



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-50
Petition of Eaton Apothecary
266 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, September 26, 1991 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 EATON APOTHECARY requesting the following variances from the terms of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow installation of two internally illuminated awning signs, each sign to be 17.8 square feet at a height of 7 feet to identify its premises at 266 WASHINGTON STREET, in a Business District: 1) to exceed the maximum number of signs allowed for a business establishment; 2) to exceed the maximum number of colors allowed on an internally illuminated sign. A Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw is requested for the internal illumination of the two awning signs.

On September 10, 1991, 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 were Dave Dumouchel, representing Eaton Apothecary, and Earl Peterson, representing Morgan Awning. Mr. Dumouchel explained that the premises previously consisted of Eaton Apothecary and Kidston Hardware. When Eaton's recently enlarged, it could not remove all of the wall between the two original stores, but wants the premises to look like one store. The original awning proposal was for one awning with one sign to cover the total frontage. The Design Review Board said that one awning would detract from the historical appeal of the block, and recommended two awnings. Mr. Dumouchel agreed on the condition that each awning could contain a sign.

Mr. Peterson added that the Design Review Board had recommended two awnings because of the store's location in a strip mall in which the other stores had single awnings which left the mullions exposed between the individual stores.

Mr. Dumouchel presented a sample of the canvas material with the Eaton logo. Only opaque letters would be illuminated. He stated that the store is presently open until 8 p.m., but that they were hoping to extend the hours of operation from 7 a.m. to 9 p.m.

The Board was of the opinion that the awning design was not in keeping with that of the other stores in the block, but that internal illumination was necessary, particularly for a drug store.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 266 Washington Street, in a Business District, in a block of retail stores. The property is owned by Abbott Estates, Inc. and is leased to Eaton Apothecary. Eaton Apothecary has recently doubled its size by expanding into the premises previously occupied by Kidston Hardware, and is requesting new signage to identify its total premises.

Variances are requested to exceed the number of signs allowed for a business establishments and the number of colors allowed on an internally illuminated sign. A Special Permit is requested to internally illuminate said signs.

The original petition submitted to the Board of Appeals, which was legally advertised, consisted of two internally illuminated awning signs, each approximately 17.8 square feet, consisting of identical tricolor Eaton Apothecary logos. Between the time of submission and the Public Hearing, Eaton Apothecary, responding to Design Review Board recommendations on October 12, 1991, changed the dimensions of the original "Eaton Apothecary" logo on the first awning and eliminated the "Eaton" logo and changed the graphics stating "Apothecary" to "Prescriptions" on the second awning. The revised petition reviewed by the Board of Appeals consisted of two internally illuminated awning signs, at a height of 7 feet; one approximately 6 feet by 2.5 feet containing the Eaton Apothecary logo and the other approximately 6 feet by 1 foot containing the word "Prescriptions".

Drawings of the sign and building facade by Morgan Awnings, time-stamped September 10, 1991; a revised drawing of the sign time-stamped September 19, 1991; a letter of approval from Abbott Estates, Inc.; and photographs were submitted.

The Design Review Board reviewed the signage plan on September 12, 1991 and recommended that the Eaton logo be eliminated on the awning sign over the former Kidston Hardware facade and that the wording on the black band of that awning be changed from "Apothecary" to "Prescriptions". Internal illumination of the lettering of the signs was approved.

On September 17, 1991, the Planning Board reviewed the request and voted to object to the granting of a Special Permit for internal illumination, but offered no objection to the granting of a variance for a second sign.

Decision

This Authority has made a careful study of the materials submitted. The petitioner is requesting variances for a second sign and for the number of colors for an internally illuminated sign and a Special Permit to internally illuminate both awning signs to identify its premises at 266 Washington Street.

This Authority is of the opinion that the internal illumination of the proposed awning signs is in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw. This Authority is of the further opinion that there is a definite need for a second sign to identify the expanded premises of the petitioner and that the interior illumination of the tricolor logo can be allowed as the logo currently identifies all Eaton Apothecaries, not merely this single location.

Therefore, the requested variances and Special Permit are hereby granted for installation of the two awning signs as depicted on the submitted drawing time-stamped on September 19, 1991, as noted in the foregoing Statement of Facts subject to the following condition:

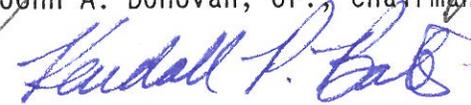
1. Internal illumination of said signs shall be allowed only during the hours of operation of the pharmacy, which presently closes at 8 p.m. If the hours of operation are extended to 9 p.m., at that time the signs may be internally illuminated until that hour, but no later.

The Inspector of Buildings is hereby authorized to issue a permit for the signs upon receipt and approval of an application. Said signs cannot be installed until such 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 David Dumouchel, Eaton Apothecary


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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