

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2006-65  
Petition of CJP Enterprises  
234 Worcester Street

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Petition of CJP ENTERPRISES (the Petitioner) requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install an internally illuminated two-sided standing sign with a total area of 93.22 square feet at a height of 20 feet. Said sign shall exceed the maximum number of colors, total area and height that is allowed by right in a Business A District.

The petitioners are requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install 2 foot by 6 foot internally illuminated wall sign with a total area of 12 square feet.

On August 25, 2006, 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 Janet Butler, of CJP Enterprises, who said that she is representing the owners, Ko Dodge at 234 Worcester Street. She said that the sign proposal was brought before the Design Review Board in April of 2006.

Ms. Butler said that the proposal is for two signs, one of which is a free-standing pylon sign that would exceed the height, area and number of colors allowed by right. The sign will be double-faced. The existing and proposed signs stand at 20 feet above grade. The sign will have the Dodge Corporate logo of white, black and red.

Ms. Butler said that the existing sign sits on Massachusetts Highway property. She said that the proposed sign will be moved and will meet the setback requirement.

The Board said that it does not favor advertising signs but rather signs that identify location and entrance.

The Board said that it is not within its power to grant a Special Permit for more than two colors if a sign is to be internally illuminated. The proposed sign colors are red, black, white and gray.

The Board asked if the bottom part of the sign that says "Five Star" will be illuminated. Ms. Butler said that it will be. She said that the sign is one box with two panels.

The Board read Section XXIIA of the Zoning Bylaw, which states that black and white are considered to be colors if the sign is internally illuminated.

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The Board said that the lower portion of the sign that is black should not be illuminated. The upper part of the sign may consist of red and white but not red, white and gray.

The Board said that a new plot plan showing that the sign is at least ten feet back from the property line should be submitted.

Ms. Butler said that the other proposed sign is a service sign that will be mounted on the building. She said that the Design Review Board requested that the lettering be gray with a white background. She said that the sign will be internally illuminated. It will replace an existing three-color sign.

The Board confirmed that the service sign will face the parking lot.

Ms. Butler said that they will install the name "KO" on the right side of the front of the building. The existing Dodge name and emblem on the left front of the building will remain.

#### Statement of Facts

The subject property is located at 234 Worcester Street in a Business A District.

The petitioner is requesting a Special Permit to install an internally illuminated two-sided standing sign with a total area of 93.22 square feet at a height of 20 feet. Said sign shall exceed the total area and height that is allowed by right in a Business A District.

The petitioner is requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to install 2 foot by 6 foot internally illuminated wall sign with a total area of 12 square feet, and a 1.5 foot by 3.2 foot wall sign with a total area of 4.76 square feet. An existing wall sign shall remain.

Inventory and Recommendation Detail for Signs E01 and E04, Site Plan, and Elevation Imaging for Signs E02 and E03, prepared by ImagePoint were submitted.

On April 12, 2006 the Design Review Board voted unanimously to:

Recommend the Zoning Board of Appeals approve the proposed standing and wall sign to be located at 234 Worcester Street as presented.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject internally illuminated standing sign does not conform to the current Zoning Bylaw in regard to total area and height that is allowed by right in a Business A District.

It is the opinion of this Authority that the internally illuminated standing sign will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw in regard to total area and height.

The subject 2 foot by 6 foot wall sign will be internally illuminated.

It is the opinion of this Authority that the proposed internally illuminated wall sign is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw.

Installation of the subject 1.5 foot by 3.2 foot wall sign in addition to the existing wall sign and the proposed internally illuminated wall sign shall result in a total of three signs.

It is the opinion of this Authority that the proposed installation of a third wall sign is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw.

Therefore, a Special Permit is granted for the pylon sign, subject to the condition that a new plot plan be submitted showing the property line, and showing that the pylon will be no closer than 10 feet to the property line. The lower black portion of the pylon sign that says "Five Star" shall not be illuminated. The upper portion of the sign that is illuminated shall be limited to two colors, red and white. A new design plan of the sign shall be submitted. The plot plan and the plan of the sign shall be submitted prior to application for the Sign Permit.

A Special Permit is granted for the proposed wall sign that says "Service", as proposed.

A Special Permit is granted for installation of the wall sign that says "KO", as proposed.

The Inspector of Buildings is hereby authorized to issue a permit for the signs upon receipt and approval of a sign application and any other materials he may require. No signs shall be installed until said permit has been issued.

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm