

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2004-10  
Petition of Boston Federal Savings Bank  
999 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 12, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of BOSTON FEDERAL SAVINGS BANK requesting a Special Permit pursuant to the provisions in Section XXIIA and Section XXV of the Zoning Bylaw to allow installation of an internally illuminated tri-color 18 foot 11 inch by 2 foot 8 inch wall sign at a height of 12 feet to identify its premises. The sign would contain 18 inch internally illuminated individual letters and an internally illuminated tri-color eagle logo box. The Special Permit is requested for the internal illumination and for the use of more than two colors in an internally illuminated sign.

Presenting the case at the hearing was Jeff Sarra of Batten Bros. Sign Advertising, who was accompanied by Marc Gulezian, Purchasing Officer and Amy Timmerman, Marketing Manager, both of whom were representing Boston Federal Savings Bank.

Mr. Sarra said they are requesting a Special Permit to internally illuminate the wall sign to identify the bank. The bank is sandwiched between the Shell station and the gas station owned by Michael Chamas, both of which are illuminated at night. The proposed sign would occupy approximately the same space as the temporary banner currently on the wall.

The Board stated that the Zoning Bylaw states that "in no case" shall there be more than two colors on an internally illuminated sign. In fact, this was an issue settled in Land Court when the neighboring Shell station appealed the denial of the Board to grant more than two colors on its internally illuminated sign. The issue with Shell was resolved by making the background of the sign opaque, so only two colors were internally illuminated. It is outside the Board's discretion to grant the request for more than two colors, which is prohibited.

The Board said that businesses have gotten around this limitation by externally illuminating their signage, as the limitation applies only to internally illuminated signage. The Board can grant a Special Permit for the internal illumination, but not for more than two colors. There is precedent for making the background opaque as an option.

Ms. Timmerman said the individual letters were only one color. The problem is with the eagle logo box, which has three colors. The Board suggested that only the letters be internally illuminated. Furthermore, the sign would have to be turned off when the bank is not open to the public.

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Mr. Sarra said he did not know whether it would be possible to make a portion of the logo box opaque, while maintaining the internal illumination of the other two colors. The Board suggested that the eagle be made opaque so that only the blue and white area would be internally illuminated. Ms. Timmerman said that was Mr. Sarra's plan, but if for some reason he could not make that work, they would internally illuminate only the letters.

The Board agreed to grant the Special Permit for the internal illumination of the letter portion of the wall sign with the condition that if the logo box is internally illuminated, the eagle shall be opaque.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 999 Worcester Street, in a Business District, and was recently purchased by the Boston Federal Savings Bank, which occupies a portion of the building.

The bank is requesting a Special Permit to install an internally illuminated, tri-color 18 foot 11 inch by 2 foot 8 inch wall sign at a height of 12 feet to identify its new location. The sign would contain 18 inch internally illuminated individual letters and an internally illuminated tri-color logo box. A Special Permit is required for the internal illumination of the sign and for the internally illuminated sign to have more than two colors.

A sign application and a design sheet containing a photographic rendition of the sign on the building, a description of the sign materials and an enlargement of the tri-color eagle logo box in color were submitted.

In December 2003, the Design Review Board reviewed the wall sign and voted unanimously to recommend to the Board of Appeals approval of a Special Permit for the wall sign as presented.

On February 10, 2004, the Planning Board reviewed the petition and had no objection to the granting of this request.

#### 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 install a tri-color internally illuminated 18 foot 11 inch by 2 foot 8 inch wall sign at a height of 12 feet. The Special Permit is required for the internal illumination and for the use of more than two colors in an internally illuminated sign.

It is the opinion of this Authority that the proposed wall sign is in harmony with the general intent and purpose of Section XXIIA of the Zoning Bylaw in regard to size, height and internal illumination.

However, this Authority finds that it does not have the jurisdiction to allow the internally illuminated sign to contain more than the allowed two colors.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to internally illuminate the sign under the following conditions:

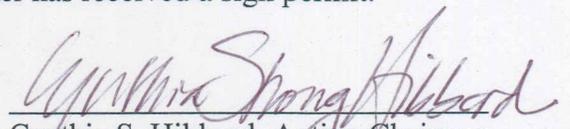
1. The individual letters of the sign shall be internally illuminated.
2. The eagle logo box shall be internally illuminated, only if the eagle is opaque, reducing the number of colors in the logo box to the two colors allowed.
3. The sign shall be internally illuminated only during the hours the bank is open to the public for business, which are as follows:

Monday through Wednesday	-	9 a.m. – 4 p.m.
Thursday & Friday.	-	9 a.m. – 6 p.m.
Saturday		8:30 a.m. – 12:30 p.m.

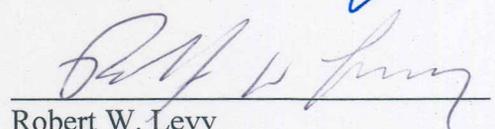
The Inspector of Buildings is hereby authorized to issue a permit for the sign upon receipt and approval of a sign application. No wall sign shall be installed until the petitioner has received a sign permit.

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  
Design Review Board  
Inspector of Buildings  
edg

  
Cynthia S. Hibbard, Acting Chairman

  
David G. Sheffield

  
Robert W. Levy

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