



ZONING BOARD OF APPEALS

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Petition of Texaco, Inc.

Pursuant to due notice the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on July 27, 1978, on the petition of Texaco, Inc., requesting a special permit under the provisions of Section XIII A, and Section XXV of the Zoning By-law, which will allow the erection of a standing sign for Texaco, Inc., at 168 Linden Street on property owned by Diehl's Service Station.

On June 13, 1978, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Brad A. Pires, Marketing Representative for Texaco, Inc., represented the petitioner at the hearing and spoke in support of the request.

Mary H. Fyffe, 99 Pond Road, opposed the request at the hearing.

Statement of Facts

The property involved is located on the northerly side of Linden Street, in an Industrial District. There is a gasoline service station on the premises which has been there for a number of years under different dealerships.

The petitioner recently leased the property and seeks permission to erect a standing sign to identify the new dealership. It was stated that the proposed sign has been especially designed to display the Texaco trademark and to conform with the nearby residential neighborhood.

The proposed sign is to be approximately 3'9" x 5'5", mounted between two wooden posts approximately 9' high and 8' apart. The word, "Texaco" is to be in gold letters on natural wood. It is proposed to locate the sign perpendicular to Linden Street with the post on the boundary line of the street and in front of the gasoline pump island.

It was stated that if the sign were located back the required fifteen feet from the street line, it would be within the pump island and if it were to be placed in any other location on the property, it would not be visible to traffic on Linden Street. It was agreed, however, that a sign could be placed on the building which would meet the requirements of the Sign Code.

Sketches of the proposed sign were submitted together with a plot plan which showed its proposed location on the lot.

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Decision

This is a petition seeking a special permit to erect a standing sign advertising the name of the company whose gasoline is being sold. The premises are located on Linden Street.

According to the plan submitted with the petition, indicated to be drawn to the scale of $1/4" = 1'$, the overall dimensions measured eight feet in width, nine feet in height above ground, and nine inches in depth. It would appear to be an attractive, sturdy standing sign. The plot plan, as filed, shows the location of this standing sign to be located, one edge at the street property line and extending its width of eight feet into the property.

The Zoning By-law, Section XXIIA, Part C, subpart 3a 7. (a) and 7. (b) reads as follows:

(a) "Gasoline filling stations and garages may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business, provided, however, that the total size of the separate signs shall not exceed the maximum size permitted under this section for a single exterior sign on such wall, in addition, one standing sign, indicating the company whose gasoline is being sold may be erected of such type, in such location, and in such manner as the Special Permit Granting Authority may permit. The standard type of gasoline pump bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not deemed to be in violation of this section."

(b) "In particular instances the Special Permit Granting Authority may permit standing signs in accordance with this Section XXIIA and Section XXV of this Zoning By-law if it shall find that the nature of the use of the premises, or the location of the building with reference to the street or streets is such that a standing sign or signs may be permitted in harmony with the general purpose and intent of this Section, subject to the following requirements: (2) Standing signs for properties other than those fronting on Worcester Street shall not exceed six (6) feet in overall height from the ground; or twenty-five (25) square feet in area; or six (6) feet in any dimension. No sign shall be located within fifteen (15) feet of any property boundary line." (Emphasis added).

A standing sign may not be erected except by permission of the Special Permit Granting Authority in accordance with the provisions of Paragraph 7, hereinabove referred to.

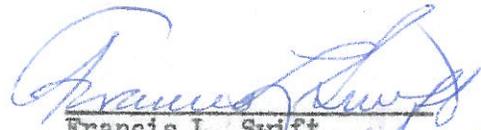
It was agreed, at the public hearing, that a sign, adequate in size and in compliance with other subparts of Section XXIIA, could be maintained by the petitioner, but it is felt that sufficient advertising would not be obtained. The petitioner also feels that to erect a standing sign in another location is not feasible.

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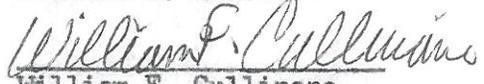
The general authority given to the Special Permit Granting Authority under Section XXV states in part, that "special permits may be granted only for uses which are in harmony with the general purpose and intent of this Zoning By-law, and shall be subject to general or specific provisions as set forth herein..." (Emphasis added).

It is the opinion of the members of the Special Permit Granting Authority, that the petition, and the plot plan and sketch accompanying same cannot be granted because the size, area and location of the sign do not meet the requirements of the Zoning By-law, as directed in the Zoning By-law.

Therefore, the petition is denied.


Francis L. Swift


William O. Hewett


William F. Cullinane

Filed with Town Clerk _____

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