

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-04
Petition of Batten Bros. Inc.
199 Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, January 6, 2011 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BATTEN BROS, INC., requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for internal illumination of two 15.3 square foot wall signs, internal illumination of a 64 square foot standing sign set at a height of 10 feet with a 5 foot setback and four 1 square foot signs on two gas pumps, at 199 WORCESTER STREET, in a Business District.

Property Owner: Medaglia Family Wellesley Realty Trust

On December 20, 2010, 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 John Connors, Batten Bros., Inc. (the "Petitioner"), who said that he was asking for a Special Permit for Patriot Petroleum at 199 Worcester Street.

Mr. Connors said that it is an old, rundown gas station. He said that it is going to be re-branded as a Valero station. He said that they are seeking a Special Permit to illuminate the signs. He said that the dimensions will be reduced to meet the current bylaw. He said that they want to keep the I.D. sign in its current place, which does not meet the setback requirements. He said that it has a concrete footing and he doesn't have the means to replace it at this time. He said that moving it back to the setback requirement would put it out of view of the road.

The Board said that one of its concerns is that the sign was supposed to be set back 10 feet, not 5 feet. Mr. Connors said that it is difficult to measure but it could be set back 7 feet.

Mr. Connors said that the edge of the canopy is at Worcester Street. He said that there is a traffic lane that passes through the station. He said that it appears that there is a sidewalk there but that may be outside of the property line.

Mr. Connors said that the second sign will be coming down and will not be replaced. He said that all of the existing signs will be removed. He said that only the I.D. sign will be replaced.

The Board read the Design Review Board and the Planning Board recommendations.

The Board asked about the out-of-store marketing devices. Mr. Connors said that those are the signs on the gas pumps. He said that there will be one on each side of the pump, for a total of four at one square foot each.

The Board said that the application lists the standing sign as having 64 square feet per panel. Mr. Connors said that it will be 32 square feet per panel. He said that they will be reducing the square footage from what is existing.

The Board questioned if there will be too many colors for the internally illuminated sign. The Board said that the "Valero" sign has yellow, blue and white. Mr. Connors said that they can make the internally illuminated portion of the sign teal and white only.

Mr. Connors said that the red numbers are LED's. The Board said that the LED signs are becoming the standard and should be treated as a separate sign. The Board said that the yellow color should be eliminated from the price sign.

Mr. Connors said that only the letters on the canopy will be illuminated. He said that the canopy will not be replaced but will be fitted with new covers.

Mr. Connors said that they will continue to use the diesel pump on the side of the building.

The Board confirmed that there will be no illumination on the pumps.

Mr. Connors said that he was told that the building will be cleaned up. He said that the existing signs will be removed and the building will be painted. He said that all of the graphics will come off of the glass. The Board said all of that work should be done before the new signs go up.

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

The Board said that the sign at the corner of the Cedar Street ramp is illegal and cannot be replaced under any circumstances.

Statement of Facts

The subject property is located at 199 Worcester Street, in a Business District.

The Petitioner is requesting a Special Permit for internal illumination of two 15.3 square foot wall signs, internal illumination of a 64 square foot standing sign set at a height of 10 feet with a 5 foot setback and four 1 square foot signs on two gas pumps.

A Site Plan dated 12/7/10, stamped by Michael A. Pustizzi, Professional Land Surveyor, Existing Photographs and Proposed Renderings, dated 12/7/10, prepared by Batten Bros., Color & Paint Treatments, and Site Photographs were submitted.

On December 15, 2010, the Design Review Board voted to recommend approval of the Special Permit for internal illumination of two 15.3 square foot wall signs, internal illumination of a 64 square foot standing sign, and two out-of-store marketing device signs per device.

On January 5, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject signs will be two 15.3 square foot internally illuminated wall signs, a two-sided 64 square foot internally illuminated standing sign set at a height of 10 feet with a 5 foot setback, and four 1 square foot out-of-store marketing device signs on two gas pumps.

It is the opinion of this Authority that internal illumination of two 15.3 square foot wall signs, internal illumination of a 64 square foot standing sign set at a height of 10 feet with a 5 foot setback and four 1 square foot signs on two gas pumps 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 internal illumination of two 15.3 square foot wall signs, internal illumination of a 64 square foot standing sign set at a height of 10 feet with a 5 foot setback and four 1 square foot signs on two gas pumps, subject to the conditions that:

1. The existing signs shall be removed from the building.
2. The building shall be cleaned and improved prior to issuance of a permit from the Building Inspector.
3. The internally illuminated standing sign and price sign shall be teal and white only.

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.

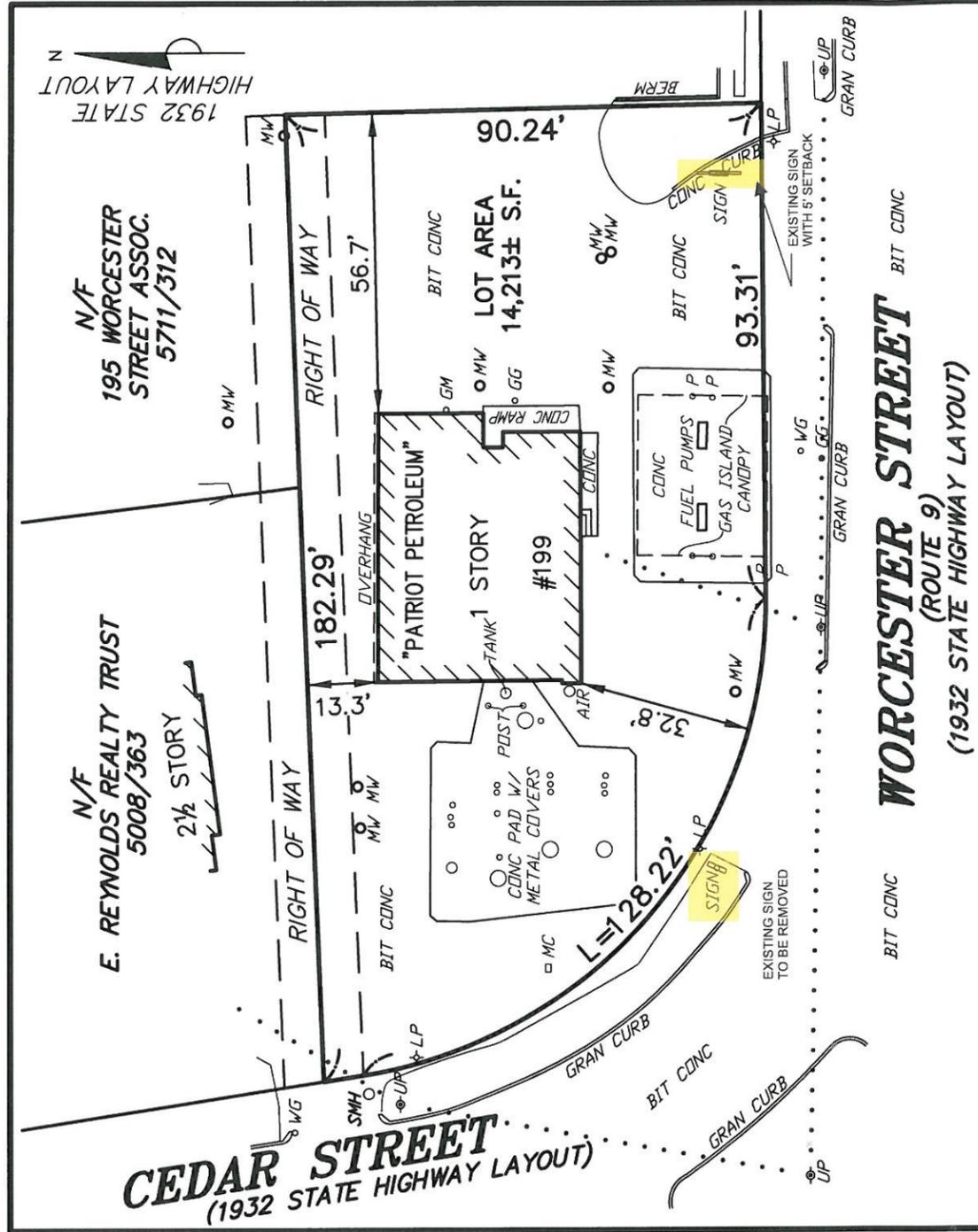
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



OWNER: THOMAS A. MEDAGLIA, JR., TR.
MEDAGLIA FAMILY WELLESLEY REALTY TRUST
DEED BOOK 16927 PAGE 149
ASSESSOR'S MAP 15 PARCEL 17

CERTIFIED PLOT PLAN
#199 WORCESTER STREET
IN
WELLESLEY, MA
(NORFOLK COUNTY)

SCALE: 1" = 30' DATE: 10/25/2010

0 30 60 90 ft

RS
Precision Land Surveying, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772
TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096
3930PP1.DWG

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



[Signature]
MICHAEL A. PUSTIZZI, PLS DATE



BATTEN BROS. Sign Advertising
893 MAIN STREET, WAKEFIELD, MA 01880
(781) 245-4800

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2010 DEC 20 A 11 25

SEE COPYRIGHT NOTE BELOW

CUSTOMER APPROVAL

SCALE AS NOTED

DATE 12/07/10 DRAWN BY JMC

SKETCH # SALESMAN

JOB DESCRIPTION
VALERO DEALER RE-IMAGING

LOCATION CITY, STATE
Patriot Petroleum
199 WORCESTER ROAD, WELLESLEY, MA

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