



ZONING BOARD OF APPEALS

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ZBA 2015-91
Petition of 141 Linden LLC
141 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 141 Linden LLC requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for installation of four (4) 35 square foot awning signs with 14 inch letters, at 141 Linden Street, in a Business and Industrial District.

On October 20, 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WITHDRAWN WITHOUT PREJUDICE

MINUTES

Presenting the case at the hearing were Joe Kahn, 10 Shirley Road, and Graham West, Morgan Awning Company.

Mr. Kahn said that he is the owner of Lynx, which is located on Linden Street. He said that the request is for a special permit for installation of four 35 square foot awning signs with 14 inch letters at the Linden Street location. He said that they would like to replace four torn and worn awnings that were installed nine years ago with new ones of the same size and new fabric, using the existing frames in the same location. He said that each awning will have its own logo on it representing different business units of Lynx for dance, theater, classes and camps. He said that if they were separate companies, it could be separate awnings with vastly different styles. He said that since the business units are related, they will have similar graphics and will present a consistent overall feel. He said that the awnings will not be located on Linden Street and will only be visible to those entering the driveway and onto the property.

The Chairman said that the issues are the size, area and letter height of the awnings that do not comply with the bylaw. He said that the other thing that the Board is troubled by is that the building is a mishmash of signs. He confirmed that Mr. Kahn does not own the building. He said that the builder owner has got to do something to bring those signs into conformance with the bylaw before the Board can grant more special permits and changes from the bylaw.

A Board member asked about the history of the original awnings that are on the building. Mr. Kahn said that the awnings and a sign that is on the opposite side of the building were reviewed by the Design

Review Board (DRB). He said that he got permits for those signs. He said that the mishmash of signs on the brick board at the front is under the control of the landlord. He said that he applied for permits for the gray awnings. He said that they are worn and torn. He said that one got hit by a truck. The Chairman said that the Town has a new sign bylaw that went into effect recently. He said that, according to the bylaw, the area of the awning that could be used for a sign would be limited to 8 ¾ square feet. He said that the request is to go substantially over that. He said that it would meet the façade requirement. A Board member said that he could not tell if the 25 percent allowance for a sign on an awning is met because there is not enough information in the plans that were submitted. The Chairman said that the Board does not know what the size of the sign area will be. Mr. Kahn said that the awning and the sign are one and the same. The Chairman said that it does not comply.

Michael Zehner, Planning Director, said that the sign dimensions are the extreme limits of the lettering and that was not indicated on the drawings.

A Board member said that there are two levels of regulation that apply. He said that one is for the awning sign itself, which is limited to 25 percent, and the other is for the maximum letter size for an awning sign of 8 inches, not 14 inches. He said that layered on top of that are overall lot sign requirements. He said that the building does not come close to conforming to any of that. He said that the building is allowed one standing sign and the combination of two other types of signs. Mr. Zehner said that in a building with multiple tenants, each business with exterior wall space can have two signs. He said that the Petitioner is asking for a special permit to exceed that number by asking for four awning signs. He said that the request is to exceed the total number of signs and to exceed the total number of awning signs. He said that they are requesting relief for dimensional increases in the letter height, the area of each individual awning and possibly for the total signage area allowed. He said that cannot be determined from the materials submitted. He said that the Board would need to know the façade area of the business establishment. He said that DRB requested that if additional information is submitted, that they be allowed to review it. He said that DRB suggested that there should be better uniformity among the signs. He said that DRB did not disagree with allowing each business unit to be identified.

A Board member said that, looking at the number Lynx signs on the property, it is more than the four that are part of this application. A Board member said that the Board needs to see the whole package, not one at a time. Mr. Kahn said that he will work with the landlord. He said that Lynx occupies multiple spaces with separate leases. Mr. Zehner said that if they are separate business establishments, this could be looked at differently. He suggested that Mr. Kahn and his sign contractor meet with Mr. Zehner and Ms. Mahoney to go over exactly what they need.

The Chairman discussed allowing the petition to be withdrawn without prejudice. He said that after meeting with DRB, Mr. Kahn can re-submit to the Zoning Board.

A Board member asked about the lime green color on the awnings. He questioned whether there were any other awnings in town that are that color. He said that it appears that the businesses are geared toward younger people. He said that when he looked at them, he did not respond well to the color suggestion. Mr. Kahn said that the green appeals to their target market. He said that the awnings are not located on Linden Street, so it is more of a limited view.

A Board member said that he did not see in the submittal why the Board should grant this.

Mr. Kahn asked if the overall size of the awning meets the bylaw requirements. The Chairman said that the Board has no control over the size of the awning but does control what is put on it. He said that Mr. Kahn should read the new sign bylaw and then review his proposal with DRB. A Board member said that Mr. Kahn should meet with the building owner and see how it fits with the overall scheme. The Chairman said that the building owner's lack of attention to signs may be affecting Mr. Kahn's ability to get the relief that he needs.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.