



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-33  
Petition of Maugus Restaurant  
300 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, April 26, 1990 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 the MAUGUS RESTAURANT requesting a variance from the terms of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the continued existence of one internally illuminated unpermitted window sign, which exceeds the maximum number of signs allowed for a business establishment; and a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to allow the continued internal illumination of said window sign at its business premises at 300 WASHINGTON STREET, in a Business District.

On April 9, 1990, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Peter Papakoristantinou, who said that when he purchased the restaurant in 1982, the sign was present. The restaurant has been in existence for over 50 years. Mr. Papakoristantinou said that the sign is lit at 5 a.m. when the restaurant opens for business, and indicates to the public that the restaurant is open.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 300 Washington Street, in a Business District. The premises are owned by the CJC Realty Trust and leased by the petitioner.

The petitioner is requesting a variance to allow the single unpermitted internally illuminated window sign, approximately 3 feet 10 inches by 1 foot 6 and 1/2 inches with blue and red letters within a clear frame, to remain. The window sign is in addition to the permitted wall sign, and is in excess of the one sign per business establishment allowed under Section XXIIA of the Zoning Bylaw. A Special Permit is also requested to continue to internally illuminate the window sign.

The restaurant has been in existence for at least fifty years; the sign has been in existence at least since 1978, but does not have a sign permit. On March 22, 1990, the Inspector of Buildings notified the petitioner that the unauthorized sign must be removed immediately, and that an application for a variance and a Special Permit must be made to the Board of Appeals which, if granted, would allow the sign to be erected legally.

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A drawing of the sign and photographs were submitted.

The Planning Board, on April 24, 1990, voted to strongly oppose the granting of the petition.

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting a variance to allow the continued existence of one unpermitted window sign and a Special Permit to continue to internally illuminate said sign.

It is the opinion of this Authority that due to the nature of the business and the special hours of operation, that identification in addition to the one authorized wall sign is necessary; that literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve substantial hardship to the petitioner; and that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

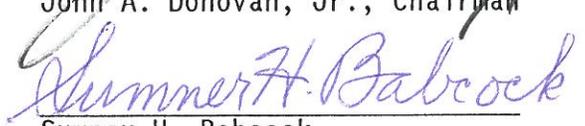
Therefore, a variance from Section XXIIA is hereby granted for one window sign, no larger than 3 feet 10 inches by 1 foot 6 and 1/2 inches with red and blue letters within a clear frame; and a Special Permit pursuant to Section XXIIA is hereby granted to internally illuminate said sign subject to the following conditions:

1. That no additional window signage, internally or externally illuminated, ever be erected on the premises.
2. That the allowed window sign be internally illuminated only during the hours in which the restaurant is open to the public.

The Inspector of Buildings is hereby authorized to issue a permit for one internally illuminated window 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: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman  
  
Sumner H. Babcock  
  
William E. Polletta

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