

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 JAN -4 A 8:13

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ZBA 2001-88
Petition of Motiva Enterprises, LLC
Shell Station
987 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 29, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MOTIVA ENTERPRISES, LLC requesting the following Special Permits pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to allow replacement of the existing sign panels on the 19 foot 10 inch standing sign at its premises at the SHELL STATION, 987 WORCESTER STREET, in a Business District:

1. To exceed the allowed height of 10 feet with a height of 19 feet 10 inches.
2. To exceed the allowed area of 50 square feet with a total area of 92.53 square feet, which includes a double-sided Shell pectin logo panel with a total area of 35.06 square feet (17.53 square feet/side); a one-sided 7.47 square foot "Food Mart" panel; and a 50 square foot double sided price panel (25 square feet/side).
3. To internally illuminate the white and yellow portions of all three panels.
4. To exceed the allowed number of colors (2) on an internally illuminated sign with a four color sign.

On November 13, 2001, 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 was John Keegan of Bohler Engineering, representing Motiva Enterprises. Mr. Keegan said the Shell station is going through a revitalization, a part of which is replacement of the panels of the existing three-panel identification sign, which had been granted a Special Permit a few years ago.

Mr. Keegan explained that Shell would now like to change the colors and some of the wording of the existing panels. The total area of the sign will not increase. The amount of internal illumination of the sign will be decreased by about 50 percent. The internal illumination will include the white letters on the "Food Mart" sign and on the price sign; the yellow area on the Shell pectin logo; and the yellow background on the price sign. There will be no change in the location or structure of the sign. The new sign will be less intrusive as the lighting will be softer. The poles will be dark gray and the panel frames will be white.

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The Board stated that the Planning Board objected to the internal illumination of the sign. The Zoning Bylaw prohibits internal illumination of signs containing more than two colors. Furthermore, the Board noted the presence of an illegal sign attached to a light stanchion in the submitted photographs, and questioned the setback from the right side property line. Mr. Keegan said that as soon as they were informed that the temporary sign was illegal, it was removed. The setback from the right side line will not change.

The Board commented that illegal signs were also an issue on the previous sign petition. The square footage of 92.53 square feet shown on the drawing does not agree with the figure of 95.33 square feet show on the application. Mr. Keegan said that the 92.5 figure was the correct one.

The Board noted that the submitted plan shows the white ground of the pectin logo to be internally illuminated, although Mr. Keegan had said that only the yellow would be illuminated. Mr. Keegan said that only the yellow would be internally illuminated, and that he would submit a revised plan.

The Board suggested that the Food Mart sign and the pricing sign not be internally illuminated – that only the logo be illuminated. Mr. Keegan said that the yellow ground on the pricing sign could be changed to white, which would reduce the number of colors.

After further discussion, Mr. Keegan and the Board agreed that the red and white portions of the pectin would be opaque with only the yellow portion to be internally illuminated; and the white letters on the Food Mart sign, the white price sign text, and the white ground on the price panels would all be internally illuminated.

The Board asked if the sign lighting was on a timer as a further condition would be that the sign be illuminated only during the hours of operation. Mr. Keegan said that would not be a problem.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 987 Worcester Street, in a Business District, and is owned by Motiva Enterprises, LLC, formerly Shell Oil Company.

In 1999, Shell Oil Company requested and was granted a Special Permit (ZBA 99-28) to allow removal of its existing standing sign and construct a new double-sided standing sign with a total area of 100 square feet at a height of 20 feet with a setback of 10 feet from the front property line, and to internally illuminate a sign with four colors.

Motiva Enterprises, LLC is now requesting a Special Permit to replace the existing three sign panels with a new double-sided 35.06 square foot logo pectin sign, a single-sided 7,47 square foot Food Mart sign and a new 50 square foot double-sided pricing sign. The total area of 92.53 square feet will exceed the allowed area of 50 square feet; the 19 foot 10 inch height will exceed the allowed height of 10 feet; the

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internal illumination of the yellow ground of the pectin logo, the white letters of the "Food Mart" panel, the white price sign text and white ground of the price panels is not allowed by right, nor is the internal illumination of a sign containing more than two colors.

A Site & ID Sign Plan (Sheet 1) dated 6/6/01, stamped by William Goebel, Registered Professional Engineer; a color rendition of Proposed ID Sign dated 10/8/01 prepared by Bohler Engineering; and photographs were submitted. In response to the Board's request a Site & ID Sign Plan (Sheet 1/Rev.2) and a letter describing the revisions signed by John Keegan was submitted on November 30, 2001.

On June 28, 2001, the Design Review Board reviewed the signage proposal, and voted to approve the design and landscape plan as presented.

On November 27, 2001, the Planning Board reviewed the petition and despite endorsing the comments of the Design Review Board, objected to the internal illumination of the sign. The Board also noted the presence of an illegal sign attached to an electric pole, and that the setback from the right side property line is only two feet.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed sign revision does not comply with the allowed height, area and illumination requirements contained in Section XXIIA of the Zoning Bylaw.

It is the opinion of this Authority that the proposed three panel sign to identify the Shell station at 987 Worcester Street is in harmony with the general intent and purpose of Section XXIIA in regard to area, height and illumination.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the proposed standing sign in accordance with the revised Site and ID Sign Plan, subject to the following conditions:

1. The total area of the standing sign shall not exceed 92.53 square feet.
2. The height of the standing sign shall not exceed 19 feet 10 inches.
3. The internal illumination shall be restricted to the yellow area of the Shell pectin, the white letters in the "Food Mart" panel, the white letters in the price sign panel and the white background of the individual price panels.
4. The sign shall be internally illuminated only during the hours of operation of the Shell station.
5. There shall be no illegal signs on the property at any time.

The Inspector of Buildings is hereby authorized to issue a permit for said sign upon receipt and approval of a sign permit application. No sign shall be removed or replaced until the sign permit has been issued.

Shell Station
987 Worcester Street

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: Planning Board
Inspector of Buildings
edg

Kendall P. Bates

Kendall P. Bates, Chairman

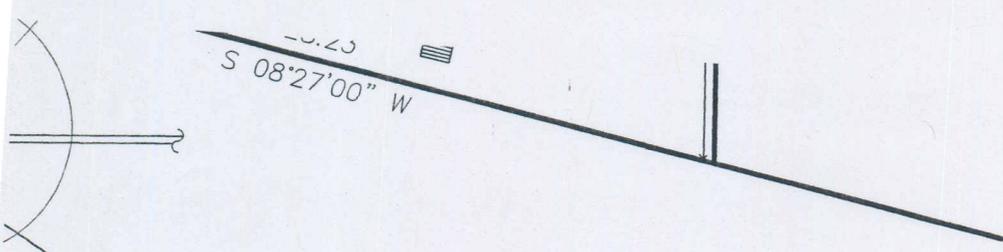
Cynthia S. Hibbard

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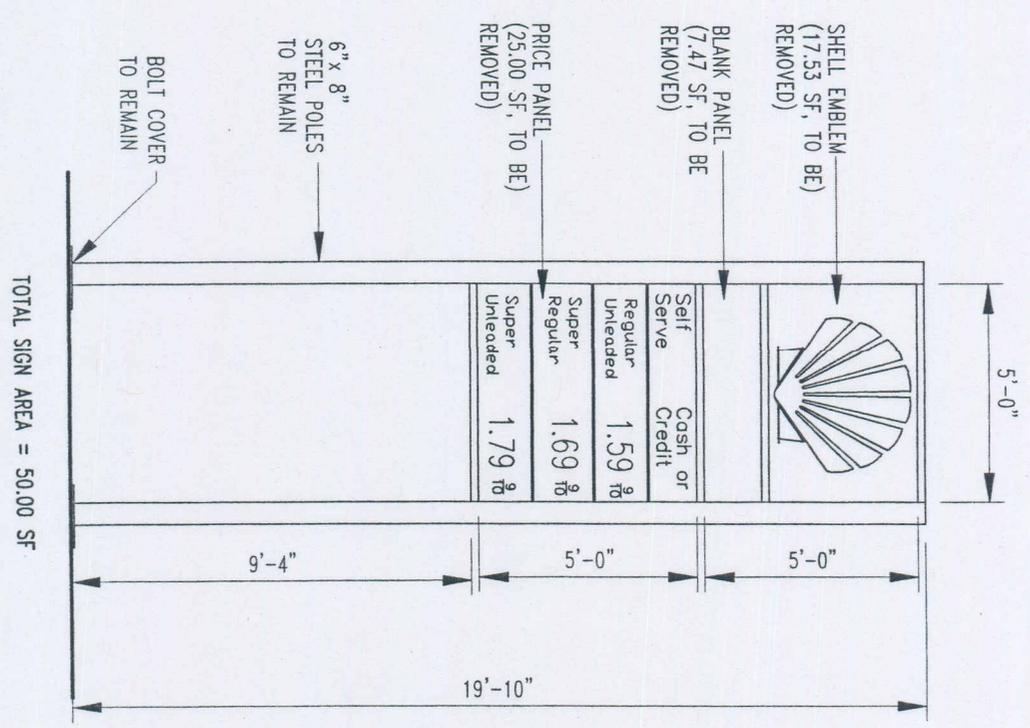
Robert W. Levy

Robert W. Levy

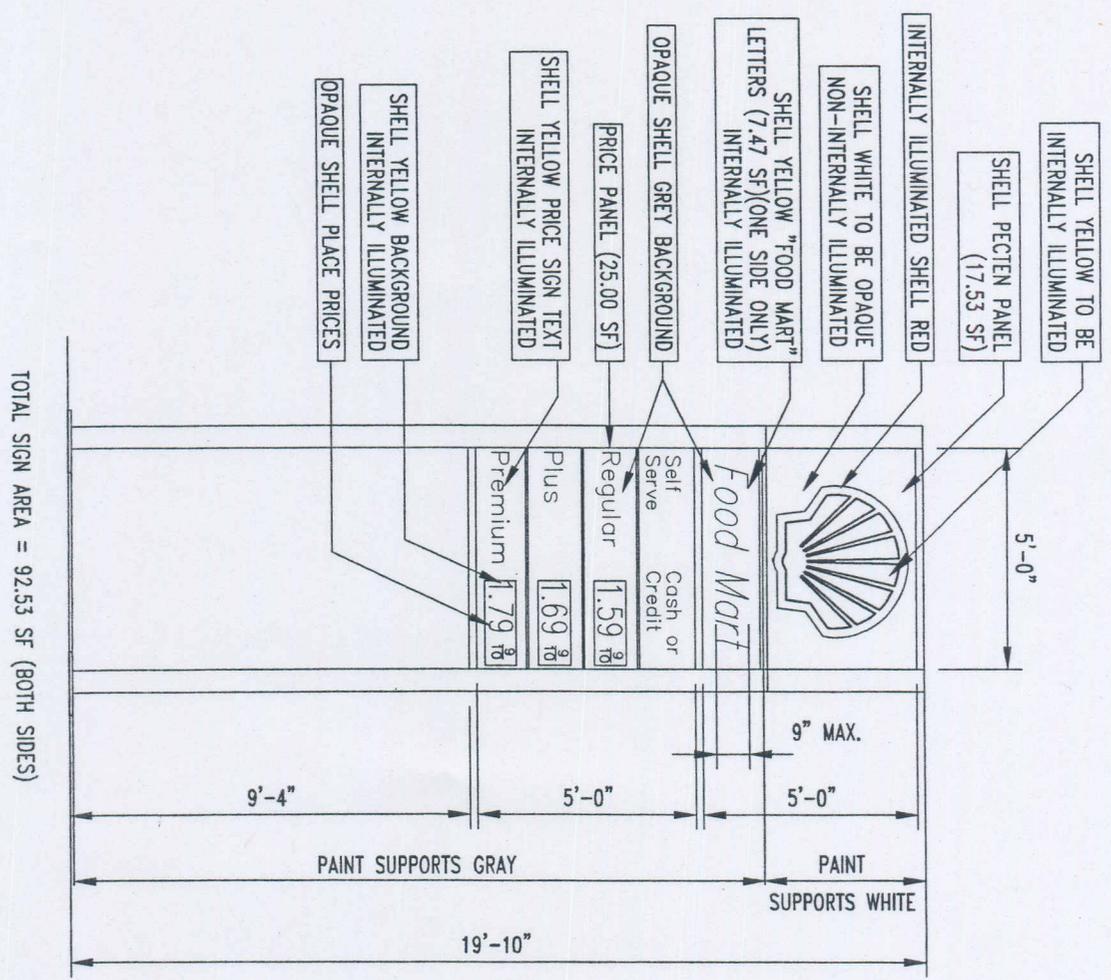
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EXISTING LANDSCAPING
(TO REMAIN)



EXISTING ID SIGN
SCALE: NONE



PROPOSED ID SIGN
SCALE: NONE