

**ZONING BOARD OF APPEALS**

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ZBA 2004-81  
Petition of Christ Church United Methodist  
2 Brook Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHRIST CHURCH UNITED METHODIST, requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install an externally illuminated 8 foot 3 inch by 4 foot wall sign with a total area of 16 square feet, composed of individual letters and a cross and flame icon, at its premises at 2 BROOK STREET, in a General Residence District. A Special Permit is requested to exceed the area of 1 square foot allowed in a General Residence District.

On August 23, 2004, 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 Doreen Embree, Church Secretary.

The Board asked if there are two existing signs. Ms. Embree confirmed that there are two existing signs.

The Board asked if the sign on Wellesley Avenue is illuminated and if the proposed sign would be illuminated. Ms. Embree said that the Wellesley Avenue sign is not illuminated but the proposal is to have the new sign illuminated by a spotlight under a canopy. The Board asked for clarification that the spotlight would shine on the sign from the canopy over the door not from the overhang above the sign.

The Board asked what hours the light would be on. Ms. Embree said that the light would be turned off at 10:00 p.m.

The Board said that the lighting plan did not show the strength of the light and its direction.

Robert Connor, 12 Brook Street said that this property is adjacent to the Church. He said that three signs would be more than other religious institutions in town have. He said that his property is currently affected by light from the Church. He felt that a small entrance sign illuminated by a small light would be appropriate.

The Board questioned whether it has the authority to grant relief for a third sign under the bylaw. The Board said that Town Counsel should be consulted as to whether the Dover Amendment supercedes the Zoning Bylaw pertaining to signs in a General Residence District.

The Board said that the hearing would be continued but treated as a new petition, as the Chairman would be unavailable to sit at hearings for the rest of the year. The petitioners should come back before the Board with a lighting plan.

On November 8, 2004, 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 Doreen Embree, Church Secretary, who explained that the third sign was needed to identify the main entrance of the Church for people coming up the street and from the parking lot.

The Board asked if the sign of Wellesley Avenue is illuminated. Ms. Embree said that it is not.

The Board read Town Counsel's response to a letter written by Ms. Mahoney requesting his opinion of the authority of the Zoning Board of Appeals with respect to the Dover Amendment and the specific request by Christ Church United Methodist to install a third sign in a General Residence District. The Board said that it is the Board of Appeals' responsibility to decide if the request for a third sign is reasonable. Ms. Embree responded that their request is reasonable as the sign will identify their main entrance.

The Board noted that it usually requires that lighted signs are shut off when businesses close. It would be unusual to grant approval for the sign to be lit until 10:00 p.m. The Board asked if the lights could be shut off at 8:00 p.m. Ms. Embree said that they have meetings that go until 10:00 p.m. Reverend Dane, Church Minister, said there are occasional meetings and worship services that start after 8:00 p.m. People having a hard time finding the Church is an issue that is brought up frequently. Reverend Dane felt that having some flexibility with the timing of shutting the lights out would be helpful.

David Embree, Church Treasurer, proposed that the lights be shut off at 9:00 p.m. on a regular basis, with the proviso that, if the Church is being actively used after that time, the lights can remain on later than 9:00 p.m.

The Board was concerned that the Church is located in a residential area. The Board was concerned that a spotlight shining on stainless steel letters could be disruptive to the neighborhood. Ms. Embree said that the letters are made of brushed aluminum and should not be highly reflective.

The Board said that the petitioner could come back in one year to review whether the lighting needs to be removed or modified. The Board said that it could require that the light be turned off when activity is over at the end of the day or at 9:00 p.m., whichever is earlier.

#### Statement of Facts

The subject property is located at 2 Brook Street, in a General Residence District.

The petitioner is requesting a Special Permit to install an externally illuminated 8 foot 3 inch by 4 foot wall sign with a total area of 16 square feet, composed of individual letters and a cross and flame icon. A Special Permit is requested to exceed the area of 1 square foot allowed in a General Residence District.

A sketch of the new sign, a description of lettering and icon, justification for granting the Special Permit, lighting plan, and photographs were submitted.

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On November 16, 2004, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the premises are being used for a religious purpose within the meaning of Massachusetts General Laws c. 40A, s. 3 and that the installation of an 8 foot 3 inch by 4 foot wall sign with a total area of 16 square feet, composed of individual letters and a cross and flame icon is reasonable within that context.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, to install the sign in accordance with the submitted drawings, subject to the following conditions:

1. insofar as the external illumination of the sign is concerned, approval is granted for one year from the date this Permit is filed with the Town Clerk, subject to continuation, modification and termination after public hearing by this Authority prior to the expiration of one year.
2. the light will be turned off when activity is over at the end of the day or 9:00 p.m., whichever is earlier.

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.

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Cynthia S. Hibbard, Acting Chairman

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Robert A. Bastille

Cc: Planning Board  
Inspector of Buildings  
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Robert W. Levy