



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2017-36

Petition of 258 Realty Trust

258 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of 258 Realty Trust requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for installation of an externally illuminated 18.5 square foot single sided standing sign set at a height of 6 feet with a 5 foot 1 inch setback from the front property line, at 258 Washington Street, in a Business District fronting other than Worcester Street.

On April 3, 2017, 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 were Stanley Brooks, Esq., James Flynn, Senior Vice President, Century Bank and Peter Darlow, Darlow Christ Architects.

Mr. Brooks said that the proposed sign will be fully compliant with the exception of the front yard setback. He said that after putting up the wall sign it became apparent that it is not visible from the street due to the foliage that is in effect. He said that the landlord received approval from the Design Review Board (DRB) to reconfigure the landscape islands in the parking area. He said that the intent is to put up this sign simultaneously with the proposed revisions to the parking area. He said that the sign will be noncompliant in that it will be 5 feet 1 inch from the right of way where 15 feet is required. He said that if the sign was set back 15 feet, it would be behind parked cars and nobody would see it.

The Chairman asked if Mr. Brooks received the letter from Haynes Management. Mr. Brooks said that he had. The Chairman read an excerpt from the letter dated May 4, 2017 from Mary R. Butler, Vice President, Haynes Management, Inc. Mr. Brooks said that it is his understanding from prior discussions with this Board that the fact someone else may or may not have acted on a decision that was granted is not consequential to the Board's decision in any given matter. He said that the decision, ZBA 91-9, for Wellesley Free Library, allowed for a sign 5 feet from the edge of right of way. He said that Warren Recreation Building has a sign 5 feet from the edge of the right of way. The Chairman said that Ms. Butler's letter was referring to a section in the middle of Wellesley Hills, not the Library or the Warren School. He said that Haynes Management has owned 260 to 278 Washington Street and 280 to 284 Washington for over 80 years. He said that they have owned the property at 254 Washington Street for 15 years. He said that Haynes Management continually resisted and missed out on leasing opportunities to prospective tenants to allow free-standing signs. He said that they are asking to maintain the status quo in Wellesley Hills Square. Mr. Brooks said that if they have chosen not to come before this Board or go to the Building Inspector with an application for a fully compliant sign, that is outside of the control of the bank. He said that this application is for a fully compliant sign with the exception of the front yard

setback. He said that in the immediate area, the Unitarian Universalist Society has a sign that is almost at the street.

Mr. Brooks said that they met with the DRB twice. He said that the first proposal was for a monument sign. He said that the DRB requested a sign that was similar to the one that was approved for Boston Private Bank. He said that they modified the design to conform to the DRB's request and they recommended that this petition be approved.

Mr. Brooks said that a number of photographs were submitted that show the wall sign from various vantage points along the street coming both easterly and westerly. He said that in all of those instances the sign is not visible, either in whole or in part. He said that the pictures are generally without foliage on the trees. He said that when there is foliage on the trees, you will not see the sign at all. He said that the bank needs identification for its business. He said that there is an ATM on the site and they want people to know where it is as they drive up Washington Street. The Board asked if they considered putting the signs on the east and westbound sides of the canopy. Mr. Brooks said that it would be blocked by the foliage. He said that the east side of the portico faces the other building and the west side of the portico would be affected by leaves on the trees. He said that they could consider relocating the wall sign. Mr. Darlow said that driving westbound on Route 16, you cannot see the canopy until you are perpendicular to the bank. He said that it is blocked by the neighboring property, coming from Route 9. He said that the proposed sign will be close to the street where you will see it. He said that it will not be blocked by the building as you are driving westbound. Mr. Brooks said that a schematic plan was submitted that shows the sign installed on-site and the views from east and west from Washington Street.

The Chairman said that the Planning Board recommended that the petition be granted subject to a condition that the proposed exterior LED uplight be replaced with downward facing exterior lights. Mr. Brooks said that they met with the Planning Board. He said that the reference was to a proposed Zoning Bylaw that was not moved at Town Meeting that would have prohibited uplighting such as this. He said that the proposed lighting is in compliance with the Zoning Bylaw. He said that there was a concern about a potential danger to pedestrians. Mr. Darlow said that the light will be recessed in the ground with optics that only project towards the sign. Mr. Brooks said that it is dimmable.

Mr. Flynn said that working hours for the bank are 9 am to 5 pm on Monday, Tuesday and Wednesday, 9 am to 6 pm on Thursday and Friday, and 9 am to 1 pm on Saturday. He said that the ATM is open 24 hours.

Mr. Brooks said that it is his understanding that the Town allows signs to be lit from the hours of 6 am to midnight. The Chairman said that the general rule is during business hours. Mr. Brooks said that the bank has a 24 hour ATM. The Board discussed limiting the hours of operation of the lighting. The Board said that the nature of the bank in general is a destination for pedestrians and is more of an impulse location for an ATM user. The Board said that most of the businesses in Wellesley Hills close by 8 pm. Mr. Brooks said that the Bank would be willing to extinguish the light at 8 pm.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw for installation of an externally illuminated 18.5 square foot single sided

standing sign set at a height of 6 feet with a 5 foot 1 inch setback from the front property line, at 258 WASHINGTON STREET, in a Business District fronting other than Worcester Street.

Sign Information, Letter to Zoning Board of Appeals with , dated 2/27/17, signed by Stanley A. Brooks, Esq., with the following Exhibits attached, Exhibit 1, Wellesley Assessor's Map 64 and Enlargements Showing Parcel 64-22, Exhibit 2, DRB 16-48M – Existing Wall Sign, Exhibit 3, Existing Parking Plan and Proposed Parking Plan for 258 Washington Street Entitled "Proposed Parking Alterations for 258 Washington Street", prepared by Morris Architects, dated October 20, 2016, revised November 8, 2016 and November 20, 2016, (the "Parking Plan"), Exhibit 4, Plan of Proposed Standing Sign Entitled "258 Washington Street Standing Sign Location and dated 1.27.17, revised 2.14.17 and 2.24.17, (the "Darlow Plan"), Exhibit 5, Survey Plan for 258 Washington Street Entitled "Proposed Standing Sign 258 Washington Street Wellesley, MA, prepared by Essex Engineering and Survey, Frank Iebba, PLS, dated February 24, 2017, (the "Sign Plan"), Exhibit 6, Photo of Area Between Ingress/Egress Driveways Where Town Recently Removed Two Parking Spaces, Exhibit 7, DRB 17-09S Approval Letter, and Photographs were submitted.

On February 22, 2017, the Design Review Board reviewed the application and voted unanimously to recommend approval of the sign as presented.

On May 2, 2017, the Planning Board reviewed the petition and recommended that the special permit be granted, subject to a condition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject sign is an externally illuminated 18.5 square foot single sided standing sign set at a height of 6 feet with a 5 foot 1 inch setback from the front property line.

It is the opinion of this Authority that installation of an externally illuminated 18.5 square foot single sided standing sign set at a height of 6 feet with a 5 foot 1 inch setback from the front property line will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw, as the sign scale will be will in reasonable relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures; sign size, shape, and placement will serve to define or enhance architectural elements of the building and will not unreasonably interrupt, obscure or hide them; sign design will be in reasonable continuity with the mounting location, height, proportions and materials of other signage on the same or adjacent structures; sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, neighborhood context and use; and sign size, location design and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic.

Therefore, a special permit is granted for installation of an externally illuminated 18.5 square foot single sided standing sign set at a height of 6 feet with a 5 foot 1 inch setback from the front property line, subject to the following condition:

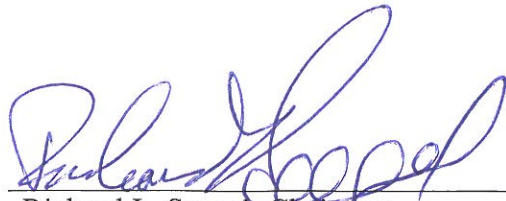
- The hours of lighting shall be limited to at the opening of the bank in the morning and no later than 8 pm in the evening.

The Inspector of Buildings is hereby authorized to issue a permit for the sign upon receipt and approval of a sign application and any other materials he may require. No sign shall be installed until said permit has been issued.

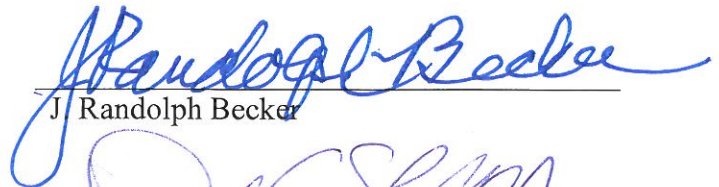
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RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
1 2017 MAY 18 P 2:35

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.



Richard L. Seegel, Chairman



J. Randolph Becker



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm