



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-28

Petition of Alexander's Service Station (William Alexander)
431 Worcester Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, March 26, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, Wellesley on the petition of ALEXANDER'S SERVICE STATION (WILLIAM ALEXANDER) requesting Special Permits and variances pursuant to Section XXIIA, Section XXV and Section XXIV-D of the Zoning Bylaw to allow two new internally illuminated three-color standing signs on the bases of two existing signs at 431 WORCESTER STREET to reflect the change from Mobil brand to Citgo brand gasoline.

Presenting the case at the hearing was Donald Schroder of Energy North, Inc., supplier of gasoline. He stated that Mr. Alexander purchased the station from Mobil and wants to sell Citgo gasoline. They would prefer to use the present bases for the new signs but would be willing to move them to meet setback requirements.

No others were present at the hearing expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 431 Worcester Street (Route 9), in a Business District, containing 12,145 square feet of land. The southwest property line abuts the Old Worcester Street (or Worcester Street ramp). William Alexander is the owner of the property known as Alexander's Service Station. The station has recently changed from Mobil gasoline to Citgo gasoline and the petitioner wishes to replace two existing signs with new signs, but to keep the existing bases.

Sign A is located at the westerly corner of the property abutting Old Worcester Street on the property lines with no setback from Old Worcester Street or abutting property. The proposed sign is 18 feet high, 98 square feet in size (49 each face), internally illuminated with three colors (red, white and blue). It would be installed on the existing base of the former Mobil sign. A Special Permit is requested for the height, area and for internal illumination. Variances are requested for the setbacks, three colors, and to allow two signs on the property.

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Sign B is located on Worcester Street (Route 9) in the east corner of the property with a setback of 14 feet from Route 9, 3 feet from the abutting property line. The proposed sign is 18 feet high, 98 square feet in size (49 square feet each face), internally illuminated with three colors (red, white and blue). It would be installed on the existing base of the former Mobil sign. A Special Permit is requested for the setback from Worcester Street, the height, the area and for internal illumination. Variances are requested for setback from the abutter and to allow three colors.

Plans were presented indicating locations of the signs, design of the signs, drawn by Energy North, Wakefield. Photos were also presented.

The Design Review Board held a preliminary review on February 12 and a final review on March 12, at which time the sign on Worcester Street was approved as presented. Alternatives to the sign on Old Worcester Street were suggested as stated in a letter of March 13, 1987.

The Planning Board on March 17 voted to "recommend denial of the sign variance request for three color, internally illuminated signs. The Board does not believe the prerequisite conditions for the issuance of variances are present. The Board has no objection to issuance of a special permit for the requested size, height and location of a two color sign facing Worcester Street. The Board has no objection to a special permit for a secondary two color, internally illuminated standing sign facing the Worcester Street ramp (Washington Street side) provided it meets the special permit height limit of 10 feet."

Decision

This Authority has made a careful study of the evidence presented. The petitioner is proposing to redesign and reword two non-conforming signs at 431 Worcester Street.

Section XXIIA-C-6 states: "Any non-conforming sign.....shall not be enlarged, reworded, redesigned or altered in any way unless it is brought into conformity." The Mobil signs existed as non-conforming signs until such time as they were reworded and redesigned and must now conform to the Zoning Bylaws.

The Board is of the opinion that a Special Permit can be granted for two signs at 431 Worcester Street if the following conditions are met:

1. The setback shall be 10 feet from all property lines.
2. The height shall be no more than 20 feet.
3. The area of both sides of each sign shall be no more than 100 square feet.

This Board does not see any "substantial hardship" according to Section XXIV-D of the Zoning Bylaw which would warrant exceeding the above limitations.

This Board is of the opinion that a Special Permit can be allowed for internal illumination of two signs at 431 Worcester Street if the setback, area and height requirements of Special Permits are met. It is the opinion of this Authority that

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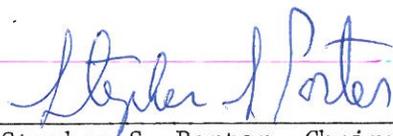
three colors (red, white, and blue) can be allowed because these constitute the Citgo national logo and a "substantial hardship" per Section XXV would exist for the petitioner if only two colors were used.

If is the opinion of this Authority that, due to the fact that the property is facing two heavily traveled streets, Worcester Street and Old Worcester Street, two signs are not excessive and a variance is hereby granted to allow a sign facing each street if the other requirements are met as mentioned above.

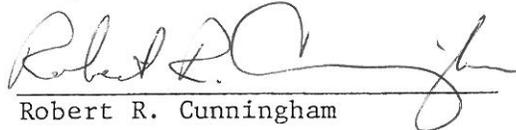
Therefore, it is suggested that the petitioner submit a new plot plan to this Authority showing acceptable locations of the signs. The Inspector of Buildings is then authorized to issue a permit for the signs if they meet the requirements listed above and upon his receipt and approval of a sign application.

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.

cc: Planning Board
Building Inspector
mam



Stephen S. Porter, Chairman



Robert R. Cunningham



William E. Polletta

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