



## ZONING BOARD OF APPEALS

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ZBA 2016-30  
Petition of Federal Realty Investment Trust  
180 Linden Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Federal Realty Investment Trust.

On September 21, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### **WITHDRAWN WITHOUT PREJUDICE**

Presenting the case at the hearing were Holly Bitz and David Webster, representing Federal Realty Investment Trust, the Petitioner.

Ms. Bitz said that the request is for three approvals for more signage. She said that they had been approved for two double sided standard information signs, one at each lot, and would like to have seven more, for a total of nine. She said that the existing signs are in front of CVS and in front of Jos A. Banks.

Ms. Bitz said that the double sided signs will be multi-purpose to promote events, serve as a directory, and provide occasional advertising. She said that the first right of refusal will go to Linden Square businesses, then local hospitals and schools. She said that there will be no alcohol or tobacco allowed.

Ms. Bitz said that the signs will be moveable but will be made of solid iron.

Ms. Bitz said that the request is also for approval of pole banners. She said that the proposed seasonal banners will include a logo and website. She said that the intention is to get people to recognize Linden Square as a place for shopping, community events and a place to go with families.

Mr. Seeger asked about the size of the letters on the banners. He asked when the existing banners went up. He said that ZBA did not issue permits for those signs and they are prohibited. He said that no signs are allowed on utility or electric light poles. He said that it appears that the Petitioner has not read the previously granted decisions or the new Sign Bylaw. He said that the ZBA is not authorized to grant a Special Permit for the pennants and they all must come down.

Mr. Becker said that the originally approved request for Linden Square was well in excess of bylaw and this request seems to be moving further away from that concept. He said that pole signs and portable double sided signs are prohibited.

Mr. Becker said that the directional signs in the crosswalk from 180 Linden Street to the Linden Store will not be visible if cars are parked there. He asked what those signs will accomplish. He said that the definition in the bylaw refers to pedestrian and vehicular traffic. Mr. Webster said that the intent was to direct pedestrians. Ms. Bitz said that it is not within the square and is located at the other side of the Citgo Station. She said that the Linden Store felt separated and wanted to feel more included with shoppers in the square. She said that there is an actual sidewalk that leads to and from the Linden Store.

Mr. Webster said that the intent of the sign package was to provide more awareness of Linden Square as a collection on both sides of the street. He said that they can continue to do research.

Mr. Seegel said that the Board would allow the petition to be withdrawn without prejudice. He said that it was important for the Petitioner to hear the Board's comments first to understand how Linden Square should rethink their approach to achieve their goals.

Mr. Sheffield said that he did not mind the banners on the poles as long as they were the same on both sides of Linden Street. He said that the bylaw exempts a banner if it is a work of art without a commercial message. He said that it is dangerous to read graphics while driving. He said that when he went to the website that is referred to on the banner, it was not helpful. Ms. Bitz said that they will be doing a complete overhaul of the website so that it will be updated and user friendly. She said that they will revitalize the directory to be more specific.

Ms. Bitz said that the banners are for the pedestrian to see. Mr. Sheffield said that they are less visible with the tree.

Ms. Bitz said that Federal Realty wanted Linden Square to have more of a sense of community, to be a hub for Wellesley residents and surrounding towns, to bring more events to property, to have people recognize the property as Linden Square and to go to the website for information. Mr. Sheffield said that it is destination shopping and people know what they are looking for when they go there.

Mr. Seegel said that these are not banners as the bylaw intended. He said that they cannot be put on light poles. He said that when the town re-wrote the sign bylaw, it did not look at overlay districts. He said that the Planning Board should consider separate sign bylaws for overlay districts. He said that ZBA is not a policy making Board. He said that ZBA enforces the bylaw.

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Mr. Becker said that he did a quick calculation and the proposal is for 1,800 square feet of sign space, which is far over what the bylaw allows.

The Board discussed location of signs and accomplishing the intended purpose while advancing public safety.

Mr. Seegel said that the signs cannot be portable. Mr. Webster said that the intent was to have multi-purpose signs that they could move to direct people to events. Mr. Seegel said that they may be able to get a temporary sign for special events, which they could advertise in advance.

Mr. Seegel said that advertising on signs is not allowed. He said that the original sign package authorized one sign per store but was later revised to allow for additional blade signs. He said that some stores have three signs. He said that Federal Realty needs to make sure that tenants are following the bylaw because the Building Department does not have time to enforce everything.

Mr. Webster said that Federal Realty is asking for additional permanent directories. Mr. Seegel said that the Board could hold a business meeting to discuss a sign package before it is submitted.

Mr. Becker said that the Board authorized signs in the 2006 package that would identify merchants within Linden Square and tell customers how to get there. He said that over time the space has evolved and needs some sprucing up to unify Linden Square. He said that the Board is willing to listen to proposed changes. Mr. Seegel said that the Board would grant a new special permit that would reference the two previously granted decisions. He said that the Petitioner should look at the table in Section XXIIA of the Zoning bylaw for regulation of signs in a Commercial District fronting on other than Worcester Street. He said that the Petitioner should figure out what they already have and how much increased square footage they will need. He said that the Board will work with what is authorized under the bylaw.

Mr. Sheffield said that it would be helpful if smart phones could access the website.

Mr. Seegel said that people who frequent Linden Square several times a week know what is there. He asked if Federal Realty is trying to attract people from out of town. Mr. Webster said that Linden Square is not located on a major highway. He said that they would like to make an impression on first time customers and remind them of where they are. He said that Linden Square is located between larger centers and it is a challenge to attract people.

Mr. Seegel asked about local advertising. Ms. Bitz said that online advertising through social media is the way to advertise these days.

Ms. Bitz said that the intent is to make Wellesley more of a shopping destination rather than Natick or Boston. She said that the signage is about branding and creating awareness. She said that even though the proposed signage will be 1,800 square feet, it will not be really noticeable.

Mr. Becker said that destination shoppers do not go to wander around.

Mr. Becker said that the Board needs to see good data that shows that the signs will do what is wanted.

Mr. Sheffield said that informational banners are almost impossible to read at that distance and would not be effective in unifying Linden Square or promoting events. Mr. Seegel said that the banners could cause drivers to look up and cause accidents. He said that there are safety issues.

Ms. Bitz said that the double sided will be at eye level for the pedestrians to see.

Mr. Sheffield asked if Federal Realty had a sense of pedestrian circulation patterns. Ms. Bitz said that they did not have specific data. She said that Roche Bros, CVS, the courtyard, The Cottage and Pinkberry are the more highly trafficked areas.

Mr. Becker said that the use of two sides of a sign is good. He said that there could be a directory on one side that is permanent and the other side could be used to notify customers about upcoming events, but not advertising to bring customers to a store to shop. He said that the concept of the sign bylaw is for identification, not advertising.

Mr. Seegel said that the Board could consider larger directories. Mr. Webster said that their primary focus is moveable retail directories. He said that they need to think more about banners.

Mr. Becker moved and Mr. Sheffield seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

Mr. Seegel said that the Petitioner should come to a business meeting so that the Board can look at and discuss any proposed sign package.