



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

MAY 17 9 05 AM '88

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ZBA 88-35
Mobil Oil Corporation
453 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, April 21, 1988 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 MOBIL OIL CORPORATION requesting the following Special Permits pursuant to Section XXIIA and Section XXV of the Zoning Bylaw for multiple standing and wall signs to be installed at 453 WASHINGTON STREET (MOBIL STATION) in a Business A District: 1) Internal illumination for 6 signs; 2) Sign D to have less than the required setback; and the following variances from the terms of Section XXIIA and pursuant to Section XXIV-D of the Zoning Bylaw: 1) Number of colors for internally illuminated signs to exceed maximum number allowed; 2) Maximum area of signage to exceed that allowed for standing signs; 3) Maximum area of signage to exceed that allowed for wall signs; 4) Number of standing signs to exceed that allowed; 5) Sign D to exceed maximum height allowed.

On April 4, 1988 the petitioner requested a hearing before these Boards and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case were Edward Donlon, attorney for Mobil Oil and Michael Carroll from the Real Estate Division of Mobil Oil Corporation. Mr. Donlon made a visual presentation of the Pegasus sign package being requested. He said that the signage presently on the site totalled 275.6 square feet. Mobil's amended request, dated April 21, 1988, asked for a total of 164 square feet. The present standing sign is twice as large as the proposed standing Sign D. Mr. Donlon said that although Mobil has eliminated some of the originally requested signs, it still has a problem fitting the needed signage to the requirements of the Zoning Bylaw.

Mr. Donlon said that if the horizontal message sign (F) between the pillars were considered a standing sign, a variance would be required for more than one standing sign. The message sign is used to advertise specials sold in the Mobil Mart. The Board questioned the necessity of the message sign. Mr. Donlon responded that it advertised products for sale in the Mobil Mart, but that it could be changed to a wall sign. In that event, a variance would be required to exceed the allowed square footage for wall signs.

The Board said that it could understand the need for signage relating to the gasoline station and products, but could not understand need for signs advertising non-related products, and again questioned the necessity for the message sign. The Board asked if Mobil would be willing to eliminate the canopy sign in order to retain the message sign.

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Mr. Carroll said that Mobil would choose the message sign over the canopy sign. The message sign is a promotional sign designating monthly specials available to the customer in the Mobil Mart. The message sign would have colored inserts which would be changed monthly.

Mr. Carroll said the present main standing sign is 85 square feet on one side. Mobil would like to remove the sign and replace it with Sign D which would be 45 square feet on one side. If Mobil is not allowed the reduced and relocated Sign D, it would leave the present sign.

Mr. Donlon said that both Pegasus wall signs and one standing car wash sign have been eliminated from the original request. Mobil is now requesting internal illumination for Sign D and one car wash sign rather than the original request for six internally illuminated signs. Since the car wash will be open until 10 p.m., internal illumination is felt to be necessary.

Mr. Donlon stated that Mobil is requesting a variance for standing Sign D to be at a height of 15 feet. If the height were reduced to 10 feet, which is allowed by Special Permit, the price section would be almost on the ground.

Gail Oliva, Chairman of the Planning Board, said that the Planning Board hoped that the Board of Appeals would approve only that which is allowed by Special Permit. Such approval would be granting more than that which is allowed by right and should be sufficient. The Planning Board would not like to see the present sign remain, but would prefer the sign to the granting of variances.

Mrs. Oliva stated that the granting of sign variances is not appropriate under the sign section of the Zoning Bylaw which was enacted last year. Mobil is requesting total signage of 164 square feet, when 125 square feet are allowed by Special Permit. Mrs. Oliva felt that 125 square feet were sufficient, and that Mobil would have to determine which signs to eliminate.

Mr. Donlon argued that the site was one acre and was the largest gas station in Wellesley. On such an expanse, the signs would not be obtrusive. He felt that the signage needs of a gas station are more extensive than those of an ordinary business. Mr. Donlon felt that Mobil had presented an attractive sign package, addressed a need and had tried to accommodate to the definitions in the Zoning Bylaw.

Statement of Facts

The property in question is located at 453 Washington Street (Mobil Station), in a Business A District.

In July, 1987 Mobil received a Special Permit for Site Plan Approval (ZBA 87-43) to demolish the existing structures on site and construct 4 fueling islands covered by a canopy, a Mobil Mart from which snack items would be sold and a fully automated car wash. This station package is designated as a "Pegasus 21" design.

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The original petition filed on April 4, 1988 requested the following standing signs:

1. Mobil/price - D -internal illumination - tri-colored -	91.2 square feet
2. Car Wash - E1	20.0 square feet
3. Message/Mart- F	32.0 square feet
Total:	143.2 square feet

and the following wall signs:

1. Canopy - A - internal illumination - tri-colored -	12.1 square feet
2. Pegasus (2) - B - internal illumination -	39.2 square feet
3. Mobil Mart - C -	7.3 square feet
4. Car Wash (2)- E - internal illumination -	29.2 square feet
5. Car Wash - E2-	21.4 square feet
Total:	109.2 square feet

The revised plan of April 21, 1988 eliminated the 2 Pegasus wall signs, one Car Wash wall (E) sign and 1 Car Wash standing sign and reduced the number of internally illuminated signs from six to two. The requested area for standing signs was reduced to 123.2 square feet and the requested area for wall signs was reduced to 50.4 square feet which thereby eliminated the request for a variance to exceed the maximum area allowed for wall signs, but added a request for a Special Permit for same.

Drawings of the proposed signage, dated November 11, 1986, were submitted by Allan Goldberg/Eliot Noyes Associates.

The Design Review Board conducted a preliminary review of the Mobil sign package on March 24, 1988 and held a final review on April 14, 1988 at which time the Board recommended that Sign E facing Kingsbury Street be eliminated.

The Planning Board, on April 12, 1988, voted to recommend no objection to the Special Permit for internal illumination of the standing sign (D) nor to its location on the lot provided it meets other applicable special permit sign requirements, but to recommend denial of a special permit for internal illumination for all other signs.

The Planning Board strongly opposed the granting of all the sign variance requests as approval would set a precedent which would effectively nullify and substantially derogate from the intent and purpose of the Sign Bylaw adopted a year ago.

Decision

This Authority has made a careful study of the evidence presented.

The petitioner is requesting Special Permits and variances for a multiple sign package to be installed at the Mobil Station at 453 Washington Street to identify the Mobil station and ancillary services.

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This Authority is of the opinion that a Special Permit for the internal illumination of two signs: 1) the Mobil standing sign (D) and 2) the "Car Wash" wall sign (E) is in harmony with the general intent of Section XXIIA as the Mobil sign provides station identification and the car wash sign will provide the only illumination in the unlit area of the car wash.

Therefore, a Special Permit is granted for the internal illumination of said signs with the condition that the "Car Wash" sign be illuminated only during the hours of operation of said car wash and not be lit from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. daily, as specified in the Special Permit for Site Plan Approval (ZBA 87-43).

The Board is of the opinion that a Special Permit for the Mobil standing sign (D) to be set back no less than 5 feet from the property line is in harmony with the general intent of Section XXIIA and is thus granted.

The Board is of the opinion that three colors (red, white and blue) can be allowed on the internally illuminated Mobil standing sign (D) because these constitute the Mobil national logo and a "substantial hardship" according to Section XXIV-D would exist for the petitioner if only two colors were used. A variance to exceed the maximum number of colors allowed on an internally illuminated sign by one is hereby granted.

The Board is of the further opinion that the area of wall signage allowed by Special Permit is sufficient to meet the signage needs of Mobil and thus remain within the requirements of Section XXIIA of the Zoning Bylaw. The Board does not see evidence of "substantial hardship" to warrant exceeding the total area allowed by Special Permit pursuant to Section XXIIA. Therefore, a variance to exceed the maximum area of wall signage allowed is denied, but a Special Permit is granted for the total area of wall signage not to exceed 75 square feet.

The Board does not see any "substantial hardship" according to Section XXIV-D to warrant the need for more than one standing sign, particularly as the Mobil representatives themselves have stated that the second standing sign could be converted to a wall sign. Therefore, the request for a variance to exceed the maximum number of standing signs allowed is denied.

It is the opinion of this Authority that due to the configuration of the standing Mobil sign (D) which would be visible at no less than at a height of 12 feet and the need for visibility from the street under the sign, that to limit the height of said sign to ten feet would represent a substantial hardship according to Section XXIV-D of the Zoning Bylaw. Therefore, the requested variance is granted to exceed the maximum height of 10 feet allowed for standing signs by 5 feet for the standing Mobil sign (D).

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It is the further opinion of this Authority that the single standing Mobil identifying sign which has been reduced from the original 107.6 square feet to 91.2 square feet by elimination of the "Car Wash" portion of the sign, could be further reduced in size without hardship. However, the Board does recognize that further reduction to the maximum area of 50 square feet allowed by Special Permit for a standing sign would represent a hardship in this situation. Therefore, a variance is granted for the total area of the Mobil standing sign (D) to exceed the maximum area allowed by 25 feet, said sign to be no more than 75 square feet.

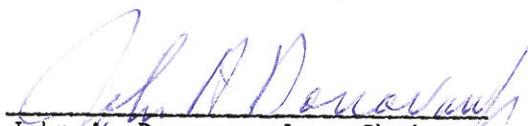
The Building Inspector is hereby authorized to issue permits for said wall signs in accordance with the Sign drawings described in the Statement of Facts upon his receipt and approval of the applications.

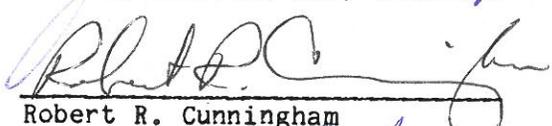
Prior to issuance of a sign permit for the Mobil Standing sign (D), a revised drawing of said sign must be reviewed by the Design Review Board, and then submitted to the office of the Zoning Board of Appeals.

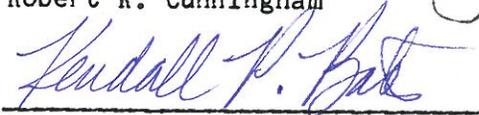
APPEALS FROM THIS DECISION, IF ANY SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Design Review Board
Planning Board
Inspector of Buildings

edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates

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Revision to Petition

1. Elimination of 2 "B" Pegasus internally illuminated wall signs
2. Elimination of 1 "E" Car Wash internally illuminated wall sign
3. Elimination of 1 "E1" Car Wash standing sign.
4. Total square footage of wall signs: 50.4 square feet
Allowed by Special Permit: 75.0 square feet
5. Total square footage of standing signs: 123.2 square feet
Allowed by Special Permit: 50.0 square feet
6. Maximum Height of standing sign requested: 15 feet
Allowed by Special Permit: 10 feet

Special Permits now requested:

- ✓ 1. Internal illumination for two signs (D and E)
- ✓ 2. Setback for Sign D

Variances now requested:

1. To exceed the maximum number of colors allowed on internally illuminated signs by one.
2. To exceed the maximum area allowed for standing signs
 - a. If denied, F becomes a wall sign and a variance will be required to exceed the maximum area allowed for wall signs.
 - b. However, even if F becomes a wall sign, a variance will still be needed to exceed the maximum area allowed for standing signs by 41.2 square feet.
3. To exceed the maximum number of standing signs allowed by one.
 - a. If denied, F will become a wall sign, and no variance is required.
4. To exceed the maximum area for wall signs if:
 - a. F and A are included
 - b. If A is deleted, a Special Permit would then be required
5. To exceed the maximum height allowed for a standing sign by 5 feet:
 - a. If denied, a Special Permit is requested for 10 feet