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Petition of South Shore Bank

The Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:50 p.m. on September 8, 1977, on the petition of South Shore Bank, requesting a special permit, under the provisions of Section XXIIIA and Section XXV of the Zoning By-law, which will allow the relettering of a wall sign at 35 Washington Street, on property owned by Fiber Clean International Corp. Said sign would be in violation of Section XXIIIA, Subpart 3. a. 3. (a) of the Zoning By-law which prohibits the erection of more than one exterior sign for each business establishment consisting of a single building except that if such building has more than one public entrance.

On August 23, 1977, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Daniel H. Kelleher, Attorney, 73 Tremont Street, Boston, represented the petitioner at the hearing and spoke in support of the request.

Statement of Facts

The property involved is located on the easterly corner of Washington Street and Columbia Street within a Business "A" District.

The Bank's name recently has been changed by the removal of the word, "National" and the petitioner now seeks permission to reletter the sign to conform with the new name, "South Shore Bank."

The sign is a wall sign, 14" x 18', with white letters on a blue background. There are to be no dimensional changes made to the existing sign and no change in its location. A special permit is required for the proposed relettering ~~is~~ because the Bank already has obtained a permit to change a similar sign over the drive-up window on the westerly side of the building, on a wall which does not have a door open to the public.

Decision

The Board finds that the proposed relettering of the sign involved will be in harmony with the general purpose and intent of the by-law and will not be injurious to the neighborhood, nor to traffic and safety conditions, or otherwise detrimental to the public safety and welfare. It is the further belief of this Board that there is a need for the petitioner to identify the

Bank with the new name which the proposed relettering of the sign is designed to do.

Accordingly, the Board hereby grants a special permit for the existing sign to be relettered and the Building Inspector is authorized to issue a permit for the proposed change as shown on the plan submitted and on file with this Board.

Henry H. Thayer

Henry H. Thayer

William O. Hewett

William O. Hewett

William F. Cullinane

William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in this decision have been filed with the Planning Board and with the Town Clerk.

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LAW OFFICES

EDWARD C. DONLON

47 CHURCH STREET
WELLESLEY, MASS. 02181

February 21, 1992

Building Inspector
Planning Department
Zoning Board of Appeals
Town Hall
Wellesley, MA 02181

Re: South Shore Bank - Lower Falls branch

Gentlemen:

I continue to represent the South Shore Bank with regard to the renovations being made to its Lower Falls office, and the problem now concerns the proposed replacement signage.

The Bank seeks to replace the two **lighted** signs it now has, which are fairly close together and more or less straddle the corners fronting on Washington and Columbia Streets.

The Bank's name now incorporated the word "multibank", plus the logo. The four words and symbol have been pulled in toward "South Shore Bank" so as to make a single sign out of the words and symbol. The one fronting on Washington Street would be centered over the two "storefronts" leased by the Bank (doors now numbered 33 and 35). The one fronting on Columbia Street would be centered on the canopy. The blue banding on which the signs would be mounted would run the entire length of the facades on the two streets.

Dimensionally, each sign takes up 24 feet. The facade on Washington Street consists of 520 feet, and 10% of that is 52 feet. The chart, however, calls for a maximum of only 50 ft., and that is met.

Footnote #5 on the chart, dealing with the maximum number, allows a second sign as a matter of right where the business has more than "one public entrance at street level". The Bank's second entrance is right around the corner from the canopy, at the rear of the building, adjacent to the parking areas. Locating the second sign in the center of the canopy is "in the vicinity of" the back entrance (see definition of "vicinity" from Black's Law Dictionary, enclosed).

The whole purpose of signage is to be seen by **prospective** customers of the business. No prospective customers would ever see the sign if it was mounted on the back wall.

People who know enough to utilize the parking in the rear for accessing the Bank are, presumably, **already** customers.

The signage contemplated by footnote #5 is not **directory** or **directional** signage. It is, rather, draw-attention-to-the-business signage. It certainly cannot be said that the bylaw language requires the ZBA to step in in order to reverse a mandated absurdity of putting up the second sign in the back, where no one would see it.

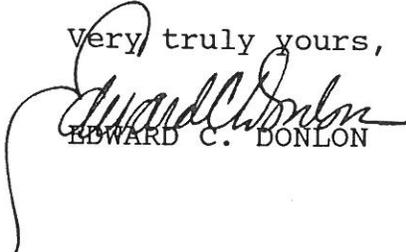
At this point an Applicant gets concerned about **who** it is that makes the determination on whether a special permit is or is not required. The bylaw itself (footnote #7) says that the Building Inspector is the official who actually issues the sign permit, and from that one might conclude that the need-for-special-permit determination would be made by him. However, according to the Design Review Handbook, Part IV, Par. 1 (Sign Permits), B.1., it is determined "**by reviewing (the) proposal with the Planning Department**". But, Part IV. Par. 2 (Special Permit Signs), C.1., states that it is determined by "**reviewing the proposal with the Building Department and the Planning Board office.**"

My guess is that if it has to come down to a vote, only the ballot cast by the Building Inspector would be counted -- and, if one didn't like that result, it would set up the awkward situation of appealing to the ZBA that the matter shouldn't have to be brought before the board being appealed to. It can become silly and time-consuming. And what about the ZBA's administrator? Does she have a vote as to whether the matter properly belongs on the ZBA's agenda? The bylaw and handbook are silent on that.

In any event, we are putting the question to the Building Inspector, the Planning officials, **and** the ZBA's administrator in the hope that it will somehow be appreciated that we are here dealing **only** with the sign permit process and that the Bank is entitled to place a second sign where shown as a matter of right.

Photocopies of a series of photos are attached, showing the all aspects of the site and existing signage.

Very truly yours,


EDWARD C. DONLON

ECD/ns

cc: South Shore Bank
John C. Staniunas

VICE — VICIOUS

power cannot be again delegated. *Broom, Max.* 839.

VICE. A fault, defect, or imperfection.

As applied to an animal a bad habit or failing. *F. Giovannozzi & Sons v. Luciani, Del.Super., 2 Terry 211, 18 A.2d 435, 437.*

In the civil law, redhibitory vices are such faults or imperfections in the subject-matter of a sale as will give the purchaser the right to return the article and demand back the price.

VICE. Lat. In the place or stead. *Vice mea, in my place.*

Vice-admiral. An officer in the navy next in rank after the admiral.

Vice-admiral of the coast. A county officer in England appointed by the admiral "to be answerable to the high admiral for all the coasts of the sea, when need and occasion shall be." He also had power to arrest ships, when found within a certain district, for the use of the king. His office was judicial as well as ministerial. The appointment to the office is still made for a few countries of England.

Vice-admiralty courts. In English law. Courts established in the king's possessions beyond the seas, with jurisdiction over maritime causes, including those relating to prize. 3 *Steph.Comm.* 435; 3 *Bl.Comm.* 69.

Vice-chamberlain. A great officer under the lord chamberlain, who, in the absence of the lord chamberlain, has the control and command of the officers appertaining to that part of the royal household which is called the "chamber." *Cowell.*

Vice-chancellor. See Chancellor.

Vice-comes. A title formerly bestowed on the sheriff of a county, when he was regarded as the deputy of the count or earl. *Co.Litt.* 168.

Vice-comitissa. In old English law. A viscountess. *Spelman.*

Vice-commercial agent. In the consular service of the United States, this was formerly the title of a consular officer who was substituted temporarily to fill the place of a commercial agent when the latter was absent or relieved from duty. See Commercial Agent.

Vice-constable of England. An ancient officer in the time of Edward IV.

Vice-consul. In the consular service of the United States a consular officer who is substituted temporarily to fill the place of a consul who is absent or relieved from duty. 22 *U.S.C.A.* § 938. *Schunior v. Russell, 83 Tex. 83, 18 S.W. 484.* In international law generally the term designates a commercial agent who acts in the place or stead of a consul or who has charge of a portion of his territory. In old English law, it meant the deputy or substitute of an earl (*comes*), who was anciently called "consul," answering to the more modern "vice-comes." *Burrill.*

Vice-dominus. A sheriff.

Vice-dominus episcopi. The vicar general or commissary of a bishop. *Blount.*

Vice-gerent. A deputy or lieutenant.

Vice-judex. In old Lombardic law. A deputy judge.

Vice-marshal. An officer who was appointed to assist the earl marshal.

Vice-president of the United States. The title of the second officer, in point of rank, in the executive branch of the government of the United States.

Vice-principal. See Principal.

Vice-versa. Conversely; in inverted order; in reverse manner.

VICE-COMES NON MISIT BREVE. The sheriff hath not sent the writ. The form of continuance on the record after issue and before trial. 7 *Mod.* 349; 11 *Mod.* 231.

VICEROY. A person clothed with authority to act in place of the king; hence, the usual title of the governor of a dependency.

VICINAGE. Neighborhood; near dwelling; vicinity. 2 *Bl.Comm.* 33; *Cowell.* In modern usage, it means the county where a trial is had, a crime committed, etc. *State v. Crinklaw, 40 Neb. 759, 59 N.W. 370; Convers v. Railway Co., 18 Mich. 468; Ex parte MacDonald, 20 Cal.App. 641, 129 P. 957.* Also a jury of the county wherein trial is had. *People v. Richardson, 138 Cal.App. 404, 32 P.2d 433, 435.*

VICINETUM. The neighborhood; vicinage; the venue. *Co.Litt.* 185b.

VICINI VICINIORA PRÆSUMUNTUR SCIRE. 4 *Inst.* 173. Persons living in the neighborhood are presumed to know the neighborhood.

VICINITY. Quality or state of being near, or not remote; nearness; propinquity; proximity; a region about, near or adjacent; adjoining space or country. *Casper v. City and County of San Francisco, 6 Cal.2d 376, 57 P.2d 920, 922.* Neighborhood; etymologically, by common understanding, it admits of a wider latitude than proximity or contiguity, and may embrace a more extended space than that lying contiguous to the place in question; and, as applied to towns and other territorial divisions, may embrace those not adjacent. *Haley v. Ins. Co., 12 Gray (Mass.) 545; Langley v. Barnstead, 63 N.H. 246; Chandler, Gardner & Williams v. Reynolds, 250 Mass. 309, 145 N.E. 476, 478.*

VICIOUS INTROMISSION. In Scotch law. A meddling with the movables of a deceased, without confirmation or probate of his will or other title. *Wharton.*

VICIOUS PROPENSITY. A propensity or tendency of animal to do any act which might en-

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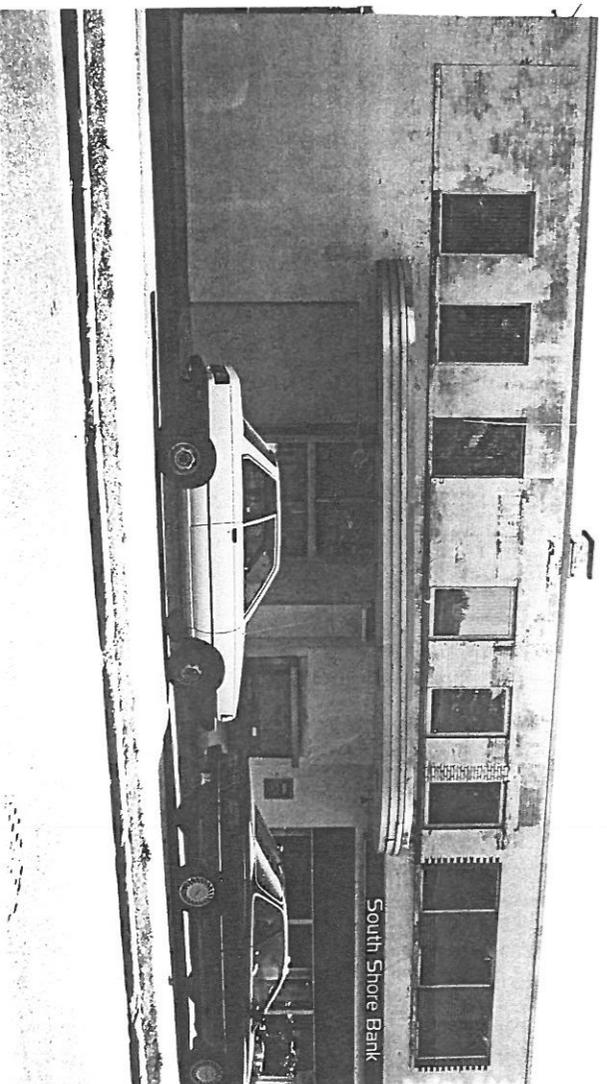
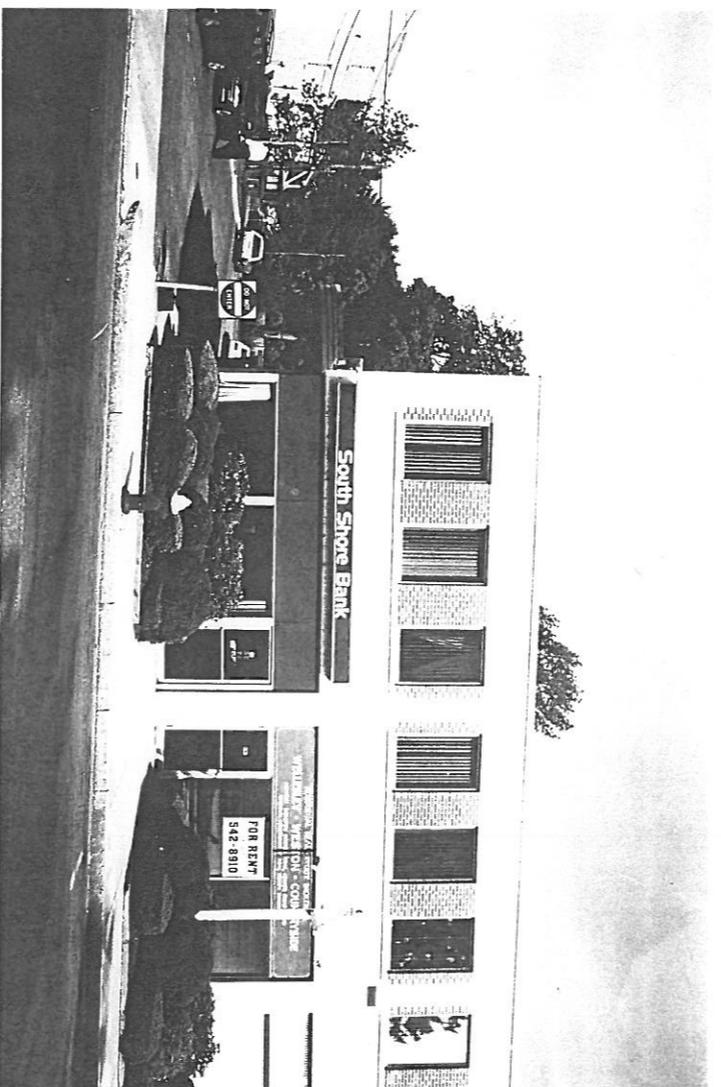
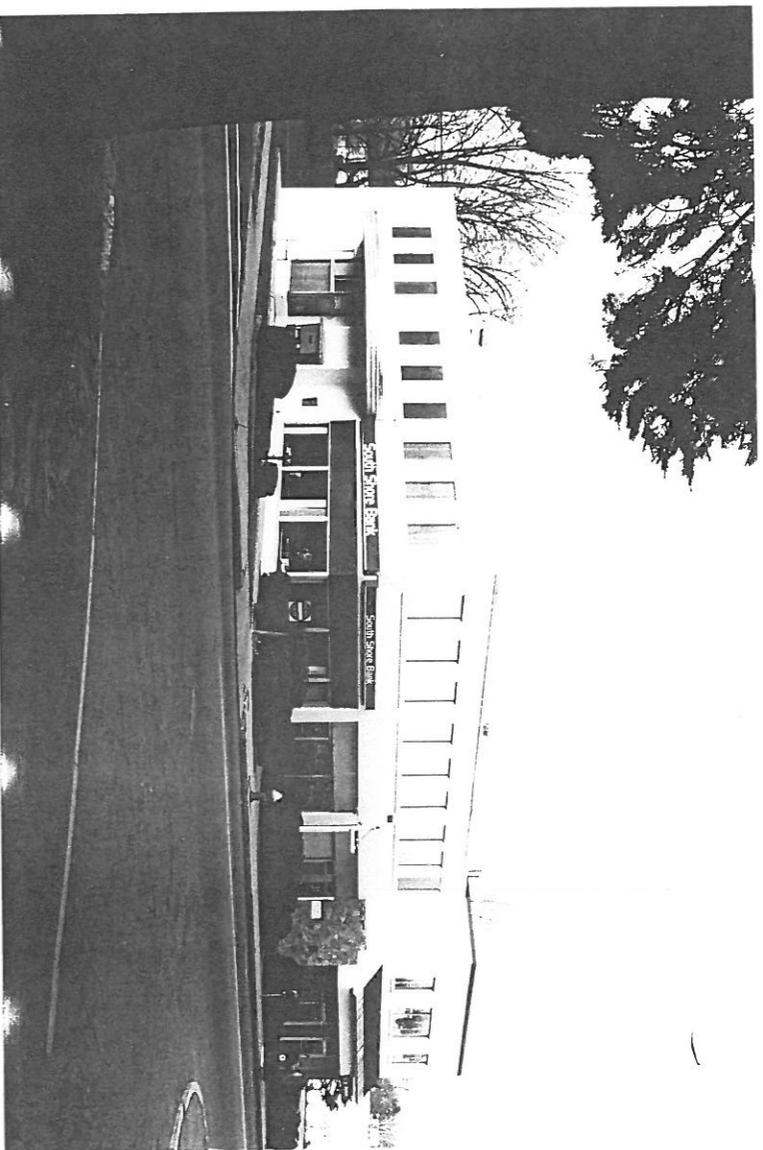
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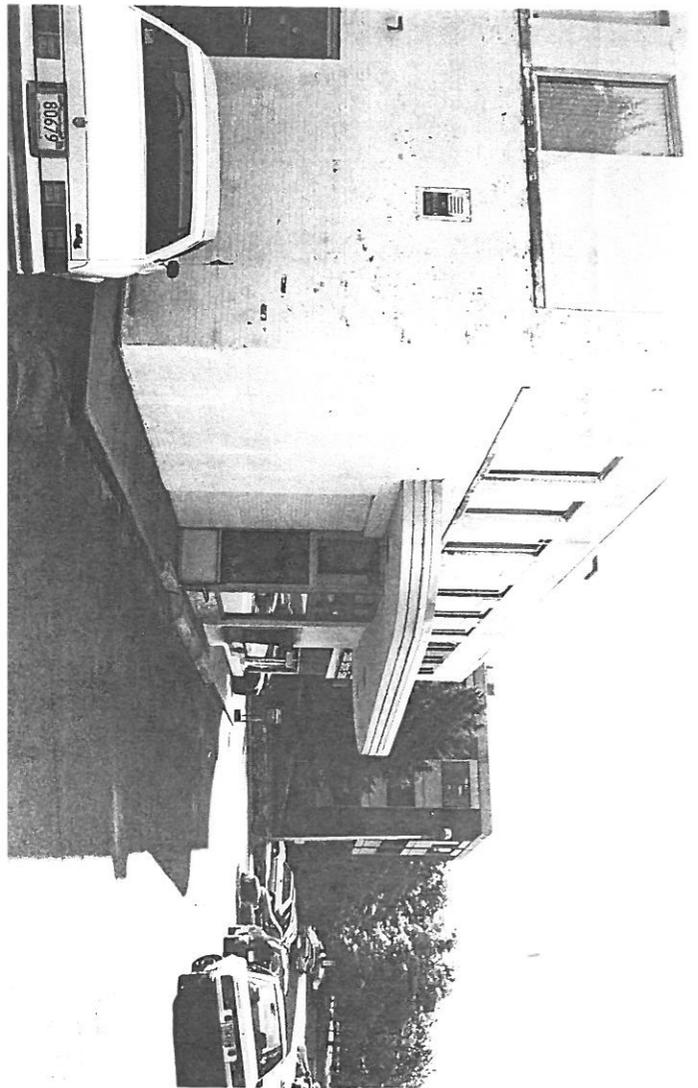
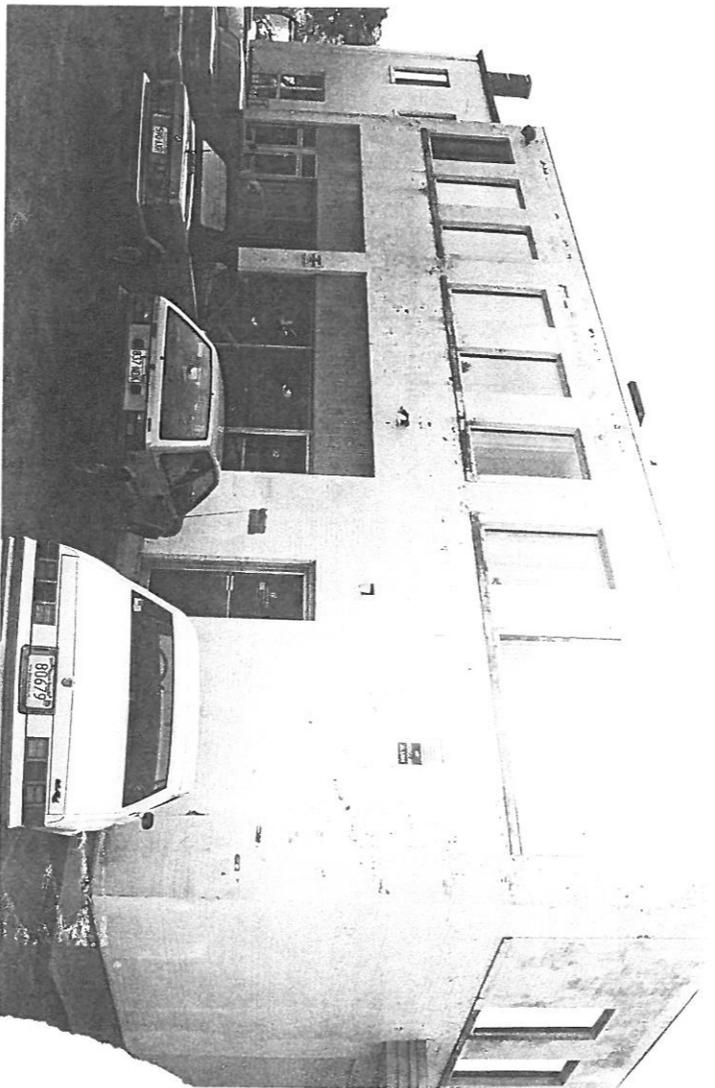
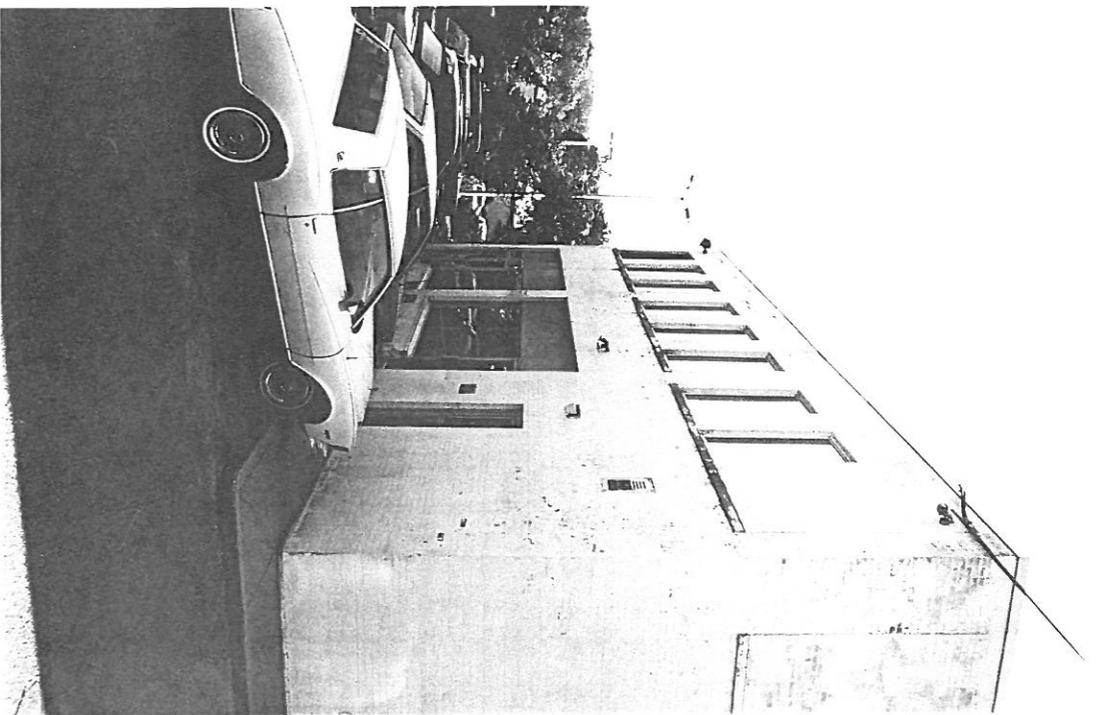
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From the desk of

Ellen Gordon
Executive Secretary
Zoning Board of Appeals
Town of Wellesley
431-1019

MEMO TO THE FILE

March 11, 1992

RE: Signage at South Shore Bank

Regardless of the ZBA decision in 1977 allowing the installation of two signs for the South Shore Bank by means of a Special Permit, Arthur LaConte has agreed with Ed Donlon's position that the Zoning Bylaw does not define "vicinity" as "on the same wall" as the second entrance, and therefore, "vicinity" can be interpreted to mean "in the neighborhood of". Under this interpretation, the second sign, although not on the same wall as the second entrance, can be issued a permit without any petition before the ZBA.