

Petition of Lee Imported Cars, Inc.

Pursuant to due notice the Board of Appeal held a public hearing in the Hearing Room on the second floor of the Town Hall at 8:50 p.m. on March 20, 1969, on a petition of Lee Imported Cars, Inc. in connection with the petitioner's proposal to erect a standing sign in front of its premises at 962 Worcester Street. The sign and its location on the premises, as proposed by the petitioner, would not comply with the dimensional and set-back requirements of Section XXIIA, Part C, Subpart 3(a)7(b)1, nor with the color requirements of Section XXIIA, Part C, Subpart 3(a)4(b) and the petition requested the Board to grant a special permit for a sign which did not comply with the provisions of Part C referred to.

On February 26, 1969, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioner at the hearing.

Statement of Facts

The property involved is on the southerly side of Worcester Turnpike within a Business District "A".

The petitioner, who operates the Volvo Triumph Dealership Agency, seeks permission to erect a standing sign on the premises which will conform with the Nationwide uniform sign being used by all agencies. The proposed sign is to be of Plexiglas, with a steel frame, measuring 7' x 21', supported on a steel pole 18' in height, with the overall height to be 25'. The upper panel of the sign is to have the Volvo emblem and

the word "Volvo" in light blue on a white background, and the lower panel is to have the Triumph emblem and the word "Triumph" in white on a dark blue background. Although asking for a special permit in this respect, the petitioner raised the question whether the use of two shades of blue plus white in the sign in fact constituted the use of "more than two colors." The sign post is to be 12' from the street line and the sign is to be two feet from the street line. It will be internally illuminated by fluorescent lamps.

A plot plan was submitted, drawn by S. Albert Kaufmann, Registered Land Surveyor, which showed the location of the proposed sign as well as the building on the lot. A drawing of the proposed sign was also submitted.

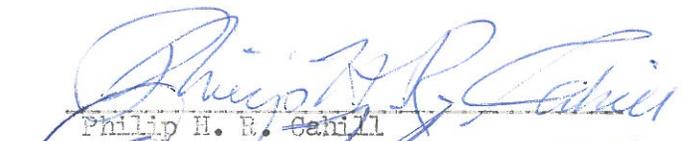
Decision

The meaning of the term "color" for purposes of the By-law is not set out in the definitions, and no authorities were cited by the petitioner but it appears to the Board that the purposes of the By-law are best served by regarding the term in the more restrictive sense and classifying light blue and dark blue as two colors for purposes of the By-law.

The Board finds upon consideration of the design of the proposed sign, the existing conditions along that portion of the Worcester Turnpike where the sign will be located, and other relevant factors, that the proposed sign, subject to the conditions imposed herein, will be in harmony with the general purpose and intent of Section XXIIIA of the Zoning By-law and will not be injurious to the neighborhood nor to traffic and safety conditions, nor otherwise detrimental to the public safety and welfare.

Accordingly, pursuant to the provisions of Section XXIIA, Part E, the Board hereby grants special permission for one standing sign to be located as shown on the plot plan submitted and in accordance with the application and plan submitted, subject to the following conditions:

1. That said sign shall not exceed a height of twenty-five feet from grade to the top of the sign.
2. That said sign shall not violate any condition imposed in the license issued by the Board of Selectmen.
3. That said sign shall be placed in a planter at least three feet in height and its design approved by this Board prior to its erection.


Philip H. R. Cahill


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

TOWN OF WELLESLEY

237.23'

Plan of Land situated in WELLESLEY MASS.

Scale: 40' = 1" -- 14 Feb. 1969 S. Albert Kaufmann, R.L.S. - Malden



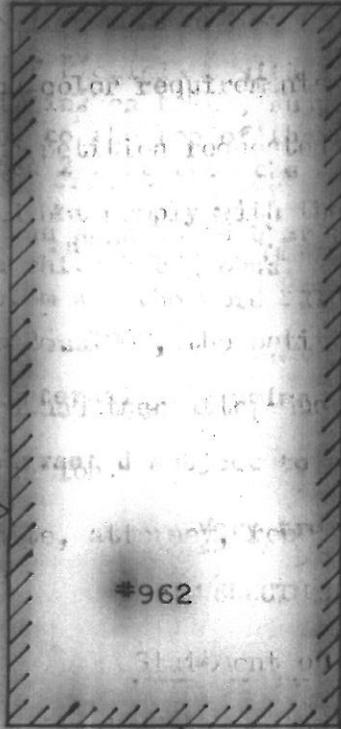
HOWARD T. & RUTH E. BOWLES

HAROLD E. & TESSIE S. BOWLES #970

301.37'

424.47'

85.85' #958



129.15'

35'

79'

40'

184.61'

51'

SIGN 21'

2.0'

30'

WORCESTER ST. RTE. 9