TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-9
Petition of Bank of Boston
185 Linden Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, January 19, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) on the petition of BANK OF BOSTON requesting relief pursuant to the provisions of Section XXIIA, Section XXV and Section XXIV-D of the Zoning Bylaw for 4 signs to identify its premises and its ATM facility at 175 LINDEN STREET, in a Business District:

1. A 35 square foot wall sign to be installed on a projecting canopy on the front facade of the premises, at a height of 15.5 feet with external illumination.
2. A 2.75 square foot nonilluminated window sign at at height of 7 feet 11 inches.
3. A 12.6 square foot nonilluminated wall sign at a height of 7 feet 8 inches on the ATM side facade.
4. A 5.25 square foot internally illuminated tri-color sign at a height of 13 feet on the canopy of the ATM facility.

Special Permits are requested for:

1. The total area of the wall, window, and canopy signage (55.6 square feet) to exceed the allowed area of 50 square feet.
2. The internal illumination of the sign on the canopy of the ATM facility.

Variances are requested for:

1. The tri-color internally illuminated sign to exceed the allowed number of colors for internally illuminated signs.
2. The proposed number of signs (4) to exceed the allowed number of 2 signs.

On January 3, 1995, 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 Stephen Fox, representing Bank of Boston, who was accompanied by James Nihan of Sign Systems, Inc. Mr. Fox said that the Linden Street branch was one of four Bank of Boston branches in Wellesley, and had been acquired recently from Multi-Bank. The Bank of Boston moved its premises from 180 Linden Street in order to expand its services.

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Mr. Fox said that the bank is asking for an in-kind conversion of the signage at the site. The signage has been presented to and approved by the Design Review Board.

Mr. Nihan submitted a photograph of the facade of the bank with its sign in place.

The Board stated that it had no objection to the signage, but rather to the time it has taken Bank of Boston to apply for permits for the proposed signage, while erecting temporary signage without permits, as the bank has been in operation at 185 Linden Street since May, 1994.

The Board commented that although the petition states that the 35 square foot sign to be located on the front facade is a "wall" sign, it actually will be installed on a projecting canopy and should be described as such.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 185 Linden Street at the western end of a store block and leased by Bank of Boston from F. Diehl and Sons, owners of the property. In 1987, the previous tenant, South Shore Bank, expanded its leased space in the building, and requested Special Permits and variances for 4 signs (ZBA 87-71), which were granted by the Board of Appeals.

Bank of Boston, which moved its premises from 180 Linden Street to 185 Linden Street in May, 1994, is currently requesting the aforementioned Special Permits and variances to replace the signage of the prior tenant.

Two pages of sign drawings were submitted: MN-6 (A) which depicts Sign 1 and 2 and their location on a front elevation, dated 4/11/94, updated 11/11/94, drawn by Sign Systems, Inc.; and MN-6 which depicts Sign 3 and its location on the ATM side wall and Sign 4 and its location on the ATM canopy. This sheet, dated 11/11/94, was also drawn by Sign Systems, Inc. A letter of approval from Bruno Mortarelli, agent for F. Diehl & Sons, and photographs were also submitted.

In a letter dated May 11, 1994, the Inspector of Buildings stated that signage had been installed on the premises without permits, in violation of the Sign Bylaw, and directed removal of said signs until the required Sign Permits had been issued.

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In a letter dated October 20, 1994, the Inspector of Buildings again stated that the signage had not been removed, nor had application for the required Sign Permits been made, that unless this was done immediately, legal proceedings would be commenced.

On May 12, 1994, the Design Review Board reviewed a proposed signage plan for Bank of Boston, and voted to approve the design and placement of the 4 signs, with the recommendation that it would support the request for internal illumination of the ATM wall sign if it were redesigned to distinguish the ATM as belonging to Bank of Boston, and if said Special Permit was to be granted with similar conditions as that of the Baybank sign, as Baybank occupies the premises at the western end of the building and also has a drive-up ATM facility.

On January 10, 1995, the Planning Board reviewed the petition and voted to support the recommendations of the Design Review Board.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioner is requesting Special Permits for the total area of the requested four signs to exceed the allowed area of 50 square feet; and for the "Bank of Boston/24 Hour Banking" sign on the canopy of the ATM facility to be internally illuminated. Variances are requested for the four signs to exceed the allowed number of two signs for a business property; and for the internally illuminated tri-color sign to exceed the allowed number of colors for an internally illuminated sign.

In regard to the Special Permit requested for the area of the signs to exceed 50 square feet, this Authority is of the opinion that Bank of Boston has significantly reduced the area of the signage from that of its predecessor, and that the requested total of 55.6 square feet is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw and can be allowed.

In regard to the variance requested for the number of signs to exceed the two signs allowed for a business establishment, this Authority is of the opinion that due to the location of the premises in relation to Linden Street, and the need to identify both the Bank and its ATM facility, a variance for four signs can be granted without substantially derogating from the intent and purpose of Section XXIIA of the Zoning Bylaw.

This Authority is of the opinion that the requested variance for the internally illuminated 5.25 square foot canopy sign to contain three colors may also be granted, as precedent has been set allowing internally illuminated logo signs to contain more than the allowed two colors.

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In regard to the Special Permit to internally illuminate the aforementioned sign, this Authority is of the opinion that the Special Permit may be granted, as the sign is in harmony with the intent and purpose of Section XXIIA of the Zoning Bylaw, with the following conditions:

1. The hours of illumination of the sign on the ATM facility canopy shall be limited to the hours of operation of the Bank of Boston facility; namely:

Monday through Friday	- 8:30 a.m. to 4:30 p.m.
Saturday	- 9:00 a.m. to 12 noon

2. Said sign shall **not** be internally illuminated from 12:01 p.m. on Saturday to the following Monday at 8:30 a.m. Any violation of the aforesaid hours shall be grounds for the immediate revocation of this Special Permit.

3. This Special Permit for the internal illumination of the ATM canopy sign shall expire one year from the date of this decision.

Therefore, the above listed Special Permits and variances are granted for the signs as shown on the drawings submitted by Sign Systems, Inc., and contingent on the specified conditions.

The Building Inspector is hereby authorized to issue permits for said signs upon his receipt and approval of an application, and **no sign may be installed until said permit is 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.

Kendall P. Bates

Kendall P. Bates, Acting Chairman

Sumner H. Babcock

Sumner H. Babcock

William E. Polletta

William E. Polletta

cc: Planning Board
Inspector of Buildings
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