



64-14

BOARD OF APPEAL

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of Friendly Ice Cream Corp.

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 8:15 p.m. on April 15, 1964, on the appeal of Friendly Ice Cream Corp. from the refusal of the Inspector of Buildings to issue a permit to erect a sign at 171 Linden Street, on a building owned by F. Diehl & Son, the reason for such refusal being that said sign would violate Section XXIIIA, Signs and Advertising Devices, of the Zoning By-law, Part C, Subpart 3, which prohibits roof signs and restricts illuminated signs to not more than two colors including white.

David Blair, represented the appellant and spoke in support of the appeal.

The Planning Board in its report expressed its opposition to granting the appeal.

On March 27, 1964, the Inspector of Buildings notified the appellant in writing that its application for a permit to erect a sign had been refused as it would violate the Zoning By-law for the above-mentioned reasons. On the same date the appellant took an appeal and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located within a Business District. The appellant seeks permission to erect a roof sign on its store which is located within a shopping center with several other stores and a large super-market. The sign is designed to be a single face canopy type sign approximately 5' x 24' with the lettering, "Friendly Ice Cream and Sandwiches", with 3/16" black and light blue Plexiglas letters molded on 3/16" white Plexiglas background, and to be illuminated with 15-96" high output lamps. Plans and details of the sign were submitted together with photographs of the location. The appellant recently opened its business in the store involved and desires to erect the requested sign to establish its identification there.

Decision

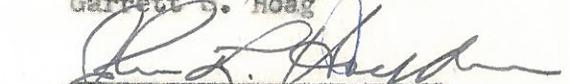
After making a careful study of the facts and viewing the locus, the Board is of the opinion that a sign can be erected on the face of the building adequate for identification and comply with the requirements of Section XXIIIA, of the Zoning By-law. In fact, in viewing the locus, it was observed that the appellant already has erected a sign on the face of the building. In its opinion to grant the requested relief would be inconsistent with the express purpose and intent of the Zoning By-law covering Signs and Advertising Devices. A similar request was denied by this Board recently to

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grant permission to reletter a roof sign on another store within the same block. To grant this request would be inconsistent with the Board's finding in that case. See Appeal of Linden Cleaners filed with Town Clerk on May 14, 1964.

Accordingly, the appeal is denied.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

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