



ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
J. RANDOLPH BECKER, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

2015 JUN 18 P 3:05
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2015-48
Petition of Divine LLC
25 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 4, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DIVINE LLC requesting a Special Permit pursuant to the provisions of Section IXB, Section XXIIA and Section XXV of the Zoning Bylaw for installation of three standing signs that will exceed the number of standing signs allowed by right, at 25 WASHINGTON STREET, in the Lower Falls Village Commercial District. The Applicant proposes to install one standing sign along Washington Street at the driveway entrance to the property and two additional sign faces on the rear sides of two existing standing directional signs within the parking area.

On May 19, 2015, 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 Richard Westergren, Poyant Signs Inc., on behalf of Divine LLC, (the Petitioner). He said that 25 Washington Street houses CVS and the Surgery Center.

Mr. Westergren said that the request is for a special permit to allow the installation of one new additional directional sign to improve the flow of traffic to the parking lot that is behind the businesses. He said that the parking is for the use of CVS and the Surgery Center. He said that directional signs do not require special permits but because of the names on the signs, a special permit is required.

Mr. Westergren said that one double faced sign is proposed in the grass area near Washington Street. He said the other two signs are existing. He said that they just want to put copy on the back sides of the two existing signs. He said that the proposed sign will match the existing directional signs. He said that they are not advertising signs, per se, but signs to help with traffic flow and parking problems.

Mr. Westergren said that they went before Design Review Board (DRB), who offered no changes.

The Board asked about traffic flow problems. Mr. Westergren said that they are trying to help customers find the parking lot that is provided. He said that customers are parking out on the street, which is causing more congestion on the street.

The Board said that when it reviewed the sign package for the development at 25 and 27 Washington Street, the parking was not dedicated to one building or one use. The Board said that the parking was for the aggregate of the two parcels. Mr. Westergren said they are trying to funnel the customers for CVS

and the Surgery Center to the back and off of the street. He said that a traffic engineer came up with this suggestion. He said that CVS is willing to pay for the improvements. He said that it will be a benefit for the public to know that parking is there for the customers.

The Board said that the request in the submittal was for relief for the number of signs on the lot. The Board said that there are other requirements that the package is silent on. The Board said that one of the requirements is that the standing signs be 15 feet from the property line. The Board said that there was nothing in the submittal package that related the signs to the property lines. Mr. Westergren said that a site plan was submitted. The Board said that the Site Plan does not show dimensions for the signs to the property line. Mr. Westergren said that the signs are behind the sidewalk. He said that they submitted photographs showing where the signs will be located. He said that this is a directional sign. He said that if they put it further back it will defeat the purpose of the sign. The Board said that the issue is what relief is being sought under the bylaw.

The Board confirmed that wording for CVS/Surgery Center is on each of the three signs Mr. Westergren said that a special permit is required because of the CVS/Surgery Center names on them. He said that the letters will be two inches high and not something that can be read from a great distance.

The Board said that one of the reasons to know the setbacks for the signs is to determine whether there will be sight line problems for Washington Street. Mr. Westergren said that on Plan 1A.1, Photo Comp F shows a composite of where the sign will go. He said that it will not block the visibility of anything. The Board said that there was no way to tell if the sign will be in the same location as the picture because there are no dimensions on the materials that were submitted. Mr. Westergren said that the sign will be placed as per the picture. He said that the signs can be at least three feet back from the sidewalk line.

A Board member said that he lives in that part of town and although he does not use that CVS, he occasionally picks up prescriptions for other family members there. He said that he has never noticed a problem with an overly filled parking lot behind. Mr. Westergren said that is the problem. He said that people are parking on the street and CVS and the Surgery Center want to route more cars to the back to use the parking lot.

The Board said that one of the bigger problems with the parking lot at the back is the parking arrangement that directs traffic almost all the way back to Waterstone to exit the parking lot. The Board said that most people would probably find it more convenient to park on the street and pay the meter fees as opposed to the free parking at the back.

Mr. Westergren said that CVS felt that parking has been a problem since they opened. He said that if there is a parking problem, CVS would like to alleviate it. The Board said that the assertion is that there is a parking problem but there was nothing in submittal to demonstrate what that problem is. Mr. Westergren said that he did not bring the Traffic Study with him. He said that they thought that this was a simple request. He said that this is an effort to help.

The Board said that it would be good to have backup information on the location and the reason for the signage.

The Board said that the new sign appears to be somewhat different from the existing signs. The Board said that it looks like it has narrower, more flimsy posts. The Board said that it was concerned about damage to it. Mr. Westergren said that the sign will be shorter. He said that they were trying to make it less obstructive out front. He said that they did not want a large appearing sign. He said that they wanted something that will blend into the environment.

The Board asked about the folding sign in the picture. Mr. Westergren said that they have been using that sandwich sign as a temporary sign.

The Board said that the intent of the legend CVS/Surgery Center is to lay claim to the parking spaces for their use. The Board said that it is to make it clear that it is for customers of CVS and the Surgery Center, not other local businesses. The Board said that helps to clarify the purpose.

The Board questioned the precedent of approving a sign that does not comply with the setback. The Board said that if there is a justification for not having the 15 feet, the physical arrangement here is probably one. The Board said that it does not know that because there was no information submitted to show that. The Board said that is something the relief will have to be granted for. Mr. Westergren said that setback was not an issue for the Building Inspector because it is a directional sign. The Board said that the Building Inspector said that it is not a directional sign. Mr. Westergren said that it becomes an advertising sign when you put a name on it. He said that it is a directional sign with the clients name on it. The Board said that it goes under the regulations for standing signs.

The Board said that people other than CVS/Surgery Center customers will park there. Mr. Westergren said that they are trying to do a community service. The Board said that when development was built, the number of parking spaces was determined in accordance with the Zoning Bylaw. The Board said that there was no assigned parking. The Board said that by adding CVS/Surgery Center to the signs, they are claiming those spaces as their own. The Board said that it did not know if that was part of the permit that the developer got to build the development. The Board questioned whether this would change that.

The Board said that Site Plan Approval was based on one developer's plans for two parcels, with two buildings on two lots. The Board said that the developer may not have understood at the time what the uses would be for the building at the front.

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 IXB, Section XXIIIA and Section XXV of the Zoning Bylaw for installation of three standing signs that will exceed the number of standing signs allowed by right, at 25 WASHINGTON STREET, in the Lower Falls Village Commercial District. The Applicant proposes to install one standing sign along Washington Street at the driveway entrance to the property and two additional sign faces on the rear sides of two existing standing directional signs within the parking area.

2015 JUN 19 10:55
RECEIVED
TOWN CLERK
WELLESLEY MASS

Letter of Authorization, dated 5/13/15, signed by Bernard H. Pucker, Owner of Divine, LLC, Sign Information, Plans 1A.1, Direction Sign, Option A, and Plan 2A.1, Vinyl Graphics, Option A, dated 12/19/14, prepared by Poyant Signs, and a Site Plan were submitted.

On April 28, 2015, the Design Review Board reviewed the application and voted unanimously to recommend approval of the signs.

On June 4, 2015, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject signs are

It is the opinion of this Authority that installation of one standing sign along Washington Street at the driveway entrance to the property and two additional sign faces on the rear sides of two existing standing directional signs within the parking area, will be in harmony with the general purpose and intent of Section XXIIA of the Zoning Bylaw, as the sign scale will be will 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 installation of one standing sign along Washington Street at the driveway entrance to the property and two additional sign faces on the rear sides of two existing standing directional signs within the parking area, subject to the following condition:

A plan showing the location and dimensions to the property line for all three signs shall be submitted.

The Inspector of Buildings is hereby authorized to issue a permit for the signs 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.

RECEIVED
JUNAN CLERK'S OFFICE
WILLESTLEY MA 02482
2015 JUN 18 P 3:05

ZBA 2015-48
Petition of Divine LLC
25 Washington Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2015 JUN 18 P 3:05

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, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm