



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

APR 16 1 41 PM '93

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ZBA 93-27

Petition of The Back Bay Restaurant Group, Inc.  
14-16 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, March 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street on the petition of THE BACK BAY RESTAURANT GROUP, INC. (PAPA RAZZI) requesting the following variances from the terms of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw for signage to identify their premises at 14-16 WASHINGTON STREET, in a Business District:

1. To exceed the allowed number of two signs by installing 3 additional awning signs for a total of 5 signs.
2. To exceed the allowed area of 50 square feet by installation of 5 signs whose total area is 98.32 square feet. There will be 3 awning signs, each with an area of 25 square feet, and 2 allowed wall signs, each with an area of 11.66 square feet.

A Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw is requested to internally illuminate two neon wall signs, each 14 inches by 10 feet, comprised of individual letters spelling "Papa Razzi".

On March 8, 1993, the petitioner requested a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Leslie Shea, attorney for the petitioner, and Mark L. Hartzfeld, Senior Vice President for Development of The Back Bay Restaurant Group, Inc. Mr. Shea gave a short history of the property, and reviewed the requested variance and Special Permit petitions.

Mr. Hartzfeld gave a detailed explanation of the type of internal illumination proposed for the two wall signs. He then discussed the location and composition of the three proposed awning signs, noting that the Back Bay group is requesting the signage as a means of linking the five buildings which have different roof lines and building materials.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located on a 31,980 square foot lot at 14-16 Washington Street, in a Business District. The property is owned by William Roberts and leased to the petitioner.

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A variance is requested to exceed the allowed number of two signs per building by installing three additional awning signs for a total of five signs.

A variance is also requested to exceed the allowed area of 50 square feet by installation of five signs whose total area is 98.32 square feet as follows: 3 awning signs at 25 square feet/sign (75 square feet), and 2 wall signs at 11.66 square feet/sign (23.32 square feet).

A Special Permit is requested to interally illuminate the two allowed wall signs, each sign 14 inches by 10 feet, composed of individual letters spelling "Papa Razzi". One wall sign is to be installed on the Washington Street facade, and the second on the facade facing the parking lot.

Elevations of the Washington Street and Parking Lot facades drawn by Morris Nathan Design and a detailed description of each sign dated March 3, 1993, written by Michael L. McKay of the Back Bay Restaurant Group, Inc. were submitted.

On February 11, 1993, the Design Review Board reviewed the signage plan, which, at that date, contained 9 signs with a total area of 118 square feet. The Design Review Board voted to approve the design of the wall signs and support the special permit petition for internal illumination of said signs. The Board was divided in its opinion regarding approval of the awning signs.

On March 15, 1993, the Planning Board reviewed the signage petitions and voted to offer strong objection to granting the Special Permit for internal illumination of the two wall signs, but voted to recommend approval of the request for the three awning signs.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner is requesting two variances and one Special Permit, as noted in the foregoing Statement of Facts, for signage to identify its premises at 14-16 Washington Street.

This Authority is aware that the petitioner submitted this application on March 8, 1993 under the Zoning Bylaw in effect at that time. However, on March 16, 1993, Town Meeting adopted a revision to Section XXIIA. Signs and Identification Devices, which includes provisions for

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awning signs under subsection C-1 Awning Signs. Pursuant to the revised Section XXIIA-C. 1. a. and b.:

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"a. The following provisions shall apply to all awning signs:

- 4) Awning signs shall not be used in combination with wall signs except as provided below.

b. An awning sign which:

- 1) consists of letters only, not more than eight inches (8") in height and includes no other form of graphic, logo or symbol; and
- 2) is located only on the valence of the awning or canopy and no other sign, graphic, logo or symbol is displayed on the awning or canopy; and
- 3) does not occupy more than 50% of the horizontal length of the valance of the awning or canopy,

shall not be subject to the limitations of C. General Provisions, paragraph 14. Maximum Number of Signs Allowed, paragraph 16. Maximum Area of Signs Allowed, and paragraph 1. a. 4) use in combination with wall signs, of this Section."

This Authority is cognizant of the fact that the petitioner has installed valence awning signs, albeit without sign permits, thus taking advantage of the terms of above quoted paragraph 1. b. This Authority is of the opinion that the terms of paragraph 1. a. 4. shall therefore apply, by which awning signs shall not be used in combination with wall signs.

Therefore, it is is unanimous decision of this Authority that the variance requested to exceed the allowed number of signs is denied, rendering moot the variance request to exceed the total area of allowed signage.

This Authority is of the opinion that the request for internal illumination of the two wall signs should not be granted, as it would represent an excessive and unnecessary level of advertising as well as setting an unwanted precedent for future sign proposals. The proposed signs can be externally illuminated in a "silhouette" manner to provide sufficient illumination for identification of the premises.

Therefore, this Authority unanimously denies the Special Permit request for the internal illumination of the two allowed wall signs.

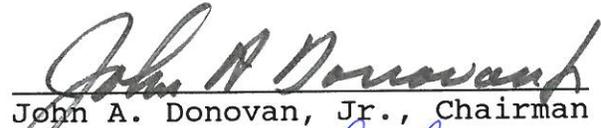
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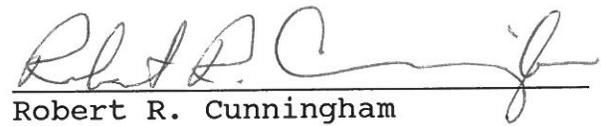
The Inspector of Buildings is hereby authorized to issue a permit for the allowed two wall signs with external illumination upon receipt and approval of an application for said signage, and upon receipt and approval of an application for the number of valence awning signs presently installed. No additional signage may be installed until the requested permits have been issued.

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

  
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John A. Donovan, Jr., Chairman

  
\_\_\_\_\_  
Kendall P. Bates

  
\_\_\_\_\_  
Robert R. Cunningham

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