

**ZONING BOARD OF APPEALS**

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ZBA 2010-07

Petition of Cumberland Farms, Inc.

461 Worcester Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 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 a previously approved (ZBA 2000-63) 70 square foot double-sided internally illuminated standing sign with a 90 square foot double-sided externally illuminated standing sign, for ten (10) one square foot circular dispenser logos, and one 1.5 square foot wall sign, for a total of 101.5 square feet of site signage, at 461 WORCESTER STREET, in a Business District.

On December 21, 2009 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 Carolyn Parker, Consultant, who said that she was representing Cumberland Farms (the "Petitioner"). She submitted revised drawings to the Board. She said that the Design Review Board (DRB), at its December 16, 2009 meeting, did not support the proposed 36 inch height of the price numbers. On January 6, 2010, after reviewing alternative drawings, the DRB favored Option Two, which provides for 24 inch price numbers.

Ms. Parker said that a Town Planner determined that the one square foot Gulf logos on the dispensers are not considered wall signs. She said that she was told that the dispenser logos would be allowed by right. The Board confirmed that the total area of the logos would be 10 square feet.

Ms. Parker said that she submitted a picture with the application package that shows many signs in the windows of the building. She said that those signs have been removed. She said that there are no signs on the canopies. She said that there is a previous ZBA decision on this property that was approved in 2000. She said that the Board allowed a sign that had the Gulf logo on both sides and the prices on one side. She said that they had regular and diesel fuel at the time. She said that the diesel price was eliminated from the sign sometime in the past 10 years. She said that the height of the price numbers was increased at that time and the prices were put on both sides of the sign.

Ms. Parker said that Cumberland Farms is going through a re-image. She said that they are asking for 24 inch price numbers on the sign. The Board said that the 24 inch numbers will be smaller than the 36 inch numbers that are currently there.

Ms. Parker said that the gas station is at an awkward location. She said that it is important to have the prices on both sides of the sign.

The Board said that there are signs on the dispensers for cash discount. Ms. Parker said that those signs will be removed.

Ms. Parker said that the two Gulf logos on the building been removed. She said that the State Inspection signs and the Free Air sign remain on the building.

The Board said that its policy is that signs are for identification and not for advertising.

Ms. Parker said that the existing sign is internally illuminated. She said that the proposed sign will be changed to external illumination.

The Board said that the logos on the dispensers should be located no higher than two feet from the bottom of the dispenser.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 461 Worcester Street, in a Business District.

The Petitioner is requesting a Special Permit for replacement of a previously approved (ZBA 2000-63) 70 square foot double-sided internally illuminated standing sign with a 90 square foot double-sided externally illuminated standing sign, for ten (10) one square foot circular dispenser logos, and one 1.5 square foot wall sign, for a total of 101.5 square feet of site signage, at 461 WORCESTER STREET, in a Business District.

Existing Conditions Plan, dated 10/23/01, revised 7/24/02, stamped by Peter E. Tuttle, Registered Professional Land Surveyor, Existing Canopy Elevations, dated 12/9/09, Front & Left Side Building Elevations, dated 12/9/09, Existing & Proposed Photo Re-Images, dated 7/29/09, 11/11/09 & 12/2/09 & 1/4/10, drawn by C. Lester, and photographs were submitted.

On December 16, 2009, the Design Review Board voted unanimously to

approve the Special Permit for the standing sign, but deny the Variance for the thirty-six (36) inch numbers.

On January 6, 2010, the Design Review Board submitted a letter to the Board stating that

The Board reviewed alternatives shown on the attached drawings (Existing & Proposed Photo Re-Images, dated 1/4/10, drawn by C. Lester) and a majority favors "Proposed Option Two".

On January 5, 2010, the Planning Board recommended that the Special Permit petition be approved with conditions and that the Variance petition be denied.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject signs are a 90 square foot double-sided externally illuminated standing sign and ten (10) one square foot circular dispenser logos. The total aggregate area for the standing sign, ten (10) dispenser logos and one 1.5 square foot wall sign will be 101.5 square feet.

It is the opinion of this Authority that installation of a 90 square foot double-sided externally illuminated standing sign, consisting of a 25 square foot Gulf logo panel and a 20 square foot price panel on each side, with 24 inch price numbers, as shown as Option Two on the Existing & Proposed Photo Re-Images, dated 1/4/10, will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw, as the lettering styles, materials and colors will not detract from the area and are appropriate for this specific location.

Therefore, a Special Permit is granted for installation of a 90 square foot double-sided externally illuminated standing sign, consisting of a 25 square foot Gulf logo panel and a 20 square foot price panel on each side, with 24 inch price numbers, Option Two.

It is the opinion of this Authority that the total aggregate area for the standing sign, ten (10) dispenser logos and one 1.5 square foot wall sign at 101.5 square feet will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw, as the lettering styles, materials and colors will not detract from the area and are appropriate for this specific location.

Therefore, a Special Permit is granted to exceed the maximum area of signs allowed in a District fronting on Worcester Street.

The Special Permit is granted subject to the following conditions:

1. Logos on the dispensers shall not be located higher than two feet from the bottom of the dispenser.
2. Illumination shall be shut off at the earlier of the close of business or no later than 10:00 p.m.

The Inspector of Buildings is hereby authorized to issue a permit for the sign upon receipt and approval of a sign application and any other materials he may require. 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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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