

**ZONING BOARD OF APPEALS**

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ZBA 2015-71

Petition of East-West Enterprises Co., Ltd
555 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 10, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of EAST-WEST ENTERPRISES CO. LTD requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for installation of an internally illuminated window sign set one (1) inch from the glass surface of a window. The total area of the window sign and the existing wall sign will exceed the maximum total area allowed by right at 555 WASHINGTON STREET, in the Wellesley Square Commercial District.

On August 24, 2015, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

WITHDRAWN WITHOUT PREJUDICE

Presenting the case at the hearing were Vincent Spoto, Pinnacle Residential Properties and Ilya Alshine, President, imageSurge and developer of the technology that they want to put in place.

The Chairman said that when he looked at this, he had a problem with how it fits within the Zoning Bylaw and prohibited activities. He said that his preference is that this be submitted to Town Counsel for his opinion as to whether it meets the bylaw. He said that a concern is precedence with this type of signage. He said that it means that every other store on Washington Street and Central Street can come before the ZBA with requests for a similar type of sign.

A Board member said that it is intriguing technology. He said that he had the same concerns as the Chairman about setting precedence for other retail establishments. He said that they could establish an interactive website. He said that there are not supposed to be moving signs.

Mr. Spoto said that a rationalization for this type of sign is that they are always getting requests from people wanting Pinnacle to put pictures of their houses in the windows. He said that they also try to help out local groups who are trying to raise funds in town. He said that this would help to reduce window clutter. He said that they always have well maintained window boxes and this would look nicer.

The Chairman said that the issue is how to fit this type of sign with the Zoning Bylaw. He said that if the Board allows Pinnacle to have this type of sign, all of their competitors will want to have one as well. A Board member said that other retail business might want interactive signs in their windows.

A Board member said that the sign is not attached to a window and is not the primary sign. He said that the closest thing is what gets pasted to the window in the current situation. A Board member asked about applications on I phone. A Board member said that he agreed with the Chairman that the Board should get legal advice from Town Counsel, get the Planning Board to think more about this concept and give the ZBA more guidance. He questioned whether it should be limited to real estate offices or for other types of retail businesses. He said that the Planning Board was not opposed to the sign.

The Chairman said that this is a major change for the downtown Wellesley area. He said that the Board should not be the one that makes that change. He said that Annual Town Meeting should vote a bylaw in so that people know what they are getting. Mr. Spoto asked if there was any way they could help with that process. The Chairman said that they should speak to the Planning Board.

Mr. Alshine said that they had the same conversation in Brookline that ultimately resulted in a positive outcome. He said that they presented before and after pictures. He said that this was more attractive than pasted pictures. He said that they added some local content. He said that the company was sold and moved to Brighton.

Mr. Alshine displayed how the technology works. He said that it is basically an I pad application. He said that a plastic film goes on the inside of the window. He said that you can touch the window to make it move. The Chairman said that it is a moving sign and it is internally illuminated.

A Board member said that Mr. Spoto should speak with the Planning Department about coming up with a bylaw to deal with this type of sign.

The Chairman asked if the Petitioner would like to withdraw his petition without prejudice. Mr. Spoto said that he would. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

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