

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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DEC - 1 2020
P-151

ZBA 2020-61

Petition of 199 Worcester Street, LLC
199 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Tuesday, November 17, 2020 at 7:30 pm on the petition of 199 Worcester St., LLC requesting a Special Permit pursuant to the provisions of Section 22A and Section 25 of the Zoning Bylaw for replacement of an existing nonconforming standing sign that exceeds the maximum square footage, height, setback, total square footage for signage on the property, and for internal illumination on the standing sign and the side facing sign on the proposed canopy at 199 Worcester Street, in a Business District.

On September 14, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for November 17, 2020.

Present at the public hearing were Stanley Brooks, Esq., Mark Smith, Project Manager, CNG Environmental, and Mike Hannigan, Sign Designer, representing 199 Worcester St., LLC., the Petitioner.

Mr. Brooks said that the property owner spoke with the abutters at 118 and 120 Cedar Street and 195 and 197 Worcester Street, and they were supportive of the proposed signage.

Mr. Brooks said that the request is for special permit, pursuant to Section 22A. H of the Zoning Bylaw to replace an existing standing sign that is outdated and in disrepair, and replace it with a new up to date sign in the same location. He said that the existing standing sign is set back less than 15 feet from the street. He said that the proposed is lower and smaller in square footage than the two signs that are currently there. He said that the plan is to take the two-part sign and condense it to a single modern sign, similar to what is seen at most gas stations and consistent with what was recently approved for the Gulf Station that is next to the Fire Station. He said that the total square footage of the existing two signs exceeds the new two-sided sign, which is 50 square feet on each side. He said that they will take the gas pricing and move it up into the main sign that identifies the station so that it looks like a smooth, clean, modern looking unit. He said that the height of the sign is driven in part by the light poles and other street signage that is in the area. He said that the proposed size is necessary. He said that on the approach from the east, you come up the hill from Route 128 and the existing sign is not visible until you are within several hundred feet of it. He said that by having a more updated internally illuminated standing sign and additional signage on the canopy, it will provide a public service by identifying the station to make it safer for vehicles to maneuver to the station from further away. He said that it is the first gas station west of Newton Center and Route 128 on Route 9.

Mr. Brooks said that standing signs located on Worcester Street are allowed to be 75 square feet and 10 feet in height. He said that because of the location and the crest of the hill, the additional height and size

are warranted. He said that the sign is reasonable in relation to the scale of the area and is not inconsistent with other signage in the area. He said that Wellesley Toyota at 264 Worcester Street and their used car facility further east have taller standing signs with significant logos on them.

Mr. Brooks said that placement of the sign is designed to be proportionate to the neighborhood. He said that the property is located in a commercial district. He said that the closest buildings are located at 118 to 120 Cedar Street and are shielded by the gas station service building. He said that the two buildings to the right are 165 feet away from the proposed sign. He said that they tried to make the sign conform as much as possible and believe that it is in harmony with Section 22A findings. He said that the scale and size are reasonable in relation to the area and it will not hurt architecturally any buildings in the neighborhood, it will not obscure any buildings or create sight lines issues, the proposed colors, materials and illumination proposed are reasonably compatible with the building design in the neighborhood and the use of the property. He said that this will not create any safety hazards to vehicular or pedestrian traffic and will be a safety enhancement for vehicular traffic.

Mr. Brooks said that the Planning Board had concerns about interference with the State directional signs that direct traffic to the exits. He said that he looked at Google Maps and drove along Route 9 and determined that this sign is not lined up with or interferes with visibility of those signs.

A Board member said that the setback listed on the application is for 3.5 inches. He confirmed that the setback will be 3.5 feet. Mr. Brooks said that it is 3.5 feet to the edge of the sign. Mr. Hannigan said that the sign is 10 feet wide and the pole is set back 8.5 feet from the lot line and 20 feet back from the street.

Mr. Brooks said that the standing sign will be 100 square feet for branding and led pricing and there will be 35 square feet of signage on the canopy.

A Board member confirmed that the standing sign is double faced. Mr. Hannigan said that it will be 50 square feet per side. He said that the existing sign is 60 square feet per side and 17 feet in height. He said that the proposed sign will be two feet lower. Mr. Brooks said that the sign needs to be two sided to be visible for traffic on Route 9 and Cedar Street.

The Chairman discussed limitations on overall signage on the site and wall and window signs on the existing building and standing on the site. Mr. Brooks said that there is a standing sign at the westerly exit, which the Board required to be removed as part of its approval in 2011. He said that sign was not removed but will be as part of the upgrade of the station, as indicated on the materials submitted. He said that they will work to get window or wall signs into compliance or take them down. The Chairman said that information that was submitted only addressed the signage that is proposed. He said that the Board does not have a complete picture of signage on the site. The Board discussed inserting a condition to eliminate extraneous signage.

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 22A and Section 25 of the Zoning Bylaw for replacement of an existing nonconforming standing sign that exceeds the maximum

square footage, height, setback, total square footage for signage on the property, and for internal illumination on the standing sign and the side facing sign on the proposed canopy at 199 Worcester Street, in a Business District.

Letter to Zoning Board of Appeals, dated 9/14/20, signed by Stanley A. Brooks, Esq., a Plot Plan, dated 8/14/20, stamped by Stephen P. DesRoche, Professional Land Surveyor, A Site Plan, dated 5/14/20, revised 7/20/20 and Canopy Renderings, dated 8/10/20, prepared by CMG, Signs Plans 1-6, dated 2/16/20, prepared by Sunshine Sign, Assessor's Map, Google Map, and photographs were submitted.

On April 29, 2020, the Design Review Board reviewed the project and voted unanimously to approve the project as presented.

On November 17, 2020, Planning Board reviewed and project and recommended that the Board delay action on the petition.

Decision

2020 DEC 17 P-156
WORCESTER, MASS.
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JAN 14 2021
ZONING AUTHORITY
CITY OF WORCESTER

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject signage is replacement of an existing nonconforming standing sign that exceeds the maximum square footage, height, setback, total square footage for signage on the property, and for internal illumination on the standing sign and the side facing sign on the proposed canopy at 199 Worcester Street, in a Business District.

It is the opinion of this Authority that replacement of an existing nonconforming standing sign that exceeds the maximum square footage, height, setback, total square footage for signage on the property, and for internal illumination on the standing sign and the side facing sign on the proposed canopy at 199 Worcester Street will be in harmony with the general purpose and intent of Section 22A of the Zoning Bylaw, as the sign scale will be 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 replacement of an existing nonconforming standing sign that exceeds the maximum square footage, height, setback, total square footage for signage on the property, and for internal illumination on the standing sign and the side facing sign on the proposed canopy at 199 Worcester Street, subject to the following condition:

- All extraneous signs on the site shall be removed.

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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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.

J. Randolph Becker (l.m.)

J. Randolph Becker, Chairman

David G. Sheffield (l.m.)

David G. Sheffield

Derek B. Redgate (l.m.)

Derek B. Redgate

ZBA 2020-61
Applicant 199 Worcester Street, LLC
Address 199 Worcester Street

2020 DEC - 1 P 1:56
TOWNSHIP CLERK'S OFFICE
WELLESLEY MA 02481

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm