

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
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AUG 5 9 18 AM '88ZBA 88-57
Petition of Medaglia Bros. Inc.
199 Worcester Street (Mobil Station)

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of MEDAGLIA BROS. INC. requesting a Special Permit pursuant to Section XXIIA and Section XXV of the Zoning Bylaw to remove two standing signs and replace them with one internally illuminated standing sign which will exceed the requirements of area, setback and height at 199 WORCESTER STREET (MOBIL STATION) in a Business District. A variance is also requested pursuant to Section XXIIA and Section XXIV-D of the Zoning Bylaw to allow the number of colors of said internally illuminated sign to exceed the maximum number allowed.

On July 5, 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.

Presenting the case was John L. Connors, agent for Mobil Oil Company, who was accompanied by Thomas A. Medaglia, owner of the Mobil station. Mr. Connors explained that the two existing signs would be removed and replaced with the proposed internally illuminated standing sign which meets the Special Permit requirements of Section XXIIA for area, height and setback. As the national Mobil logo has three colors, a variance is requested to exceed the maximum number of colors allowed for an internally illuminated sign.

Mr. Medaglia, a Mobil dealer since 1950, said the sign will be illuminated from dusk until 9 p.m. when the station closes.

Statement of Facts

The property in question is located at 199 Worcester Street, owned by Thomas A. Medaglia, in a Business District.

The two existing signs will be removed and replaced with a new standing sign with interior illumination. Said sign will be 90.8 square feet in area, 15 feet 11 inches in height and with a 10 foot setback from Worcester Street and a 14 foot setback from the right side property line. A Special Permit is requested for the illumination, area, height and setback.

Drawings of the proposed sign, dated June 9, 1988, drawn by Mack Sign, Inc.; a Plot Plan dated January, 1976, drawn by Joseph A. Bodio, Registered Land Surveyor; and photographs of the site were submitted.

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The Design Review Board held a preliminary review on June 29, 1988 and a final review on July 14, 1988 at which time the Board voted to approve the sign as submitted.

The Planning Board, on July 12, 1988, voted to offer no objection to the special permit requests but opposed the variance request for three colors for an internally illuminated sign.

Decision

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

The petitioner is requesting a Special Permit for a sign at 199 Worcester Street to identify the Mobil Service Station. 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 illumination, area, height and setback.

Therefore, a Special Permit is hereby granted for the proposed internally illuminated sign subject to design, construction and location as delineated in the drawings and Plot Plan described in the foregoing Statement of Facts and subject to the following condition:

1. That said sign be illuminated only from dusk until 9 p.m. when the station closes.

The petitioner is also requesting a variance to exceed the maximum number of colors allowed for an internally illuminated sign.

It is the opinion of this Board that three colors (red, white and blue) can be allowed on the internally illuminated Mobil standing sign because these three colors constitute the Mobil national logo. The Board is of the opinion that a "substantial hardship" according to Section XXIV-D of the Zoning Bylaw would exist for the petitioner if only two colors were allowed.

Therefore, a variance is hereby granted for the proposed internally illuminated sign to exceed by one the maximum number of colors allowed for an internally illuminated sign.

The Building Inspector 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.


Robert R. Cunningham, Acting Chairman

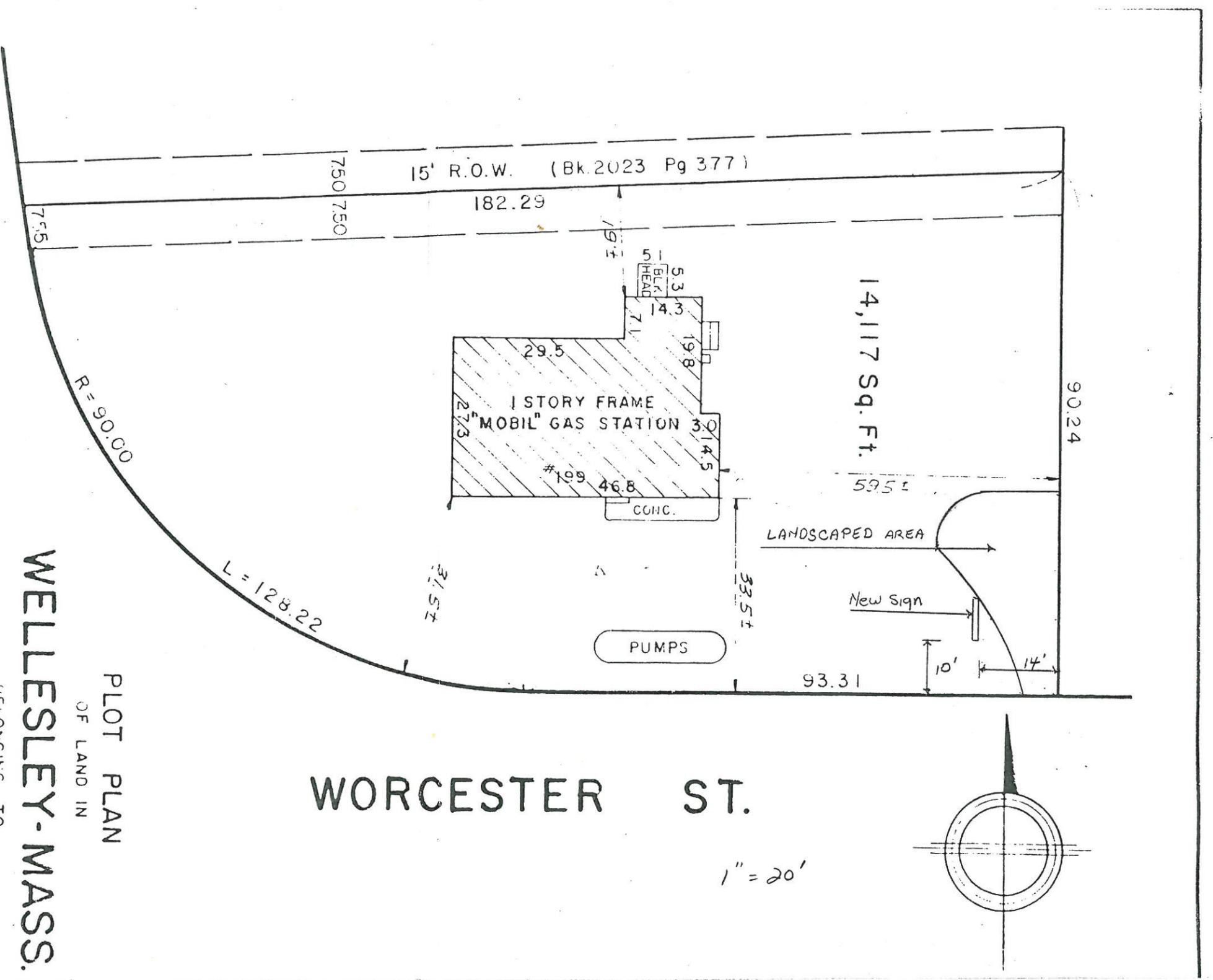

Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta

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ENGINEERING DEPT
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831 W. ST. AUBURNDALE, MASS.



WELLESLEY-MASS.
 BELONGING TO
 THOMAS A. MEDAGLIA

CEDAR ST. EAST

SCALE 1/4" = 20 FT. - JANUARY 1976
 BARNES ENGINEERING COMPANY, INC.
 411 LEXINGTON ST. AUBURNDALE, MASS.

LOT DESCRIPTION REFER TO:
 NORFOLK REGISTRY OF DEEDS
 BOOK 2023 PAGE 377
 PLAN NO. 148 OF 1934

I Certify that this building is located
 as shown and that it complied with the
 zoning ordinances of the Town of Wellesley
 when constructed

Thomas A. Barnes
 REC. LAND SURVEYOR

88 AM 91 1 5 TOP

No. 12080.

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