



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-53
Petition of Michael Chammas
1005 Worcester Street (Mike's Mobil)

Pursuant to due notice the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 28, 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 MICHAEL CHAMMAS requesting the following Special Permits pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to erect a standing sign on an existing pole on his property at 1005 WORCESTER STREET (MIKE'S MOBIL) in a Business District: 1) to exceed the area allowed by permit; 2) to exceed the height allowed by permit for a standing sign; 3) to internally illuminate said sign. The following variances are also requested from the terms of Section XXIIA and pursuant to Section XXIV-D of the Zoning Bylaw: 1) for said sign and pole to have less than the required minimum setback; and 2) for the number of colors on an internally illuminated sign to exceed the maximum allowed.

A Special Permit is also requested for the internal illumination of a 9 square foot "Pegasus" wall sign and for the total area of the 2 signs to exceed that which is allowed by permit.

On June 11, 1990, 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 at the hearing was Michael Chammas, who was accompanied by John Dirkmaat of Community Service Stations, Inc, the gasoline supplier. Mr. Chammas said that he had been before the Board two years ago when he switched the dealership from Mobil to Sunoco. He said that he has now switched back to Mobil, and is requesting to install Mobil signage to replace the Sunoco signage.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 1005 Worcester Street, in a Business District, and is owned by Michael Chammas. The business is a retail gasoline-repair facility and is currently without identification as Mr. Chammas has recently changed from a Sunoco to a Mobil dealership, and all Sunoco identification has been removed.

The property is located in both Natick and Wellesley; the proposed standing sign and wall sign will be sited on the Wellesley portion of the property.

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The petitioner is requesting Special Permits for a new standing sign to be placed on an existing pole. The new sign will be composed of a "Mobil" logo sign, 8 feet 2 inches by 4 feet 4 inches and a price sign 3 feet 7 inches by 3 feet 6 inches. The total area of the standing sign is 88 square feet which is greater than the 50 square feet allowed by permit; to be installed at a height of 18 feet, which is greater than the 10 feet allowed by permit and will be internally illuminated.

Variations are also requested for the sign pole to be placed 8.5 feet from the property line and for the sign to overhang to within 2 inches of the property line, both of which are less than the minimum setback of 10 feet; and for the internally illuminated sign to have three colors which exceeds the two colors allowed.

A Special Permit is also requested to internally illuminate a 9 square foot "Pegasus" wall sign, and for the total area of 97 square feet of the standing and wall signs to exceed the 50 square feet allowed by permit.

A Site Plan of the proposed facility dated November 22, 1989, a drawing of the "Pegasus" sign; a drawing of the standing sign done by J. Dirkmaat; and photographs were submitted.

The Design Review Board reviewed the signage on May 24, 1990 and voted to accept the signage plan with the condition that the gasoline pricing sign be hung from the sign pole in the same manner as the main sign.

The Planning Board, on June 19, 1990, voted to support the recommendations of the Design Review Board except in regard to the Pegasus sign which the Planning Board recommended be eliminated.

Decision

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

The petitioner is requesting a Special Permit for an internally illuminated standing sign at 1005 Worcester Street to identify a Mobil service station. This Authority is of the opinion that the proposed sign is in harmony with the general purpose and intent of Section XXIIA as to area, height and illumination.

Therefore, a Special Permit is hereby granted for the proposed standing sign with a total area of 88 square feet, at a height of 18 feet, with internal illumination as shown in the drawing noted in the foregoing Statement of Facts with the following conditions:

1. That said sign be illuminated only during the hours of operation of the service station.
2. That the gasoline pricing sign be hung from the pole in the same manner as the main sign.

Variations are also requested for the sign pole to be set back 8.5 feet from the property line; for the standing sign to overhang to within 2 inches of the property line and for the internally illuminated sign to have three colors.

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It is the opinion of this Authority that due to the presence of existing outside signage of adjacent businesses which would block the proposed standing sign if it were set back at the required 10 feet, and due to the fact that the Mobil national logo is comprised of three colors, a literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, a variance is granted to locate the sign pole no closer than 8.5 feet from the property line; for the "Mobil" portion of the standing sign to overhang within 2 inches of the property line; and for the proposed standing internally illuminated sign to have three colors.

A Special Permit has also been requested for the "Pegasus" wall sign to be internally illuminated and for the total area of 97 square feet of the standing and wall signs to exceed the 50 square feet allowed by permit.

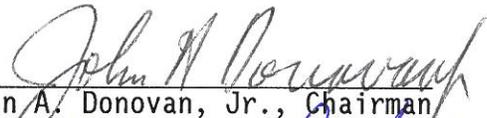
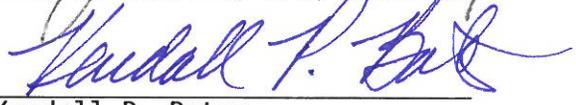
It is the opinion of this Authority that the internal illumination of the standing sign is sufficient for product and site identification, and that the internal illumination of the "Pegasus" wall sign is unnecessary and would not be in harmony with the intent and purpose of the Zoning Bylaw.

Therefore, the Special Permit for the total area of the signage to exceed 50 feet is granted, but the request to internally illuminate the "Pegasus" wall sign is hereby denied.

The Inspector of Buildings is hereby authorized to issue permits for the proposed signage in accordance with the drawings and site plan noted in the foregoing Statement of Fact, 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

Kendall P. Bates


Robert R. Cunningham

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