

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-29
Petition of Bank of Boston
336 Washington Street

Pursuant to due notice, the Special Permit Granting Authority and the Permit Granting Authority held a Public Hearing on Thursday, May 19, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of BANK OF BOSTON requesting a Special Permit pursuant to Section XXIIA and Section XXV of the Zoning Bylaw to allow removal of an existing sign and replacement with a standing sign approximately 4 feet by 5 feet with internal illumination which will exceed the requirements of area and height and has less than the required setback. A variance is also requested from the terms of Section XXIIA and pursuant to Section XXIV-D to exceed the maximum number of colors allowed for an internally illuminated sign. Said sign is to be located at 336 WASHINGTON STREET in a Business District.

On April 4, 1988, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

This petition was scheduled for the Public Hearing held on April 21, 1988 and was continued to May 19, 1988 at the request of the petitioner.

Presenting the case at the hearing were Ralph Copeland, attorney for Bank of Boston, and Stephen Fox, representing Bank of Boston. Mr. Fox said that the proposed sign was part of a new graphics package to be used statewide which includes a new trademark statement using a red line under the "Bank of Boston" verbage. Bank of Boston wishes to replace the existing illuminated sign with a new sign which would have five colors, only two of which would be illuminated.

Mr. Fox said that the red line, to which the Design Review Board had objected, is part of the corporate trademark. The width of the line is related to the width of the letters and any deviation would harm the integrity of the graphics. However, Mr. Fox said, the Bank of Boston could incorporate the suggestion made by the Design Review Board, that the arc of the sign follow the arc of the circle of the letters in "Bank of Boston".

Mr. Copeland said that the sign met all the parameters of Special Permit conditions as to area, height and setback. He felt there is an ambiguity in the Zoning Bylaw as there is no limitation on the number of colors on signs except on internally illuminated signs. Mr. Copeland said that his interpretation of the phrase in Section XXIIA-D6 of the Zoning Bylaw stating "No more than two colors shall be used" means that only two colors may be illuminated, not that only two colors shall be used on the illuminated sign. Only the white letters and the red line will be illuminated on the Bank of Boston sign.

No other person had any comment on the petition.

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Statement of Facts

The property in question is located at 336 Washington Street, owned by The First National Bank of Boston, in a Business District.

The Bank of Boston proposes to replace the existing internally illuminated standing sign with a new standing sign which would be 40 square feet, with a height of 10 feet and a setback of 7 feet from the street line. A Special Permit is requested for the internal illumination, the area, height and setback. A variance is requested to exceed the number of colors allowed on an internally illuminated sign. The proposed Bank of Boston sign will have five colors, but only the white letters and the red stripe will be illuminated.

Drawings of the proposed sign dated November 13, 1987 and an undated site plan were submitted by Sign Systems, Inc., 40 Strafello Drive, Avon, MA.

The Design Review Board held a preliminary sign review on January 14, 1988 and recommended that the red stripe be deleted and that the flat top of the sign be retained rather than duplicating the arc of the message. A final sign review was held on May 12, 1988 at which time the Design Review Board reiterated its opposition to the width of the red stripe, recommending a 50 percent reduction. The Board also recommended that the red stripe be opaque and not translucent, and that the curve of the top of the sign be modified so that the edges are rounded. There was no opposition to the proposed area, height and setback.

The Planning Board, on April 11, 1988, voted to oppose the sign variance for more than two colors and recommended that the sign be illuminated only when employees are on the premises and not to indicate the availability of the 24 hour banking machine.

Decision

This Authority has made a careful study of the evidence presented.

The petitioner is requesting a Special Permit for a standing internally illuminated sign at 336 Washington Street to identify the Bank of Boston, which will exceed the requirements of area, height and setback. This Authority is of the opinion that the proposed standing sign is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw with regard to area, height and setback.

The petitioner is also requesting a variance to exceed the maximum number of colors allowed on an internally illuminated sign. It is the opinion of the Board that the internal illumination of two colors, namely the white letters and the red stripe, is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw and that literal enforcement of this section of the Zoning Bylaw would involve substantial hardship to the petitioner.

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Therefore, a Special Permit pursuant to Section XXIIA and Section XXV of the Zoning Bylaw is hereby granted for the proposed standing internally illuminated sign at 336 Washington Street, 40 square feet in size, not to exceed to feet in height, and to come no closer than 7 feet from the street line as shown in the drawings submitted as described in the Statement of Facts with the following condition:

1. that said sign may be internally illuminated only during business hours while bank employees are providing banking services on the premises.

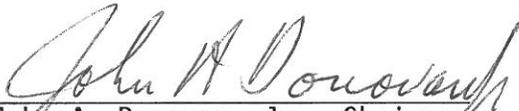
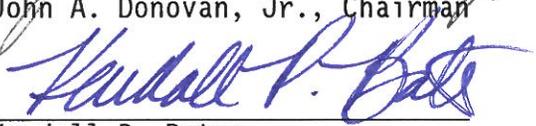
A variance from the terms of Section XXIIA-D6 and pursuant to Section XXIV-D of the Zoning Bylaw is hereby granted for the said illuminated sign to have five colors with the following condition:

1. that only the white letters and the red stripe on the sign may be internally illuminated.

The Inspector of Buildings is hereby authorized to issue a permit for the sign upon his receipt and approval of an 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: Design Review Board
Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman

Kendall P. Bates


William E. Polletta

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