

**ZONING BOARD OF APPEALS**

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ZBA 2007-11  
Petition of Exxon Mobil Corporation  
453 Washington Street

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Petition of Exxon Mobil Corporation requesting a Special Permit and Variance pursuant to the provisions of Section XXIIIA, Section XXV and Section XXIVD of the Zoning Bylaw to allow its premises at 453 Washington Street in a Business A District, Internal Illumination of Signs, a number of colors for internally illuminated signs, maximum signage area for standing sign, height and location, maximum letter height, total square footage of signs, number of standing signs and maximum signage area for wall signs, a use not allowed by right in a Business District

On February 21, 2007, 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 Steve Pedro, Ayoub Engineering, who said that he was representing the Petitioner. Mr. Pedro said that some of the signs that were proposed at the March 8, 2007 Public Hearing have been eliminated, including 16 Pegasus logos on the dispensers, 16 Mobil word marks over the dispensers, and 8 internally illuminated Pegasus logos between the columns. He said that the dispensers will be re-decaled and there will be no internal illumination.

Mr. Pedro said that the Petitioner is requesting a Special Permit for internal illumination of wall signs on the car wash and the retail buildings, refacing of the existing standing sign, and internal illumination for the car wash menu board. Mr. Pedro said that there is an existing canopy sign that they are not proposing to change.

Mr. Pedro said that the entrance and exit signs on the car wash building are proposed to address safety issues.

The Board said that three colors were proposed for the internally illuminated refaced standing sign. Mr. Pedro said that there was a prior ZBA decision granting a Variance for that. The Board said that the bylaw states that the sign cannot be altered in any way without being brought into conformity. Mr. Pedro said that the existing sign will not be altered.

Mr. Pedro said that only the blue and the red colors will be internally illuminated on the proposed "Wash n' Run" sign. He said that there is an existing internally illuminated "Touchfree" sign on the car wash building.

Mr. Pedro said that the car wash menu board will not be internally illuminated. The Board said that the standing sign is 79.8 square feet and the menu board is 10.9 square feet, which exceeds the 50 square feet that is allowed. Mr. Pedro said that the signs were approved in the 1988 decision. He said that multiple colors on the menu board make it easier for customers to differentiate the various wash options.

The Board said that the maximum square footage allowed for wall signs is 75 square feet. The proposal is for 53 square feet of wall signs. A Special Permit will be required to exceed the number of wall signs that are allowed.

The Board said that the letter height should be 14 inches for the "On the Run" and "Wash n' Run" signs.

The Board said that the "Red Bull" display signs are in violation of the current Special Permit and should be removed.

The Board said that a new petition should be submitted for the record that describes exactly what relief is being asked for in terms of Variances and Special Permits. The description should include the removal of the Pegasus logos, Mobil word marks and the Pegasus valence sign. The new petition should describe "On the Run" and "Wash n' Run" signs with letter heights of no more than 14 inches, and a one-sided menu board that is not internally illuminated. The new petition should state that the existing standing sign and the canopy sign will not be altered.

There was no member of the public who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 453 Washington Street, in a Business A District.

The Petitioner is requesting a Variance for a total area of 90.7 square feet for two standing signs, which exceeds the area allowed by right.

The Petitioner is requesting a Variance for an internally illuminated menu board standing sign with more than two colors.

The Petitioner is requesting a Variance for letter height of more than 14 inches for the "Wash n' Run" and "On the Run" wall signs.

The Petitioner is requesting a Special Permit for two free standing signs, the number of which will exceed that which is allowed by right.

The Petitioner is requesting a Special Permit for five wall signs, the number of which will exceed that which is allowed by right.

The Petitioner is requesting a Special Permit for internal illumination of the "Wash n' Run" and "On the Run" signs for no more than two colors.

### **Submittals from the Petitioner**

- Letter of authorization of Ayoub Engineering, Inc., dated 8/7/07
- Applicable Sections of the Zoning Bylaw and relief sought, dated 2/7/07
- Copy of decision, ZBA 88-35
- Copy of Planning Board comments, 4/13/88
- Photographs
- 0-0, Cover Sheet, dated 2/9/07, prepared by Ayoub Engineering, Inc.
- SG-1, Site and Signage Plan, dated 9/27/06, revised 10/24/06, 12/18/07, 2/5/07, 3/22/07, prepared by Ayoub Engineering, Inc.
- A-5, On the Run Conversion, Proposed Building Elevations, dated 10/13/06, prepared by Ayoub Engineering, Inc.
- AB-1, On the Run Conversion, Asbuilt, dated 3/27/06, prepared by Ayoub Engineering, Inc.
- A1, On the Run Conversion, Proposed Equipment Plan, dated 3/27/06, prepared by Ayoub Engineering, Inc.

On January 22, 2007, the Design Review Board voted to recommend approval of the proposed standing sign, canopy, and carwash menu signs as presented and to approve the "On the Run" and "Wash n' Run" signs with the modification to a 14" letter.

On March 6, 2007, the Planning Board reviewed the petition and stated that:

The total number of signs far exceeds the special permit threshold for total area. The 16 new pumps were installed without review by the DRB and were quantified for the first time in this application. The number of internally illuminated signs is excessive given the location of the station and the proximity to residential neighborhoods.

The Planning Board agrees with the Design Review Board in that the requested signage is excessive and further feels that there is no justification for the issuance of sign variances. There is no visibility issue with this business or this site. In fact other Exxon Mobil stations in Town have been willing in recent applications to comply with the Sign Bylaw.

### **Decision**

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The Petitioner is requesting Special Permits and Variances for a multiple sign package to be installed at the Mobil Station at 453 Washington Street to identify the Mobil station and ancillary services.

It is the opinion of this Authority that granting a Variance for a total area of 90.7 square feet for two standing signs would not affect the Zoning District in which it is located nor nullify or derogate from the intent or purpose of the Zoning Bylaw. Literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve a substantial hardship to the petitioners, as the existing "Mobil" Identification standing sign shall not be changed and the proposed standing menu board shall replace an existing standing menu board.

Therefore, a Variance is granted, as voted unanimously by this Authority at the Public Hearing, for two standing signs as follows:

1. A 79.8 square foot two-sided internally illuminated "Mobil" Identification standing sign.
2. A 10.9 square foot one-sided "Wash n' Run" Car Wash menu board standing sign.

It is the opinion of this Authority that granting a Variance for an internally illuminated "Wash n' Run" menu board standing sign with more than two colors would affect the Zoning District in which it is located, and would nullify or derogate from the intent or purpose of the Zoning Bylaw. Literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would not involve a substantial hardship, financial or otherwise, to the Petitioner.

Therefore, a Variance is denied, as voted unanimously by this Authority at the Public Hearing, for a 10.9 square foot internally illuminated "Wash n' Run" Car Wash menu board standing sign with more than two colors.

It is the opinion of this Authority that granting a Variance for letter height of more than 14 inches for wall signs would affect the Zoning District in which it is located, and would nullify or derogate from the intent or purpose of the Zoning Bylaw. Literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would not involve a substantial hardship, financial or otherwise, to the Petitioner.

Therefore, a Variance is denied, as voted unanimously by this Authority at the Public Hearing, for:

1. A 16.9 square foot "On the Run" wall sign with letter height of 29 inches.
2. A 17.6 square foot "Wash n' Run" wall sign with letter height of 26.5 inches.

It is the opinion of this Authority, that granting a Special Permit to allow two free standing signs is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow for:

1. A 79.8 square foot two-sided internally illuminated "Mobil" Identification standing sign.
2. A 10.9 square foot one-sided "Wash n' Run" Car Wash menu board standing sign.

It is the opinion of this Authority that granting a Special Permit to allow five wall signs is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow for:

1. A 16.9 square foot internally illuminated "On the Run" wall sign with a letter height of no more than 14 inches and no more than two colors.
2. A 17.6 square foot internally illuminated "Wash n' Run" wall sign with a letter height of no more than 14 inches and no more than two colors.
3. A 9.3 square foot Car Wash "Instruction" wall sign with a letter height of no more than 14 inches.
4. A 3.9 square foot Car Wash "Entrance" sign with a letter height of no more than 14 inches.
5. A 1.7 square foot Car Wash "Exit" sign with a letter height of no more than 14 inches.

It is the opinion of this Authority that granting a Special Permit to allow for internal illumination of the "Wash n' Run" and "On the Run" signs, for no more than two colors, is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw. The Petitioner is reminded that white is a color.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow for internal illumination of the 17.6 square foot "Wash n' Run" and the 16.9 square foot "On the Run" signs, for no more than two colors.

The Variance and Special Permits are granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

- No Building Permit shall be issued until all of the Mobil word marks and Pegasus logos are removed from the dispensers
- The temporary Red Bull signs are removed.
- All lights shall be extinguished at closing.

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

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm  
cc: Planning Board