



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-13
Petition of Dunkin' Donuts
951 Worcester Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, February 25, 1993 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 DUNKIN' DONUTS requesting the following Special Permits pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for signage to identify their premises at 951 WORCESTER STREET, in a Business District:

1. To exceed the allowed area of 50 square feet by erecting a double-faced standing sign with a total area of 64 square feet (32 square feet/face).
2. To internally illuminate an 18 square foot single-sided standing menu sign.
3. To reduce the allowed minimum setback of 20 feet from any property line by erecting a standing menu sign with a setback of 13 feet from the left side lot line.

The following variances are also requested from the provisions of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw:

1. To exceed the number of standing signs allowed per lot by erecting both a standing logo sign and a standing menu sign.
2. To reduce the allowed minimum setback of 20 feet from any property line by erecting a standing sign with a setback of 2 feet from the left side lot line and 6 feet 9 inches from the front lot line.

On February 18, 1993, the petitioner requested a hearing before these Authorities, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Jim Smith, of New England Design, representing Donovan Services, the property owner. Mr. Smith said that there is an existing pylon sign which advertises "Mr. Donuts". The owners would like to replace the sign in the same location, but lower the height from 20 to 10 feet to conform with the height requirement.

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Mr. Smith continued that in regard to the variance for the second standing sign, the second sign is a menu sign, which can be seen only by cars using the drive-through window. The third sign is a standard wall sign. The area of the 3 signs will be 100 square feet, which is allowed by Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District on a 12,255 square foot lot. The property is owned by Donovan Services, who are the owners of the existing "Mr. Donut" shop. As the "Mr. Donut" chain has been bought out by "Dunkin' Donuts", the petitioners are seeking to change the identification of the premises.

The proposed signage will include a double-faced standing sign with a total area of 64 square feet, at a height of 10 feet, with a minimum left side setback of 2 feet from the left side lot line and 6 feet 9 inches from the front lot line.

A Special Permit is requested to exceed the allowed area of 50 square feet for a standing sign, and a variance is requested to install the standing sign in a location which would reduce the minimum allowed setback of 20 feet from a property line.

A wall sign of 18 square feet at a height of 15 feet will be installed on the mansard facade of the building.

An internally illuminated standing single faced menu sign with an area of 18 square feet at a height of 5 feet 3.5 inches would be installed with a minimum left side yard clearance of 13 feet.

A variance is requested for a second standing sign, as only one standing sign per lot is allowed. Special Permits are requested to internally illuminate this sign and to reduce the allowed minimum setback of 20 feet to 13 feet from the left side lot line.

Drawings of the Pylon Sign, Building Fascia Sign and Exterior Menu Sign; Exterior Elevations dated 1/29/93; Site Plan dated 1/30/93; and photographs were submitted.

The Design Review Board reviewed the signage plan on January 28, 1993, and voted to approve the package, with the recommendation that stone mulch and shrubs be provided in the islands, and that "cut-off, shoe-box" style lighting be used.

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On February 19, 1993, the Planning Board reviewed the petition and voted to support the recommendations of the Design Review Board concerning the standing pylon sign and wall sign, and to oppose the standing menu sign due to the Board's strong opposition to the granting of the requested Special Permit for the proposed drive-through window use on the site.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The petitioner is requesting to install a standing double-faced sign, which requires a Special Permit for area, and a variance for setback from the left side and front property lines; a wall sign; and a standing single-faced menu sign which requires Special Permits for internal illumination and setback from the left side lot line, as well as a variance for a second standing sign on the property.

It is the opinion of this Authority that the Special Permits requested for the area of the standing pylon sign, the internal illumination of the menu sign and the reduction in setback from the left side lot line for said sign, are in harmony with the general intent and purpose of Section XXIIA of the Zoning Bylaw in regard to size, illumination and setback. Special Permits for each of the aforementioned are hereby granted subject to installation of the signage in accordance with the submitted drawings and site plan.

It is the opinion of this Authority that the use of a drive-through window for this business necessitates the installation of a menu sign, for without it, the drive-through window could not function. It is the opinion of this Authority that the granting of a variance for a second standing sign on this lot should not be taken as a precedent, as the installation of the second sign is uniquely entwined with the nature of the business in this particular instance, and a hardship would exist should the variance be denied.

It is the further opinion of this Authority that the variance request for relief from the setback requirements are identical to those previously granted for the original sign installed by "Mr. Donut" (ZBA 88-8), and as the location of the sign pole will not change, the variance can be granted.

Therefore, the variances requested for a second standing sign and for relief from the setback requirements for the standing pylon sign are hereby granted subject to installation in accordance with the submitted drawings and site plan.

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The Inspector of Buildings is hereby authorized to issue permits for the signs upon his receipt and approval of an application. No signage shall be installed without an approved permit.

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



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



William E. Polletta

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