner is requesting Special Permits to install two externally illuminated 6 foot by 2 foot standing signs, each with a total area of 35 square feet, with a minimum setback of 6 feet.

A narrative describing existing and proposed signage at 165-177 and 195 Worcester Street, landscaping, and illumination, dated 3/3/05, from Donald Richard, ASLA, photographs, Letter Visibility Chart, from SignWorks Group, Inc., and Partial Topographic Survey, Site Plan, Site Planting Plan, and Site Details Plan, drawn by John G. Crowe Associates, Inc. were submitted.

On December 17, 2004 the Design Review Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that installation of two externally illuminated 6 foot by 2 foot standing signs, each with a total area of 35 square feet, with a minimum setback of 6 feet, is in harmony with the intent and purpose of Section XXII A of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, to install the signs in accordance with the submitted drawings, subject to the following condition:

1. External lighting of the signs will be turned off at 10:00 p.m.

If the condition proves to be a hardship, the petitioner may come back before the Board.

The Inspector of Buildings is hereby authorized to issue a permit for the proposed signs subject to approval of sign applications. No signs shall be installed until said 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.

Richard L. Seegel, Chairman

David G. Sheffield

Randy Becker

cc: Planning Board
Inspector of Buildings
lrm