

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-58
Petition of Govoni Realty Trust
376-378 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GOVONI REALTY TRUST requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for installation of a 5 foot 3 inch by 9 foot 6 inch externally illuminated standing sign with a total area of 48 square feet, setback 5 feet from the property line, at 376-378 WASHINGTON STREET, that will exceed the height and total area that are allowed by right in a Business District.

On July 29, 2008, 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 Paul Maggi, who said that he was representing Govoni Realty Trust (the "Petitioner"). He said that the proposal is to replace an existing standing sign.

Mr. Maggi said that they tried to design the sign within the guidelines of a Special Permit. He said that the sign will be 5 feet from the sidewalk.

The Board said that approval would be for the overall design that was submitted. Replacement of the individual panels would not require going back before the Design Review Board as long as they comply with the conditions of the Special Permit.

Mr. Maggi said that the words, "Independently Owned and Operated" shown on the plans for the Weichert Realtors sign will be removed.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject premises is located at 376-378 Washington Street, in a Business District.

The Petitioner is requesting a Special Permit to install a 5 foot 3 inch by 9 foot 6 inch externally illuminated standing sign with a total area of 48 square feet, setback 5 feet from the property line that will exceed the height and total area that are allowed by right in a Business District.

Submittals from the Petitioner

- Site Plan, 376-378 Washington Street, dated 6/18/08, drawn by Paul Maggi Assoc.
- Graphic Portion of Free Standing Sign, dated 6/18/08, drawn by Paul Maggi Assoc.
- Free Standing Sign, dated 6/18/08, drawn by Paul Maggi Assoc.
- Photographs

On August 14, 2008, the Planning Department staff reviewed the petition and had no objection to granting the request.

On June 25, 2008 the Design Review Board voted to

Recommend the Zoning Board of Appeals approve the standing sign to be located at 376-378 Washington Street as presented, subject to the removal of "independently owned and operated" from the Weichert Realtor portion of the sign.

Decision

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

The Petitioner is requesting a Special Permit to install a 5 foot 3 inch by 9 foot 6 inch externally illuminated standing sign with a total area of 48 square feet, setback 5 feet from the property line that will exceed the height and total area that are allowed by right in a Business District.

It is the opinion of this Authority that granting a Special Permit to allow for installation of a 5 foot 3 inch by 9 foot 6 inch externally illuminated standing sign with a total area of 48 square feet, setback 5 feet from the property line 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 for a 5 foot 3 inch by 9 foot 6 inch externally illuminated standing sign with a total area of 48 square feet, setback 5 feet from the property line, subject to the following condition:

- The words, "Independently Owned and Operated" shown on the plans for the Weichert Realtors panel on the sign shall be removed.

The Inspector of Buildings is hereby authorized to issue a permit for the proposed sign subject to approval of a sign application. No sign 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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm