

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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TELEPHONE
(781) 431-1019 EXT. 2208

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2021 DEC 16 P 1211

ZBA 2021-95
Petition of James Carney
962 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on December 2, 2021 at 7:30 pm on the petition of James Carney requesting a Special Permit pursuant to the provisions of Section 22A and Section 25 of the Zoning Bylaw for installation of a 15 foot high two sided standing sign that will meet setback requirements, which, in addition to four previously approved walls signs, will exceed the number of signs allowed by right, at 962 Worcester Street, in a Business A District.

On November 1, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was David Himmelberger, Esq., representing the Petitioner. He discussed the original sign package submitted for ZBA 2021-84 that included a request for a monument sign at the front property line, double faced with 42 square feet on each side, for a total of 84 square feet. He said that the plan was changed to relocate the sign outside of the 15 foot setback area. He said that the current request is to allow a 15 foot tall monument sign with 14 square feet of signage and a Nissan emblem on both sides, for a total of 28 square feet. He said that the proposed sign is similar to the sign at the Mazda dealership across the street and the Toyota dealership by Cedar Street. He said that the requested relief is for the height and the overall quantity of signs at the site.

The Chairman said that under ZBA 2021-84, the Board approved five signs, one of which was subtracted. He said that the Design Review Board already approved six signs. He said that he did not have an issue with the proposed sign.

A Board member said that the site is still a work in progress. He said that the previous site design had diagonal parking at the front. He said that the new application shows parallel parking at the front. Mr. Himmelberger said that the wall at the front was removed. He said that idea is to display vehicles at the front, consistent with the dealership across the street and other dealerships on Route 9.

A Board member said that the requested height of the sign is commensurate with the Mazda and Toyota dealerships signs and is not as big as the Jarvis sign. He said that the sign is smaller than the previously proposed sign and will not impede views.

The Chairman asked about hours of lighting. Mr. Himmelberger said that a condition of 11 pm would be acceptable. He said that the lights are typically on after the business has closed at 9 or 10 pm. He said that there are no residences in the area, Dunkin's and the Mazda dealership are across the street, CVS, Dunkin's and a medical office building are to the right and Jarvis is to the left.

No member of the public 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 installation of a 15 foot high two sided standing sign that will meet setback requirements, which, in addition to four previously approved walls signs, will exceed the number of signs allowed by right, at 962 Worcester Street, in a Business A District.

Letter to Zoning Board of Appeals, dated 10/26/21, from David J. Himmelberger, Esq., Proposed Plot, dated 10/18/21, signed by Wayne C. Jalbert, Professional Land Surveyor, Plan for Sign Type P-14 CUS, dated 11/11/19, revised 10/15/20, 10/16/20 & 10/20/20, photosimulations, prepared by Regent Associates, Inc. Architects, and photographs were submitted.

On August 18, 2021, the Design Review Board reviewed the project and voted unanimously to accept the application as presented, with recommendations.

On November 30, 2021, the Planning Board reviewed and project and recommended that a special permit be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject sign is a 15 foot high two sided standing sign that will meet setback requirements, which, in addition to four previously approved walls signs, will exceed the number of signs allowed by right, at 962 Worcester Street, in a Business A District.

It is the opinion of this Authority that installation of a 15 foot high two sided standing sign that will meet setback requirements, which, in addition to four previously approved walls signs, will exceed the number of signs allowed by right, 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

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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 a 15 foot high two sided standing sign, in accordance with the submitted plans.

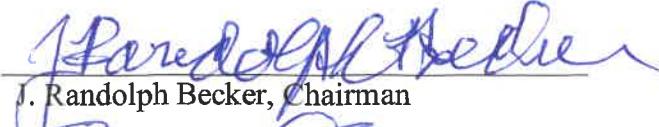
The Inspector of Buildings is hereby authorized to issue a permit for the sign upon receipt and approval of a sign application and any other materials he may require. No sign shall be installed until said permit has been issued.

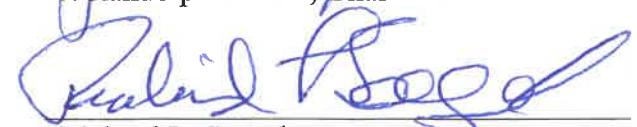
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2021 DEC 16 PM 12:09

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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, Chairman


Richard L. Seegel


David G. Sheffield

2021 DEC 16 PM 12:04
Wellesley, MA

ZBA 2021-95
Applicant James Carney
Address 962 Worcester Street

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

