TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(617) 431-1019 EXT. 208

SUMNER H. BABCOCK
ROBERT A. BASTILLE

ZBA 96-64
Petition of Baybank, N.A.
197 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 1996 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 BAYBANK, N.A. requesting renewal of a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to continue 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 be internally illuminated only during the hours the Baybank banking facility is open to the public.

On September 3, 1996, the petitioner filed a request for 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 Daniel Klasnick, a Baybank attorney, who said that he was before the Board to ask for renewal of Baybank's Special Permit to continue to maintain its internally illuminated ATM sign. It is the bank's position that the sign is in harmony with the Zoning Bylaw, as the sign allows the public to be aware that the ATM drive-up facility is available.

The Board asked if the proposed unification of Baybank and Bank of Boston would result in any changes to the sign as far as logo or color scheme. Mr. Klasnick replied that he was not certain when the changes would take place, but that all locations in the future will have the new name "BankBoston". When the change occurs, the bank will request the appropriate permits, but presently, Baybank is requesting to renew what has been previously granted.

Mr. Klasnick said that the bank had changed its hours of operation, and gave the Executive Secretary a list of the new hours.

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, which is owned by the William Diehl Realty Trust, consists of a block of stores, in which Baybank leases space at the eastern end of the building.

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A Special Permit has been granted annually to Baybank from 1991 to 1994 and biennially since 1994 to allow the bank to internally illuminate its tri-color wall sign identifying its ATM facility, which is located on the eastern facade of the premises.

On September 17, 1996, the Planning Board voted to recommend no objection to renewal on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. It is the unanimous decision of this Authority that the 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.

Therefore, the Special Permit to continue to internally illuminate said ATM sign is granted, as voted unanimously by this Authority at the Public Hearing, 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:

Monday through Wednesday	9 a.m. to 4 p.m.
Thursday & Friday	9 a.m. to 5 p.m.
Saturday	9 a.m. to 3 p.m.

2. Said sign shall not be internally illuminated at any time other than the hours listed above. Any violation of the aforesaid hours shall be grounds for immediate revocation of this Special Permit.

3. This Special Permit shall expire two years 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.

John A. Donovan, Jr., Chairman

Sumner H. Babcock

Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg