

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2002-106  
Petition of Dunkin Donuts  
951 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 2002 at 7:30 p.m. in the Planning Board Office in the Town Hall, 525 Washington Street, Wellesley on the petition of DUNKIN DONUTS requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to replace the existing panels on its nonconforming double-sided externally illuminated 10 foot standing logo sign with two new 8 foot by 4 foot panels (32 square feet/panel) at its premises at 951 WORCESTER STREET, in a Business District. Said sign will exceed the allowed area of 50 square feet and have less than the required 15 foot setback, as the sign is set 13 feet from the front property line. Said sign will have the same height, front setback, total area and illumination as the existing sign.

On November 4, 2002, 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 Charles Jackson, representing the franchisee, William Donovan. Mr. Jackson explained that the building was being remodeled, and that every time this occurs, Dunkin Donuts requires that the signage be updated. Only the existing sign panels will change; the sign frame will remain in the same location.

The Board stated that the legal notice, application and the Design Review Board comments indicate that the sign is set back 13 feet from the front property line. It appears that the sign is set back 2 feet from one property line and 6 feet 9 inches from the other. The 13 foot measurement might relate to the menu sign, which is shown on the plan, but no longer exists. The Board would require that a revised site plan showing existing structures, sign location and setbacks be submitted. A north arrow should be shown on the plan as well.

The Board noted that the application states the sign will be "externally" illuminated, but the drawings of the proposed sign indicate "internal" illumination. Mr. Jackson said the sign would be externally illuminated. The Board requested a new sign drawing specifically stating "external illumination" be submitted.

The Board commented that the Planning Board had no objection to the revised sign.

No other person present had any comment on the petition.

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ZBA 2002-106  
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951 Worcester Street

### Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, on a 12,255 square foot lot. The property is owned by Donovan Services, the franchisee of the Dunkin Donuts store. Dunkin Donuts is undergoing remodeling, and therefore, is required by the company to update its sign panels.

The proposed signage will consist of replacement of the existing double-sided panels on the existing 10 foot externally illuminated standing sign, which is set back 6 feet 9 inches from the front property line and 2 feet from the western boundary line. Each of the new sign panels will be 8 feet by 4 feet and will be externally illuminated.

The petitioner is requesting a Special Permit to replace the existing panels as the new panels will exceed the allowed total area of 50 square feet and the sign will have less than the required front and left side setbacks. There will be no change in the height, illumination, setbacks or total area of the sign from that of the existing sign.

An undated, unstamped site plan, undated, unsigned depictions of the sign and photographs of the existing signage were submitted.

On September 12, 2002, the Design Review Board reviewed the petition, and voted to recommend approval of the sign to the Zoning Board of Appeals.

On November 12, 2002, the Planning Board reviewed the petition and had no objection to the granting of a Special Permit for the sign.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject sign exceeds the allowed total area of 50 feet and has less than the required minimum setback of 15 feet from both property lines.

This Authority is of the opinion that the proposed panel replacement in the existing standing sign is in harmony with the general intent and purpose of Section XXIIA of the Zoning Bylaw. The sign has been in place since 1993, and its location, height, area and illumination have presented no problems in regard to the traffic flow on Worcester Street.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to replace the existing sign panels with panels of the same dimensions, subject to the following conditions:

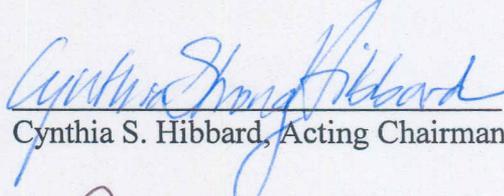
1. Prior to the issuance of a sign permit by the Inspector of Buildings, a revised dated, signed site plan showing the existing structures, the location and setbacks of the existing sign and a north arrow shall be submitted to the office of the Board of Appeals
2. Prior to the issuance of a sign permit by the Inspector of Buildings, a revised, dated, sign plan including the name of the designer, stating that the proposed panels shall be externally illuminated shall be submitted to the office of the Board of Appeals.

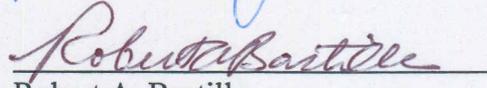
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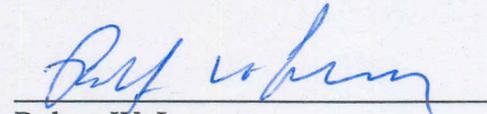
Following compliance with the above conditions, the Inspector of Buildings is hereby authorized to issue a permit for the sign upon his receipt and approval of an application. No sign shall be installed prior to the issuance of said sign permit.

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

  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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