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Nov 10 2 07 PM '97

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ZBA 97-91

Petition of Highland Oil Company
431 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 30, 1997 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 HIGHLAND OIL COMPANY requesting the following Special Permits pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to allow two internally double-faced standing signs, each sign to have an area of 29 square feet/panel at a height of 16 feet at its premises at 431 WORCESTER STREET, in a Business District:

1. To exceed the number of standing signs signs (1) allowed on one lot.
2. To exceed the allowed area of 100 square feet as the total area of the two signs will be 116 square feet.
3. To exceed the allowed height of 10 feet as both signs will have a height of 16 feet.
4. To internally illuminate both signs.
5. To exceed the allowed number of colors (2) in an internally illuminated sign as both signs will have three colors.
6. To exceed the allowed setback of 15 feet as Sign A will have a setback of 16 feet from Route 16 and Sign B will have a setback of 10.5 feet from Worcester Street.

On October 14, 1997, 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 Robert Fairchild, a principal in Highland Oil Company, which is a Getty petroleum distributor. Mr. Fairchild explained that the station was a Mobil station from 1926 to 1987, and had two signs at that time. In 1987, Citgo received permission from the Zoning Board to install two signs at a greater height and with more square footage than is presently being requested. The height will be reduced from 18 to 16 feet.

The Board noted that the Planning Board recommended external illumination, and that the total area of the two signs not exceed 100 square feet. Mr. Fairchild responded that he had been before the Design Review Board in September, and that Board had approved the illumination and area of the signage.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 431 Worcester Street, in a Business District, and is fronted by Worcester Street on the north and Washington Street (Route 16) on the south. It is owned by Wellesley Hills Realty Trust, and leased by Highland Oil Company, a Getty distributor. The station has recently changed from Citgo to Getty, and the petitioner wishes to replace the existing signage.

Sign A is located on the northeasterly corner of the property abutting Washington Street, 16 feet from the property line. Sign B is located on the southeasterly corner of the property abutting Worcester Street at a distance of 10.5 feet from the property line. Both signs will have a height of 16 feet, internally illuminated double-faced panels with an area of 29 square feet/panel, or a total area of 116 square feet for both signs. Both signs will have the Getty logo, which has a red background with white letters and a yellow dot.

William Alexander, the prior owner, was granted variances and special permits to allow two internally illuminated, tri-color standing signs at a height of 20 feet, a total area of 100 square feet per sign, and a minimum setback of 10 feet (ZBA 87-28).

Highland Oil Company is requesting special permits to exceed the allowed number of standing signs; to exceed the allowed height of 10 feet; to internally illuminate the two signs; to exceed the number of colors allowed for internally illuminated signs; to exceed the total area of 100 square feet; and to exceed the allowed setback of 15 feet.

A sheet entitled "Getty/New Image Sign Program", a Schematic Site Plan drawn by CES, revised 4/11/96; and photographs were submitted.

On September 25, 1997, the Design Review Board reviewed the signage and voted to approve the proposal as presented, noting that in 1987, the DRB had approved larger and taller internally illuminated tri-color signs for Citgo.

On October 21, 1997, the Planning Board reviewed the petition and recognized the need for two standing signs for this particular lot. However, the Board recommended that the signs be externally illuminated and that the total combined area not exceed 100 square feet.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed signs will not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

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It is the opinion of this Authority that, due to the unique location of this service station, fronting both Washington and Worcester Streets, two standing signs are necessary for identification. The Board recognizes that standing signs identifying service stations are generally internally illuminated and have whatever number of colors is present in the national logo of the distributor, and furthermore, that the petitioner has made an effort to reduce both the height and area of the proposed signage as compared to that of the Citgo station.

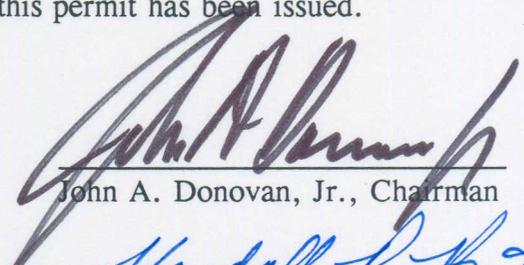
It is the opinion of this Authority that the proposed two internally illuminated, tricolor, standing signs at a height of 16 feet, with a total area of 116 square feet and a minimum setback of 16 feet for Sign A and 10.5 feet for Sign B can be allowed due to the unique location of the property, the established precedent of two internally illuminated tricolor standing signs with a greater height and area on this property, and the use of the property as a service station selling a brand of gasoline that has a national logo.

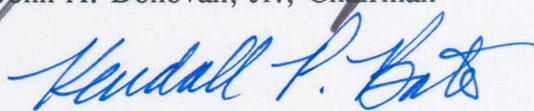
Therefore, all of the requested special permits for the two standing signs are hereby granted, as voted unanimously at the Public Hearing, subject to installation in accordance with the submitted drawings and site plan.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a sign application and whatever additional plans he may require. No signage may be installed at this location until this permit has 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


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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