



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-76
Petition of Baybank
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 28, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of BAYBANK requesting renewal of a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to allow its permitted wall sign identifying its ATM facility on the eastern facade of its premises at 197 LINDEN STREET, in a Business District, to continue to be illuminated only during the hours of operation of the Baybank banking facility.

On October 4, 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 was Joseph Kasparian, Baybank Vice President, who asked that the Special Permit be renewed so that Baybank could continue to internally illuminate its ATM sign.

It was noted that the sign is being illuminated 24 hours per day in violation of the hours allowed by the Special Permit. Mr. Kasparian responded that the time clock controlling the illumination may be malfunctioning, and that he would check into the problem.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 197 Linden Street, in a Business District. The property is owned by the William Diehl Realty Trust, and consists of a block of stores, in which Baybank leases space at the eastern end of the building.

A Special Permit was granted in 1991 (ZBA 91-48) to allow Baybank to internally illuminate its tri-color wall sign identifying its ATM facility, which is located on the eastern facade of its premises. The Special Permit was renewed under the same conditions in 1992 (ZBA 92-47). Baybank is now requesting renewal of the Special Permit to continue to internally illuminate its ATM sign.

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On October 12, 1993, the Planning Board reviewed the petition and voted to recommend renewal of the Special Permit under the same conditions as the previous Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the unanimous opinion of this Authority that the continued internal illumination of the tri-color wall sign identifying the Baybank ATM facility is in harmony with the general intent and purpose of Section XXIIA of the Zoning Bylaw. As the Board is concerned with Baybank's alleged violation of the allowed hours during which the sign can be internally illuminated, the Board has decided to grant the renewal of the Special Permit for one year, during which the illumination of the sign will be carefully monitored.

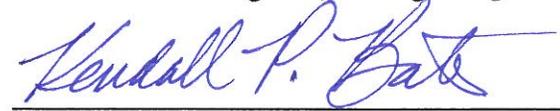
Therefore, the Special Permit to continue to illuminate said ATM sign is granted, subject to the following conditions:

1. The hours of illumination of the sign identifying the ATM facility shall be limited to the hours of operation of the Baybank banking facility, namely:
 - a. Monday - Wednesday - 9:30 a.m. to 4 p.m.
 - b. Thursday & Friday - 9:30 a.m. to 5 p.m.
 - c. Saturday - 9:00 a.m. to 3 p.m.
2. Said sign shall **not** be internally illuminated from 3 p.m. on Saturday to 9:30 a.m. on the following Monday. Any violation of the aforesaid hours shall be grounds for immediate revocation of this Special Permit.
3. This Special Permit shall expire one year from the date of this decision.

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


Robert R. Cunningham, Acting Chairman


Kendall P. Bates


Franklin P. Parker