70-43

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of American Express Company
(Taylor Real Estate Trust)

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:25 p.m. on August 11, 1970, on the appeal of the American Express Company from the refusal of the Inspector of Buildings to issue a permit to erect a sign on the building at 16 Grove Street, owned by Arthur T. Nelson Tr., Taylor Real Estate Trust. The reason for such refusal was that said sign would violate Section XXIIA, Part C, Subpart 3.a.4. which restricts illuminated signs to not more than two colors. Said appeal was made under the provisions of Section XXIIA, Part F. Subpart 3. of the Zoning By-law.

On July 16, 1970, the Inspector of Buildings notified the appellant that a permit could not be issued for the proposed signs for the above-mentioned reason, and on July 22, 1970, the appellant filed an appeal with this Board. Thereafter due notice of the hearing was given by mailing and publication.

At the hearing the appellant was represented by Paul Jameson, Attorney.

No objections were made to the granting of the request.

Statement of Facts

The store involved is located within a block of stores, on the southeast corner of Washington Street and Grove Street, within a Business District. The appellant seeks permission to erect two company signs, one on the wall above the window and the other inside the window. The sign above the window is to be 1'11" x 15'1" and the sign in the window is to be 1'11" x 8'1". Both signs are to be internally illuminated with fluorescent tubes, with the wording, "American Express" in black letters outlined in white on a blue background. The letters and background are all of plastic.

The attorney for the appellant stated that it was his opinion that it was the intent of the Sign Code not to include black as a color as black and white are generally considered achromatic. The Code recognizes white but makes no reference to black as a color to be included. However, in the alternative the appellant requests the Board to grant a special permit under the provisions of Section XXIIA, Part F. 3. of the Zoning By-law.

It was stated that the appellant intends to lease the office involved providing a special permit is granted allowing the requested signs. Express offices throughout the United States and around the world use the same sign which expresses its logo. It has been carefully designed and is custom built for each office. The blue color is created by a special blue plastic which evenly defuses the light from a concealed fluorescent source creating neither shadows nor glare.

Decision

The Board finds that the erection of the signs requested will be in harmony with the general purpose and intent of this Section of the Zoning By-law and will not be injurious to the neighborhood nor to traffic and safety conditions in its location. It is the feeling of this Board that the proposed signs will help to identify the appellant's location.

The meaning of the term "color" for purposes of the By-law is not set out in the definitions, and no prior rulings of this Board or applicable court decisions were cited by the petitioner upon the point in question, but it appears to the Board that the purposes of the By-law are best served by regarding the term in the more restrictive sense and classifying black as well as white as colors for purposes of the By-law, even though the former is not specifically referred to.

Accordingly, the Board hereby grants permission for the requested signs to be erected on the building involved, one on the wall and the other in the window as shown on the plans submitted and on file with the Board and the Inspector of Buildings is hereby authorized to issue a permit for the erection of said signs subject to the following condition:

1. That said signs shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the business establishment is open to the public.

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MELLESLEY, MASS.
AUG SEP 10 AM 9:41

Philip H. R. Cahill

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