

TOWN OF WELLESLEY



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2000 AUG 10 A 11: 29

ZONING BOARD OF APPEALS

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ZBA 2000-63

Petition of Cumberland Farms, Inc.
461 Worcester Street (Gulf Station)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 2000 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of CUMBERLAND FARMS, INC. requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install the following signage to identify the GULF STATION at 461 WORCESTER STREET, in a Business District:

1. One internally illuminated double-sided standing sign with a Gulf logo sign having a total area of 50 square feet (25 sf/panel) at a height of 10 feet and set back 15 feet from the front property line.
2. Double-sided price signage totaling 40 square feet; double-sided Inspection signage totaling 6.2 square feet; and double-sided Credit signage totaling 3.2 square feet will also be attached to the poles of the standing sign. The total square footage of all signage attached to the pole will be 99.4 square feet.

A Special Permit is requested to internally illuminate the tri-color logo sign, to exceed the allowed area of 50 square feet and to exceed the allowed number of signs for a business establishment, as there are two "Gulf" discs, two Inspection signs, and one "Free Air" sign to remain on the building. All other signage shall be removed.

On July 10, 2000, 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 John Smolak, counsel for Cumberland Farms, and Manny Paiva, Project Manager for Cumberland Farms. Larry Ing, the Gulf Station dealer, was also present. Mr. Smolak said that the Design Review Board had reviewed and approved the sign project.

Mr. Paiva submitted copies of a chart with pictures of the signs to clarify the existing and proposed signage, and the signage to remain on the building. He said that they plan to keep the two "Gulf" discs located on the front and eastern side of the building. The "Free Air" sign will remain, as will the credit card sign. The total area of signage to remain on the building will be 8.2 square feet. All other signage on the building will be removed. The pole sign at the western side of the property will also be removed.

Mr. Paiva said the new pole sign will contain the Gulf logo (50 square feet), the diesel price sign (20 square feet) and the gas price sign (20 square feet) for a total of 90 square feet. Each of the signs is double-sided.

ZBA 2000-63
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The Executive Secretary asked why the "Inspection" signage on the pole and the building had not been included on the revised chart. Mr. Smolak said that the Mass Inspection signs will remain. They are exempt from the signage requirements because they are required by the State. There is one "Inspection" sign on the building and there will be a double-sided "Inspection" sign on the pole.

The Board said that the State may require Inspection signage to identify the station as capable of doing inspections, but questioned that the signage would be exempt from the Town Zoning Bylaw. Mr. Smolak said it was his understanding that this was true.

Mr. Paiva explained that only the tri-color Gulf logo sign would be internally illuminated on the pole sign. All other signage on the pole would be externally illuminated by floodlight.

The Board again questioned the exemption of the Inspection signage from the total area of proposed signage. Mr. Smolak suggested that the all of the signage, with the exception of the Gulf logo sign, be single rather than double-sided. This would reduce the total area of signage on the standing sign from 99.4 square feet to 74.7 square feet. The second side of the price signs, Inspection sign and credit sign shall never be installed.

The Board asked whether the "Open" sign in the station window and the second standing sign with the telephone sign and diesel sign would remain. Mr. Paiva said that the three signs and the sign pole would also be removed.

The Board stated that all signage, except the signs specifically listed in the decision, shall be removed prior to the issuance of a sign permit by the Building Inspector.

The Board asked how late the internally illuminated logo sign would be lit. After discussion, the Board decided that the internally illuminated sign could be lit no later than 10 p.m. on all nights during the week, and that this would be a condition of the decision.

Anthony Cosimini, owner of the abutting Cat Hospital, asked what effect on the traffic circulation and parking would be due to the installation of the island on which the standing sign would be located. Mr. Paiva said that the location of the sign was recommended by the Design Review Board in order for the sign to be set back the required 15 feet from the front property line. The island is located between the curb cuts on Worcester Street.

Mr. Cosimini said that presently cars park along the side of the gas station blocking traffic from reaching his property. He would like the Board to condition that no parking would be allowed in that area. The Board stated that this was a civil issue to be resolved between Mr. Cosimini and Mr. Ing, and not a zoning issue to be resolved by the Board.

Statement of Facts

The subject property is located at 461 Worcester Street, in a Business District, on a 29,645 square foot lot, owned by Cumberland Farms, Inc. and contains a Gulf Service Station, which is also a Mass Inspection Station.

ZBA 2000-63

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461 Worcester Street (Gulf Station)

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The petitioner is requesting a relief to install a new standing sign comprised of a double-sided internally illuminated tri-color Gulf logo sign (25 square feet/panel), a double-sided diesel price sign (10 square feet/panel), a double-sided gasoline price sign (10 square feet/panel), a double-sided credit sign (1.6 square feet/panel) and a double-sided Mass Inspection sign (3.1 square feet/panel). The total area of the pole signage is 99.4 square feet. The sign will have a height of 10 feet and will be set back 15 feet from the front property line in an island to be located between the two curb cuts on Worcester Street.

At the aforementioned Public Hearing, the petitioner voluntarily reduced the requested pole signage to a total of 74.7 square feet. The 50 square foot Gulf logo sign would remain double sided, but the two price signs, the inspection sign and the credit sign would be single rather than double sided.

A Special Permit is requested to exceed the allowed area of 50 square feet; to internally illuminate the Gulf logo portion of the sign, and to exceed the allowed number of signs for a business establishment as, in addition to the standing sign, there are two Gulf disc signs, one "Free Air" sign, and two Inspection signs on the building totaling 18.2 square feet.

A Site Plan with the last revision dated 4/5/00; a sign drawing with details last revised 6/19/00; and photographs were submitted.

On April 13, 2000, the Design Review Board reviewed the standing sign proposal and recommended approval of the standing sign subject to the sign being internally illuminated only while the business establishment is open to the public; Gulf removing all illegal signs on the property immediately; and evergreen shrub plants replacing proposed grass on the raised strip between the existing curb openings off Worcester Street and the underground tanks.

On July 17, 2000, the Planning Board reviewed the petition and had no objection to the proposal. The Planning Board endorsed the recommendations of the Design Review Board.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The petitioner is requesting a Special Permit to internally illuminate the Gulf logo disc on its proposed standing sign; to exceed the allowed total area of 50 square feet with pole signage totaling 74.7 square feet; and to have more than the allowed signage for a business establishment, as two signs are allowed, while the following 5 signs on the building in addition to the pole signage are requested to remain: 2 Gulf discs, 1 "Free Air" sign, and 2 Mass Inspection signs.

This Authority is of the opinion that the internal illumination of the standing sign, the total area of 74.7 square feet of signage on the standing sign, and the additional 5 signs on the building are in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw subject to the following conditions:

1. Prior to the issuance of any sign permit by the Inspector of Buildings, all signage other than the two Gulf discs, one "Free Air" sign, and two Mass Inspection signs currently installed on the building shall be removed. No other signage except the 5 signs on the building and the one standing sign shall ever be installed without permission from the Board of Appeals.

ZBA 2000-63

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461 Worcester Street (Gulf Station)

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2. Only the double-sided Gulf logo on the standing sign shall be internally illuminated. All other signage on the building and on the sign pole shall be externally illuminated.
 3. The internally illuminated Gulf logo sign shall not be lit after 10 p.m. on any night.
 4. Only the Gulf logo sign on the standing sign shall be double sided. All other signage on the sign pole shall be single sided.

The Inspector of Buildings is hereby authorized to issue a sign permit for the installation of the allowed sign subsequent to the petitioner's compliance with Condition 1 and upon receipt and approval of a sign application. No signage shall be installed until the requested sign 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.

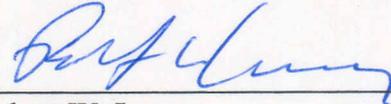
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



William E. Polletta



Robert W. Levy