

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-69
Petition of Cumberland Farms, Inc.
46 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 11, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of CUMBERLAND FARMS, INC. requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for replacement of an existing standing sign with an internally illuminated two-sided standing sign at a height of 16 feet 5 $\frac{3}{4}$ inches, with a total area of 47.23 square feet, and less than required front and side setbacks. The sign will consist of a 7 foot 11 inch by 4 foot 3.25 inch logo panel and a 2 foot 10 inch by 4 foot 9 inch price panel. The Petitioner is requesting a Variance pursuant to the provisions of Section XXIIA and Section XXIV-D of the Zoning Bylaw for the use of more than two colors on the internally illuminated sign at 46 WASHINGTON STREET, in a Business District.

On August 25, 2008, 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 John Marth, Planning Department, Cumberland Farms, Inc. (the "Petitioner").

Mr. Marth said that Cumberland Farms purchased approximately 160 Exxon sites in 2003. He said that due to complicated legalities, they are now re-branding to the Gulf logo. He said that they must meet legal deadlines for switching the signs out.

Mr. Marth said that the existing sign was permitted by a Variance granted by the Board in 1985.

Mr. Marth said that the Petitioner had gone before the Design Review Board (DRB) in July with plans for a slightly different logo that is the company standard. The DRB recommended that the sign be the standard disk with letters not to exceed 12 inches, and that the price sign be moved up to improve sight line visibility.

Mr. Marth said that the proposal is for a sign face swap out to replace the brand. He said that the canopy will be painted blue instead of red but there will be no signage on it. The tiger will come off of the dispensers and the Gulf disk will go on. He said that there will be no changes of pump or structural changes to the signs.

Mr. Marth said that the proposal is to maintain the three colors on the internally illuminated sign, as permitted in 1985 by a Variance that was granted by the Board.

The Board confirmed that the dispensers will not be internally illuminated.

Sandra Jordan, 8 Glen Road, said that she was really pleased with the proposal. She said that she sees the red canopy from her kitchen window and is happy that it will be changed to blue.

Mr. Marth said that Cumberland Farms and Gulf are officially merging. He said that they are trying to bring back the Gulf product to what it used to be, synonymous with quality.

Mr. Marth said that he believed that the hours of operation are from 6 a.m. to 11 p.m. He said that the lights are on timers that go off when the facilities close.

Statement of Facts

The subject premises is located at 46 Washington Street, in a Business District.

The Petitioner is requesting a Special Permit for replacement of an existing standing sign with an internally illuminated two-sided standing sign at a height of 16 feet 5 $\frac{3}{4}$ inches, with a total area of 47.23 square feet, and less than required front and side setbacks. The sign will consist of a 7 foot 11 inch by 4 foot 3.25 inch logo panel and a 2 foot 10 inch by 4 foot 9 inch price panel.

The Petitioner is requesting a Variance pursuant to the provisions of Section XXIIA and Section XXIV-D of the Zoning Bylaw for the use of more than two colors on an internally illuminated standing sign.

Submittals from the Petitioner

- Site Plan, dated 6/28/06, drawn by A.A.B.
- Existing & Proposed MID Signage, dated 8/18/08, prepared by Pro Signs
- Gulf Specifications Guide, Color Specifications
- Photographs

On September 8, 2008, the Planning Board reviewed the petition and supported the recommendations of the Design Review Board.

On July 23, 2008 the Design Review Board voted to

Recommend the Zoning Board of Appeals approve the proposed standing sign as presented subject to the Gulf disk being centered in a blue background with letters not to exceed 12" in height and with the recommendation the price signage be slightly raised for visibility.

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 for replacement of an existing standing sign with an internally illuminated two-sided standing sign at a height of 16 feet 5 $\frac{3}{4}$ inches, with a total area of 47.23 square feet, and less than required front and side setbacks. The sign will consist of a 7 foot 11 inch by 4 foot 3.25 inch logo panel and a 2 foot 10 inch by 4 foot 9 inch price panel.

It is the opinion of this Authority that granting a Special Permit for replacement of an existing standing sign with an internally illuminated two-sided standing sign at a height of 16 feet 5 $\frac{3}{4}$ inches, with a total area of 47.23 square feet, at less than required front and side setbacks and consisting of a 7 foot 11 inch by 4 foot 3.25 inch logo panel and a 2 foot 10 inch by 4 foot 9 inch price panel is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw.

Therefore a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for replacement of an existing standing sign with an internally illuminated two-sided standing sign at a height of 16 feet 5 $\frac{3}{4}$ inches, with a total area of 47.23 square feet, at less than required front and side setbacks and consisting of a 7 foot 11 inch by 4 foot 3.25 inch logo panel and a 2 foot 10 inch by 4 foot 9 inch price panel.

The Petitioner is requesting a Variance pursuant to the provisions of Section XXIIA and Section XXIV-D of the Zoning Bylaw for the use of more than two colors on an internally illuminated standing sign.

It is the opinion of this Authority that granting a Variance to allow for more than two colors on an internally illuminated standing sign would not affect the Zoning District in which it is located nor nullify or derogate from the intent or purpose of the Zoning Bylaw. Literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve a substantial hardship to the petitioner.

Therefore, a Variance is granted, as voted unanimously by this Authority at the Public Hearing, for the use of more than two colors on an internally illuminated standing sign.

The Inspector of Buildings is hereby authorized to issue a permit for the proposed sign subject to approval of a sign application. No sign shall be installed until said permit has been issued.

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.

J. Randolph Becker, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm