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F. LESTER FRASER

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Toyota of Wellesley, Inc.

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall, beginning at 8:55 o'clock p.m., on March 23, 1972, on a petition of Toyota of Wellesley, Inc., requesting a special permit under the provisions of Section XXIIA, Part E of the Zoning By-law of the Town of Wellesley, which petition would allow the petitioner to erect a standing sign in front of the premises at 216 Worcester Street, which sign would not comply with the requirements of Section XXIIA, Part C, Subpart 3.a.7(b) of the Zoning By-law, prohibiting the erection of a standing sign more than 150 square feet in area, higher at any point than 20 feet from the ground and less than 15 feet from any property boundary line.

On February 23, 1972 the petitioner filed a request for hearing before this Board in connection with the above-described petition and thereafter due notice of the hearing was given by mailing and publication.

Richard L. Wilder, Attorney, represented the petitioner at the hearing.

Lawrence Provost, General Manager of the company, spoke in support of the request. No one appeared at the public hearing to object to or raise any question concerning the petitioner's proposed sign, nor did any persons other than the petitioner's attorney and its general manager appear at the hearing. However, a letter was received from the Board of Selectmen in which it was stated that the Selectmen's issuance of a Class I auto dealer's license to the petitioner was subject to the condition that all signs, lights and advertising devices erected or maintained on the premises would be subject to the approval of the Selectmen and that subsequently, the Selectmen approved signs to be placed at the petitioner's location with the following limitations:

- (1) In the aggregate all proposed and existing signs to be placed on the building shall not exceed 250 square feet in size.
- (2) The standing signs shall not exceed an overall height of 20 feet from ground level at the base of the sign and the area of the standing sign in the aggregate shall not exceed 150 square feet.
- (3) Except for the dimensional limitations as above described, the words, colors, and locations of the signs shall be substantially in accord with the plan presented.

The Selectmen's letter did not indicate whether the plans which had been presented were the same as those filed with this Board. We assume, however, for purposes of this decision, that they are.

Statement of Facts

The property involved is located within a Business District, on a ramp running in an easterly direction off the southerly side of Worcester Street (Route 9) and connecting the same with Cedar Street.

The petitioner, who operates a Toyota dealership and service garage, has operated such a business at another location in the Town of Wellesley since 1969, and recently removed its business to the location previously described.

The petitioner seeks permission to erect a standing sign having a panel 25' 3" by 6', supported on two steel posts, each 29' in height. The face of the sign is to be plastic with the word "Toyota" in red letters on a white background. The petitioner also proposes an additional panel to be mounted between the two upright steel posts, which sign will be 5' by 7' 1" and contain the wording "Reliable Used Cars", also in red letters on a white background.

It was stated on behalf of the petitioner that the requested standing sign, 35' in height, was needed to identify the petitioner's dealership for people traveling in an easterly direction on Route 9 as well as in a westerly direction. The location is represented as visually "blocked off" from those approaching in either direction along Route 9, from vehicles approaching along Route 9 in an easterly direction by the signs of the other two automobile dealerships located westerly of the petitioner's premises and from those approaching in a westerly direction, by the Cedar Street overpass. It was claimed on behalf of the petitioner that if the proposed standing sign is not allowed to be erected to the desired height, the petitioner's dealership cannot be readily identified by those approaching or searching for the location. It was also claimed that the proposed sign, if erected, would be more pleasing to the eye and harmonious to the area than the signs presently existing at the location.

As previously indicated, the Board of Appeal was notified by the Board of Selectmen that they had imposed as a condition of the petitioner's automobile dealer's license that the proposed standing sign not exceed 20 feet in overall height. It appears to the Board of Appeal, however, that the by-laws for the regulation and restriction of billboards, signs and other advertising devices within the town, were enacted as a part of the Zoning By-law, and that the granting of special permission and the attachment of conditions thereto is a function expressly delegated to the Board of Appeal by the provisions of Part E of Section XXIIA of the Zoning By-law.

Nevertheless, we have inspected the site and the neighborhood in the light of the communication received from the Selectmen. As previously stated, the petitioner's premises adjoin those of another foreign car dealer and are only a few hundred feet easterly of those of a third automobile dealer on Route 9. The latter was granted special permission

for a 30-foot standing sign several years ago and in addition to that has other signs identifying the dealership on the front wall and the westerly wall of the building. There is a further sign on the westerly wall and three more signs on the easterly wall of the building. The foreign car dealer whose premises adjoin the petitioner's has a roof sign, a standing sign, a sign projecting from the front of the building, large signs on the building walls and 4 or 5 miscellaneous signs on the building or on fences.

This short stretch along the southerly side of Route 9 west of Cedar Street and including the ramp connecting the eastbound lane of Route 9 with Cedar Street, has been occupied by several automobile dealerships over a period of many years, and in the light of the use to be made of the premises and the location of the building with reference to Worcester Street at its ramp connection with Cedar Street, it appears appropriate for the Board to take into consideration that competition for the attention and business of potential customers doubtless exists between the three neighboring dealerships.

Decision

The Board, taking into account the considerations hereinbefore referred to, is of the opinion that a permit for erection of a standing sign substantially as requested by the petitioner, but limited by the conditions hereinafter imposed, will not be contrary to the public interest or in conflict with the objectives of the By-law.

Concerning the height limitation referred to in the Selectmen's letter, while the Board believes that the 35-foot overall height sought by the petitioner is excessive, and does not believe that the public interest is likely to be served by the erection of a standing sign on the southerly side of Worcester Street westerly of the Cedar Street overpass of a height calculated to be visible to motorists approaching along Route 9 traveling in a westerly direction, while they are still easterly of said overpass, it does not believe that it will be out of harmony with the general purpose and intent of the By-law nor injurious to the neighborhood or traffic and safety conditions to authorize the petitioner to erect a sign having the same vertical height above grade, viz., 30 feet, as the sign which the Board authorized several years ago, upon application for a special permit, for a dealership located within a few hundred feet of the petitioner's premises. The Board also notes that a standing sign advertising an automobile dealership which occupied the premises now occupied by the petitioner has been located in front of the building for a number of years, substantially antedating the enactment of the so-called sign code as part of the Zoning By-law.

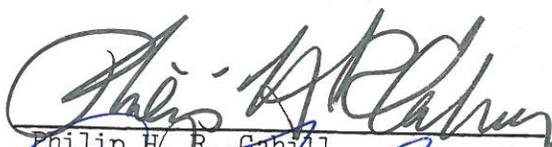
While the height above grade of the existing sign structure is not known to the Board and while its dimensions do not appear to be, in any substantial degree, similar to those proposed for the petitioner's sign, the vertical height of said sign does appear to be substantially similar to the vertical height proposed by the petitioner and certainly appears to be in excess of the 20-foot limitation proposed by the Board of Selectmen.

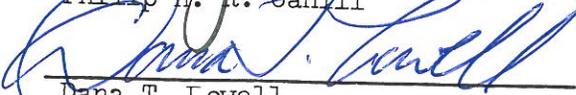
Under all the circumstances, it does not appear to this Board that it will be unreasonable to permit the petitioner to erect the proposed standing sign to an overall height of 30 feet, and with an overall square foot area for the sign panel of approximately 152 square feet.

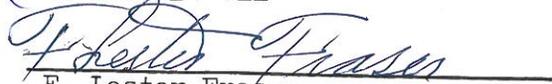
The Board does not believe, however, that under all the circumstances, the affixing of an additional 5 by 7 foot panel indicating the availability of reliable used cars, between the supporting steel posts, is a necessary adjunct to the sign for identification purposes specified by the petitioner.

The Board therefore finds that the proposed sign, subject to the four conditions hereby imposed, 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.

1. Said sign shall not exceed a height of thirty feet from grade to the top of the sign.
2. Said sign shall comply with the provisions of Subpart 3.a.4 (Illumination) of Section XXIIIA of the Zoning By-law.
3. Only one panel will be allowed to be mounted on the posts, namely, the word "Toyota" as shown on the plan submitted and on file with this Board.
4. No colors other than, as represented at the hearing, viz., red and white, shall be used.
5. That the existing standing sign be removed from in front of petitioner's premises.


Philip H. R. Cahill


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____