

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-85
Petition of Michel Chammas
1005 Worcester Street (Mike Chammas Sunoco)

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, September 22, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHEL CHAMMAS requesting a Special Permit pursuant to Section XXIIA and Section XXV of the Zoning Bylaw to erect a standing sign on his property at 1005 WORCESTER STREET (MIKE CHAMMAS SUNOCO), in a Business District. Said sign will exceed the requirements of area and height and will be internally illuminated. A variance is requested from the terms of Section XXIIA and pursuant to Section XXIV-D of the Zoning Bylaw to allow the setback of said sign to be less than the minimum required and for the number of colors on said sign to exceed the maximum number allowed on an internally illuminated sign.

On September 6, 1988, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were John Tatum, Sunoco representative, and Michel Chammas, owner of the service station. Mr. Tatum said that the property, previously a Mobil leased station, had been purchased by Mr. Chammas and is now supplied by Sunoco. The station is open but without identification. The property is located in both Natick and Wellesley, but the sign will be sited in Wellesley.

Mr. Tatum said that Shell Oil Company and Sozio both have very large signs which would block the Sunoco sign completely if it were set back the required distance. The proposed sign will have the price and the logo, while meeting the Special Permit requirements for area and height.

No other persons present had any comment on the request.

Statement of Facts

The property in question is located at 1005 Worcester Street, in a Business District, and is owned by Michel Chammas. Mr. Chammas previously leased the property from Mobil Oil Company. He has recently purchased the property and is currently supplied by Sunoco. The business is a retail gasoline-repair facility and is currently without any identification as all Mobil signage has been removed.

The property is located in both Natick and Wellesley; the proposed sign to be sited on the Wellesley portion of the property.

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The petitioner is requesting a Special Permit for a new standing sign to have an area of 100 square feet, with a height of 18.6 feet and to be internally illuminated. A variance is requested for the sign to be set back 8.5 feet from the property line instead of the minimum of 10 feet, and for the internally illuminated sign to have the 4 colors of the national logo, rather than the maximum number of 2 colors allowed.

A drawing of the proposed sign dated November, 1986; a site plan dated January 11, 1988; and photographs were submitted.

The Design Review Board, on August 25, 1988, voted to approve the standing sign for the Sunoco station as submitted.

The Planning Board, on September 13, 1988, voted to offer no objection to the special permit sign request, and offers no comment on the sign variance requests.

Decision

This Authority has made a careful study of the evidence presented.

The petitioner is requesting a Special Permit for an illuminated standing sign at 1005 Worcester Street to identify a Sunoco service station. This Authority is of the opinion that the proposed sign is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw with regard to area, height and illumination.

Therefore, a Special Permit is hereby granted for the proposed sign at 1005 Worcester Street, 100 square feet in size, 18.6 feet in height with internal illumination as shown in the drawing described in the foregoing Statement of Facts with the following condition:

1. That said sign be illuminated only during the hours of operation of the service station.

A variance is also requested for the proposed sign to be set back 8.5 feet from the property line in a district in which the minimum setback is 10 feet, and for the internally illuminated sign to have 4 colors rather than the maximum number of 2 allowed in Section XXIIA of the Zoning Bylaw.

It is the opinion of this Authority that due to the presence of existing outside signage of adjacent businesses which would block the proposed sign if it were set back at the required 10 feet, and due to the fact that the Sunoco national logo is comprised of 4 colors, a literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

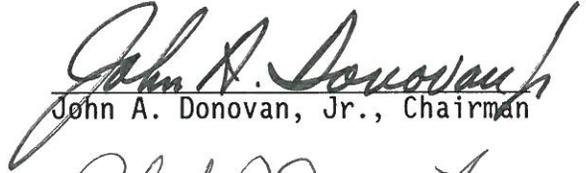
Therefore, the requested variance is granted to locate the sign no closer than 8.5 feet from the property line, and for the proposed standing internally illuminated sign to be comprised of 4 colors

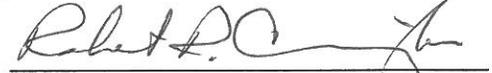
ZBA 88-85
Petition of Michel Chammas
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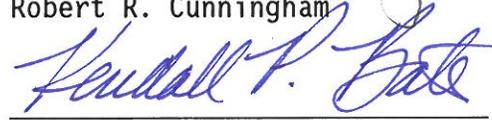
The Inspector of Buildings is hereby authorized to issue a permit for the proposed sign in accordance with the drawing and site plan noted in the foregoing Statement of Fact, upon his receipt and approval of an application.

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


Robert R. Cunningham


Kendall P. Bates

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