

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2002 FEB 20 A 8:21

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ZBA 2002-9
Petition of Harvard Pilgrim Health Care
93 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of HARVARD PILGRIM HEALTH CARE requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install an externally illuminated halo-lit 22 inch by 26 foot 9 inch wall sign with a total area of 49 square feet, at a height of 42 feet on the façade of its building facing Route 128, at 93 WORCESTER STREET, in an Administrative and Professional District. Said sign will exceed the allowed height of 20 feet and the allowed area of 15 square feet.

On January 14, 2002, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by publication and mailing.

Neither the petitioner nor any authorized representative for the petitioner appeared at the hearing to present this case.

Daniel Goldstone, 1 Duxbury Road, spoke in opposition to the petition. Mr. Goldstone submitted photographs of the Harvard Pilgrim Health Care building façade taken from both his kitchen and bedroom window. Mr. Goldstone stated that he objected to the sign only in the event the sign would be placed on the side of the building facing his home. He was not sure as to whether the sign would be on the northerly side of the building facing Route 128 or on the southerly side of the building facing Route 128. If the sign were installed on the southerly side, he would have no objection. If the sign were installed on the northerly side, he had a very serious objection to a sign that would exceed by four times the allowed area of a sign, and that the illuminated sign would be very visible from his premises at night. An illuminated 49 square foot halo-lit illuminated sign at the proposed height of 42 feet would guarantee that he would be looking at the sign in the evening year round.

The Board discussed the petition, and stated that the Wyatt sign had been permitted for installation at 20 Williams Street in the Wellesley Office Park, but only after the petitioner agreed to reduce the size of the sign and not to illuminate the sign, as, in the opinion of the Board, the sign was not to identify the premises but to serve as an advertising device.

The Board also noted that according to the letter of review received from the Design Review Board, Harvard Pilgrim had a permit for a wall sign on the canopy above the main entrance that had been granted by the Board of Appeals in March, 2000. At the Design Review Board meeting, the applicant had

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informed the DRB that the approved wall sign had not been installed, and offered to authorize the Town to rescind the sign permit.

The Board was of the opinion that there was no reason for signage on the building façade facing Route 128 as the purpose of the sign would be for advertising rather than identification of the premises. If the petitioner wants to identify the building, the signage should be at the main entrance.

The Board discussed the disposition of the petition and the reasons for its action.

Statement of Facts

The subject premises is located at 93 Worcester Street, on a 633,653 square foot lot, in an Administrative and Professional District. The property is owned by the Massachusetts Highway Department, and leased to Wellesley Gateway, LLC. On a long term basis. The building to be identified is owned by Wellesley Gateway, LLC, a subdivision of the Druker Company, and leased to Harvard Pilgrim Health Care.

In February, 2000, Wellesley Gateway, LLC. requested the following Special Permits to identify its tenant:

1. An externally illuminated double-sided standing sign, set back 10 feet from the property line, with a total area of 100 square feet (50 square feet/panel) to read "Harvard Pilgrim Health Care/93 Worcester Street/Managed by the Drucker Company, Ltd., Boston, MA." The sign would exceed the allowed area of 50 square feet and have less than the required setback of 20 feet.
2. A 1 foot 10 inch by 23 foot 9 inch non-illuminated canopy sign composed of individual letters 15 inches in height and a corporate logo, to exceed the allowed letter height of 8 inches and to include the corporate logo.
3. To allow installation of three signs: a conforming wall shield sign, a standing sign and a canopy sign, which will exceed the allowed number of two signs.

At the Public Hearing, Stephen Armington of Elkus/Manfredi appeared, together with James Connolly from Harvard Pilgrim Health Care. Mr. Armington said that Harvard Pilgrim had decided to eliminate the conforming wall shield sign, and were asking for Special Permits only for the standing sign and canopy sign. The Board granted the requested Special Permits (ZBA 2000-17). To date, only the standing sign has been installed.

A Location Elevation showing the placement of the wall sign on a portion of the building, a drawing entitled "LED" Lighting for 16" x 3" Halo lit letter were submitted, and an untitled photograph of a portion of a building were submitted.

On November 8, 2001, the Design Review Board reviewed the Harvard Pilgrim Health Care proposal to install a secondary wall sign and a secondary standing sign at 93 Worcester Street. In March, 2000 the Board of Appeals had approved a primary wall sign and a standing sign at this location.

The Design Review Board noted that the secondary sign was not associated with a second public entrance to the building. The applicant explained that the approved canopy/wall sign has not been installed and offered to authorize the Town to rescind the wall sign permit issued for that sign. The proposed wall sign facing Route 128 would become the only wall sign on the building.

only one standing sign per building in the district. The standing sign allowed by the Board of Appeals is now in place. The applicant agreed to withdraw the application for the second standing sign.

The Design Review Board voted to recommend approval of the Harvard Pilgrim Health Care proposal to install a primary wall sign subject to the following:

1. The wall sign will be halo-lit; not internally illuminated.
2. The applicant will request and receive DRB support for a special permit to place the sign 42 feet above the ground level and to place a 49 square foot wall sign that exceeds the allowed 15 square feet in an Administrative and Professional District, since the sign faces Route 128/95 and since the by-right height would create a sign that would look inappropriate for such a building and location.
3. The applicant will officially authorize the Town to cancel the wall sign permit (#1486).
4. Further, the applicant withdraws the application to erect a secondary standing sign.

On January 29, 2002, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit. The Board supported the recommendations of the Design Review Board.

Decision

This Authority has made a careful study of the materials submitted and the objections raised at the Public Hearing by the affected abutter, Daniel Goldstone. The petitioner is requesting special permits for an externally illuminated wall sign, which will exceed the allowed area and height and number of wall signs allowed on a building.

This Authority makes the following findings:

- Neither the petitioner nor any duly authorized representative for the petitioner appeared at the Public Hearing. This absence in and of itself is grounds for denial of the petition.
- The submission materials were incomplete. The "L" shaped Harvard Pilgrim Health Care building faces Route 128 on two separate facades. Without a site plan to correlate the depicted portion of the building to the entire building and its location on the site, the Board could not determine the precise location of the sign in relation to the impact on the Duxbury Road abutter.
- The size of the sign is not in keeping with the intent of the Zoning Bylaw.
- The external illumination is unnecessary, and serves only to advertise rather than identify the location of the premises. The building is used to house the corporate headquarters of Harvard Pilgrim Health Care, and not to provide emergency medical services, which might necessitate external illumination of the proposed wall sign.

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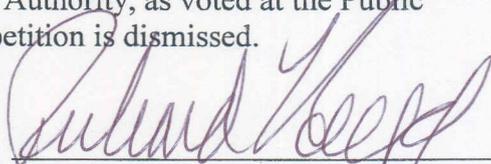
- No request was submitted by the petitioner to the Board of Appeals to rescind the sign permit issued for the canopy/wall sign. The Zoning Bylaw does not allow a second wall sign unless there is more than one public entrance at street level. In that instance, a second wall sign may be permitted, but the sign cannot exceed 25 square feet or 10% of the façade, whichever is less.

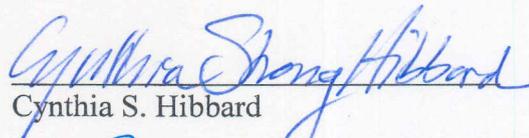
There is no public entrance that will be identified by the proposed wall sign, and if there were, the total area could not exceed 25 square feet. The proposed sign is 49 square feet, and would constitute the second wall sign on the building and the third sign on the premises, both of which would be in violation of Section XXIIA of the Zoning Bylaw.

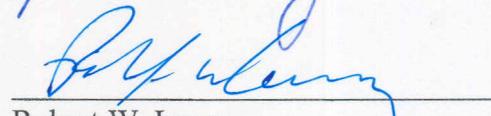
For all of the aforesaid reasons, it is the unanimous opinion of this Authority, as voted at the Public Hearing, that this request for a Special Permit be denied, and this petition is dismissed.

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.

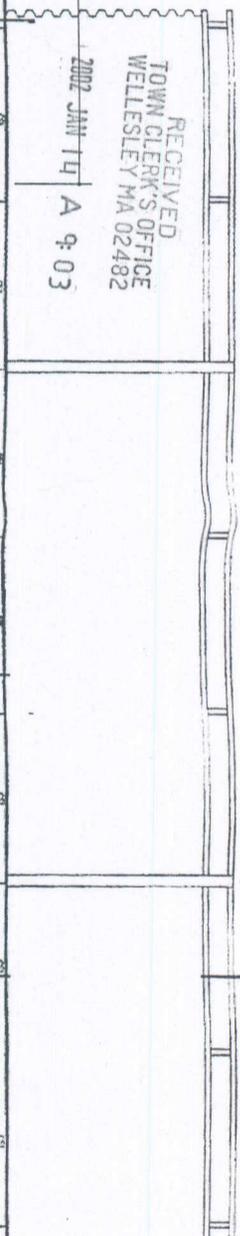
Cc: Planning Board
Design Review Board
Inspector of Buildings
edg


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard


Robert W. Levy

Area of Sign: 49 Square Feet



1 Location Elevation
Scale: 1/8" = 1'-0"

Description
22" Halo Lit Logo,
16" Halo Lit letters
Typeface
Harvard Pilgrim Logotype
Illumination
Halo

Colors
Shield: Red PMS 186
Figures: White
Letters: Black
Installation
Mechanically Fastened to Building

Advanced Signing
Advanced Signing LLC
4 Industrial Park Road
Medway MA 02053

HPHC -
Wellesley Gateway
Wellesley, MA

WORK ORDER
11672A

DRAWN BY
HLS/DL/PMB

DATE
03.09.01

REVISIONS
03.22.01
04.04.01
05.01.01
07.02.01
10.31.01

DRAWING NO.
B.2

SIGN TYPES
B

Wall ID Sign