

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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2002 OCT 19 A 9 36

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EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
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ZBA 2002-92
Petition of Boston Federal Savings Bank
200 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BOSTON FEDERAL SAVINGS BANK requesting renewal of a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to continue to allow its 4.25 square foot tri-color wall sign identifying its ATM drive-through facility, at its premises at 200 LINDEN STREET, in a Business District, to be internally illuminated only during the hours the banking facility is open to the public. Said sign exceeds the allowed number of colors (2) for an internally illuminated sign.

On September 3, 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 Thomas Smithers, representing Boston Federal Savings Bank.

The Board said that the Planning Board had stated in its review that the sign is illuminated all night in violation of the conditions in the Special Permit. The Board has also noticed the sign lit at night. The conditions under which the Special Permit was granted clearly state that the sign can be internally illuminated only during the hours the bank is open to the public.

Mr. Smithers said that he would make certain that the timer for the sign was fixed so that the sign would not be lit after banking hours. The Board stated that it would require a letter from Mr. Smithers confirming that the timer had been fixed, and that if there were any further violations, the Special Permit would be revoked.

The Board discussed the issue of a tri-color sign being internally illuminated, and decided, since the sign had been in existence for many years, to revisit the issue the next time the Special Permit is renewed.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 200 Linden Street, in a Business District. Boston Federal Savings Bank leases the southernmost space in the store block perpendicular to Linden Street, owned by the William Diehl Realty Trust.

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The petitioner is requesting renewal of its Special Permit to continue to internally illuminate its 4.25 square foot tri-color wall sign containing the bank logo and the words "24-hour Drive-Thru ATM" below its existing wall sign.

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On September 10, 2002, the Planning Board reviewed the petition and observed that the terms of the current special permit limiting hours of sign illumination are not being followed. Apparently the sign is illuminated all night. The Board further noted that this internally illuminated sign exceeds the two color limit.

Decision

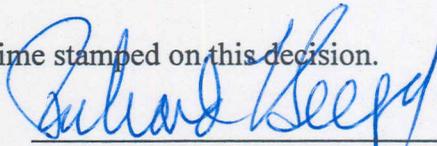
This Authority has made a careful study of the material submitted and the information presented at the hearing. It is the opinion of this Authority that the internal illumination of the 4.25 square foot tri-color wall sign identifying the Boston Federal Savings Bank ATM facility is in harmony with the general intent and purpose of the Zoning Bylaw.

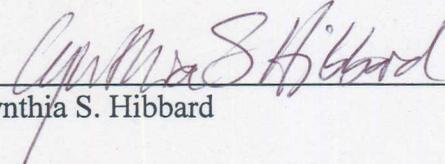
Therefore, the Special Permit to internally illuminate the tri-color ATM wall sign is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. A letter shall be received by this Authority from the Boston Federal Savings Bank confirming that the timer for the ATM internally illuminated wall sign has been repaired so that the sign is turned off at the close of public banking hours. The confirmation shall be received within 10 days of the date time stamped on this decision.
2. The 24-hour ATM sign shall be the only internally illuminated sign on any bank façade.
3. The ATM sign shall be internally illuminated only during the following hours:

Monday through Wednesday	9 a.m. to 4 p.m.
Thursday and Friday	9 a.m. to 5:30 p.m.
Saturday	9 a.m. to 12:30 p.m.
4. Internal illumination of the ATM wall sign during any but the aforesaid hours shall be grounds for immediate revocation of the Special Permit.
5. This Special Permit shall expire two years from the date time stamped on this decision.

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.


Richard L. Seegel, Chairman


Cynthia S. Hibbard


Robert A. Bastille

Cc: Planning Board
Inspector of Buildings