



ZONING BOARD OF APPEALS

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ZBA 2009-77

Petition of Dorchester Awning Co.
159 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DORCHESTER AWNING COMPANY requesting a Special Permit/Finding pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for 12 inch letters reading, "Miss Michelle's", 8 inch letters reading, "Center for the Performing Arts", and a 1 foot 9 inch square logo on a 2 foot by 13.5 foot valence of a 6 foot by 13.5 foot awning, at 159 LINDEN STREET, in an Industrial A District.

On October 20, 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 Tom Cebula, Dorchester Awning Co. (the "Petitioner"), who said that he was representing Miss Michelle. He said that they are proposing an awning to match the adjacent "Smart Tan" awning. He said that it will have the same profile but with a slightly concave surface.

The Board asked if the "Smart Tan" awning was permitted. Mr. Cebula said that he did not know.

Mr. Cebula said that they had gone through Design Review and had applied for a Building Permit. He said that he was told by the Building Department that 12 inch letters are not allowed.

Mr. Cebula said that the uppercase letters will be 12 inches and the lower case letters will be 6 inches high.

The Board said that it was not comfortable using the "Smart Tan" sign as a reference point. The Board said that it has worked hard to harmonize the signs in that whole area. The "Smart Tan" sign does not seem consistent with the other signs in the area.

Mr. Cebula said that the proposed sign has a simple white script. He said that they are asking for a larger size letter. He said that at 8 inches, it is almost impossible to decipher the sign from across the parking lot.

The Board said that in a Commercial District, 8 inch letters are allowed "by right" and up to 25% of the valence can be covered.

The Board said that allowing for an increase in letter size was not prohibited by the Zoning Bylaw. The Board said that the lettering could be considered a design element.

The Board said that not all of the lettering on the proposed sign would exceed 8 inches, only distinct letters in the "Miss Michelle's" lettering would exceed 8 inches. The Board said that 60 to 70% of the sign letters are well below the maximum.

The Board asked if there would be any flexibility in the design to make the sign readable with 8 inch letters. Michelle Barnes, who is the owner, said that all of the fonts that they tried were equally difficult to read.

The Board said that the letters on the "Smart Tan" sign appear to be bigger than all of the others in the area. The Board said that a concern is that the "Miss Michelle" sign would be comparable to that and that the two signs together will be inconsistent with the general visibility and appearance of the signs in the immediate area.

The Board said that pursuant to Section XXIIA C 12. d and e, it is important to note that only a few letters of the proposed sign exceed the height and that the sign does not have the kind of presence that the Smart Tan sign does.

Mr. Cebula said that the graphic will be 1 foot 9 inch square. The Board said that it interprets the sign bylaw as allowing for signs for identification purposes and not for advertising. The Board said that it prefers to see logos that are smaller in size.

Mr. Cebula said that he thought that the percent coverage of the valence is approximately 65%. The Board said that is more than twice the amount allowed by right. Mr. Cebula said that they had originally proposed to have the dancer on the main portion of the awning, not on the valence.

The Board clarified that the "M's" on the sign are 12 inches. Mr. Cebula said that the "L's" and the "H" are also 12 inches. He said that the other letters are 6 inches high. The Board clarified that the second line of letters will be 8 inches high and that the proposed logo is 21 inches high.

The Board said that the logo should be reduced in size to no larger than 12 inches. The Board said that the sign should be kept simple and that if reducing the logo to 12 inches does not work, it should be removed altogether.

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

Statement of Facts

The subject property is located at 159 Linden Street, in an Industrial A District.

The Petitioner is requesting a Special Permit for 12 inch letters reading, "Miss Michelle's", 8 inch letters reading, "Center for the Performing Arts", and a 1 foot 9 inch square logo on a 2 foot by 13.5 foot valence of a 6 foot by 13.5 foot awning.

Elevation Drawings & Attachment Detail and Installation Plans, dated 7/28/08, prepared by the Dorchester Awning Company and photosimulations were submitted.

On August 12, 2009, the Design Review Board voted unanimously to

Recommend the Building Inspector approve the proposed awning sign to be located at 159 Linden Street to read "Miss Michelle's Center for the Performing Arts", as presented.

On October 29, 2009, the Planning Department Staff recommended that the petition be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject awning sign will exceed the letter height requirements for Industrial A.

It is the opinion of this Authority that installation of 12 inch letters reading, "Miss Michelle's", 8 inch letters reading, "Center for the Performing Arts", and a logo that will not exceed 12 inches in height, on a 2 foot by 13.5 foot valence of a 6 foot by 13.5 foot awning will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw, as the lettering styles, materials and colors will not detract from the area and are appropriate for this specific location. .

Therefore, a Special Permit is granted for 12 inch letters reading, "Miss Michelle's", 8 inch letters reading, "Center for the Performing Arts", and a logo that will not exceed 12 inches square, on a 2 foot by 13.5 foot valence of a 6 foot by 13.5 foot awning, subject to the following condition:

1. The logo on the valence shall be no greater than 12 inches square.

The Inspector of Buildings is hereby authorized to issue a permit for the sign upon receipt and approval of a sign application and any other materials he may require. No sign 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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm