

**ZONING BOARD OF APPEALS**

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ZBA 2009-32
Petition of G & J Realty Trust
870 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of G & J REALTY TRUST requesting a Special Permit pursuant to the provisions of Section XIVE, Section XXIIA and Section XXV of the Zoning Bylaw for installation of two 18 inch by 27 inch internally illuminated canopy wall signs at a height of 17 feet above the ground, internal illumination of two 1.68 inch by 16 foot red stripes at a height of 17 feet above the ground on the left side and right side canopy elevations and a 1.68 inch by 62 foot red stripe on the front canopy elevation, installation of 17 ½ inch diameter round decals reading "WS" in red and gold on each side of three gas pumps set 3 feet above ground level, installation of 1 ½ inch by 62 foot red reflective tape set 17 feet above ground, installation of 4 inch by 35 inch black and white signs reading "WestSide" on each side of three gas pumps set 8 feet above ground level, installation of a 6 foot 2 ¼ inch by 8 foot 1 inch internally illuminated standing sign at a height of 20 feet, with a total area of 90 square feet, and installation of an 18 inch by 21 foot internally illuminated wall sign at a height of 13 feet above the ground, at 870 WORCESTER STREET, in a Business District.

On May 26, 2009 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 Ryan Casagrande, who said that he was representing Mr. Alexandropoulos of G & J Realty Trust (the "Petitioner").

Mr. Casagrande said that the plan is to change from the Mobil brand back to the family business. He said that Mr. Alexandropoulos wanted the business to be more customer oriented and allow him to be more competitive with his prices.

Mr. Casagrande said that the only difference in the street sign (Sign F) will be red LED backlights for the prices. He said that the "WS" logo and the "West Side Mart" portion of the sign will be internally illuminated. The Board said that a choice would have to be made as to which two colors will be internally illuminated and which ones will be externally illuminated.

Mr. Casagrande said that Sign C will be reflective decals.

Mr. Casagrande said that Sign A will be internally illuminated on two sides of the canopy that face Worcester Street.

Mr. Casagrande said that building sign, Sign G, "WestSide Mart" will be internally illuminated.

The Board confirmed that the shading that is shown on the drawings is there for architectural effect only and not part of the sign proposal.

The Board said that only proposed plans were submitted. The Board said that it would be helpful to see pictures of the existing signs as well as the previously approved plan. The Board said that the Petitioner should submit more information about the internally illuminated signs, describing exactly which portions of the signs will be internally illuminated.

The Board voted unanimously to continue the petition to the July 9, 2009 Public Hearing.

July 9, 2009

Presenting the case at the hearing was Victor Alexandropoulos, who said that he represented G & J Realty Trust. He said that the Board granted the proposed changes under the "Mobil" logo in September 2008. He said that it was later decided to change to the brand name, "WestSide." He said that they have been in business in Wellesley for 25 years. He said that they would like to improve the look of the site.

Mr. Alexandropoulos said that the proposed signs will be in the same locations as the previously approved signs.

Mr. Alexandropoulos said that Sign B on the canopy will be an LED strip on the Route 9 side, where visibility is tough.

Mr. Alexandropoulos said that trees and walls along the adjacent properties make it difficult to see the standing sign. He said that the existing sign is approximately 14 feet high.

Mr. Alexandropoulos said that gold, red and white on the standing sign will be internally illuminated, similar to the Mobil sign, which he believed had been grandfathered. The Board said that the proposed sign will be a change. The Board said that the proposed sign should conform to the bylaw limitation of no more than two colors internally illuminated.

Mr. Alexandropoulos said that they were not opposed to the Design Review Board's (DRB) recommendation to add the color black to the standing sign to match the decals on the pumps. He displayed a photograph of the original submittal to DRB that showed the letters in red and gold only.

The Board asked about external illumination. Mr. Alexandropoulos said that the standing sign might not be as visible as what they were trying to achieve.

Mr. Alexandropoulos said that the "WestSide Mart" portion of the standing sign will be internally illuminated. He said that the red price signs will be internally illuminated.

The Board and Mr. Alexandropoulos discussed various options for a combination of internal and external lighting. They concluded that the red and gold "WS" and the red price numbers could be internally illuminated. The white portion of the standing sign will be opaque.

Mr. Alexandropoulos said that there will be internal illumination of the "WestSide Mart" wall sign, the "WS" and the red stripe on the canopy. He said that the price toppers on the pumps will not be illuminated.

The Board said that this proposal is consistent with other service stations.

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 870 Worcester Street, in a Business District and a Water Supply Protection District.

The Petitioner is requesting a Special Permit to install:

- an internally illuminated double sided standing sign consisting of a 6 foot 2 ¼ inch by 30 inch panel and three 5.2 foot by 17 ¼ inch panels, for a total area of 90 square feet, set at a height of 20 feet, with a 5 foot setback from the side property line.
- two 18 inch by 27 inch internally illuminated canopy wall signs at a height of 17 feet above the ground.
- two 1.68 inch by 16 foot internally illuminated red stripes on the left side and right side canopy elevations and a 1.68 inch by 62 foot internally illuminated red stripe on the front canopy elevation at a height of 17 feet above the ground.
- a 1 ½ inch by 62 foot red reflective tape on the rear canopy elevation at a height of 17 feet above ground.
- six 17 ½ inch diameter round decals reading "WS" in red and gold, one on each side of three gas pumps set 3 feet above ground level.
- six 4 inch by 35 inch black and white signs reading "WestSide" one on each side of three gas pumps set 8 feet above ground level.
- an 18 inch by 21 foot internally illuminated wall sign at a height of 13 feet above the ground.

Submittals from the Petitioner

- Sign A Logo, prepared by HealySign
- Sign B Sloan L.E.D. Strip, prepared by HealySign
- Sign A, Sign B, Canopy/Right Side Elevation, prepared by HealySign
- Sign B, Sign A, Canopy/Left Side Elevation, prepared by HealySign
- Sign B, Sign C, Canopy/ Front Elevation, prepared by HealySign
- Sign E, Sign C, Canopy/Back Elevation, prepared by HealySign
- Sign C, Sign D, Dispenser Elevation (Typical), prepared by HealySign
- Sign F, Proposed I.D. Sign, prepared by HealySign

- Sign G, Building Sign, prepared by HealySign
- Sign G, Sign A, Building Front Elevation, prepared by HealySign
- Site Plan, prepared by HealySign
- Photographs of existing "Mobil" signs

On April 22, 2008 the Design Review Board voted to

Recommend the Zoning Board of Appeals approve the proposed wall and standing signage to be located at 870 Worcester St. and recommend the WS graphic on the standing sign resemble the WS graphic on the pump, which should not exceed 30 inches in total height from the bottom of the S to the top of the W.

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:

- an internally illuminated double sided standing sign consisting of a 6 foot 2 ¼ inch by 30 inch panel and three 5.2 foot by 17 ¼ inch panels, for a total area of 90 square feet, set at a height of 20 feet, with a 5 foot setback from the side property line.
- two 18 inch by 27 inch internally illuminated canopy wall signs at a height of 17 feet above the ground.
- two 1.68 inch by 16 foot internally illuminated red stripes on the left side and right side canopy elevations and a 1.68 inch by 62 foot internally illuminated red stripe on the front canopy elevation at a height of 17 feet above the ground.
- a 1 ½ inch by 62 foot red reflective tape on the rear canopy elevation at a height of 17 feet above ground.
- six 17 ½ inch diameter round decals reading "WS" in red and gold, one on each side of three gas pumps set 3 feet above ground level.
- six 4 inch by 35 inch black and white signs reading "WestSide" one on each side of three gas pumps set 8 feet above ground level.
- an 18 inch by 21 foot internally illuminated wall sign at a height of 13 feet above the ground.

It is the opinion of this Authority that granting a Special Permit to allow for installation of:

- an internally illuminated double sided standing sign consisting of a 6 foot 2 ¼ inch by 30 inch panel and three 5.2 foot by 17 ¼ inch panels, for a total area of 90 square feet, set at a height of 20 feet, with a 5 foot setback from the side property line,
- two 18 inch by 27 inch internally illuminated canopy wall signs at a height of 17 feet above the ground,
- two 1.68 inch by 16 foot internally illuminated red stripes on the left side and right side canopy elevations and a 1.68 inch by 62 foot internally illuminated red stripe on the front canopy elevation at a height of 17 feet above the ground,
- a 1 ½ inch by 62 foot red reflective tape on the rear canopy elevation at a height of 17 feet above ground,

- six 17 ½ inch diameter round decals reading "WS" in red and gold, one on each side of three gas pumps set 3 feet above ground level,
- six 4 inch by 35 inch black and white signs reading "WestSide" one on each side of three gas pumps set 8 feet above ground level,
- an 18 inch by 21 foot internally illuminated wall sign at a height of 13 feet above the ground,

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 installation of:

- an internally illuminated double sided standing sign consisting of a 6 foot 2 ¼ inch by 30 inch panel and three 5.2 foot by 17 ¼ inch panels, for a total area of 90 square feet, set at a height of 20 feet, with a 5 foot setback from the side property line,
- two 18 inch by 27 inch internally illuminated canopy wall signs at a height of 17 feet above the ground,
- two 1.68 inch by 16 foot internally illuminated red stripes on the left side and right side canopy elevations and a 1.68 inch by 62 foot internally illuminated red stripe on the front canopy elevation at a height of 17 feet above the ground,
- a 1 ½ inch by 62 foot red reflective tape on the rear canopy elevation at a height of 17 feet above ground,
- six 17 ½ inch diameter round decals reading "WS" in red and gold, one on each side of three gas pumps set 3 feet above ground level,
- six 4 inch by 35 inch black and white signs reading "WestSide" one on each side of three gas pumps set 8 feet above ground level,
- an 18 inch by 21 foot internally illuminated wall sign at a height of 13 feet above the ground.,

subject to the following conditions:

1. The proposed standing I.D. sign shall be modified such that the white top and bottom panels are opaque.
2. The "WS" logo and the price numbers shall be the only internally illuminated colors on the standing sign.
3. No more than two colors shall be internally illuminated on any of the signs.
4. The approved sign package shall be subject to the same conditions as are currently in effect.

Conditions Currently in Effect:

1. The logo portion of the standing sign shall be internally illuminated the later of closing or at the end of hours of operation from 6 a.m. to 11 p.m.
2. The standing sign shall be enclosed in a painted white circle to provide additional safety for vehicles entering from the westerly curb cut.
3. Lighting shall be on timers.

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
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