

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2021-84
Petition of James Carney
962 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 7, 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 standing sign and an electric vehicle totem with less than required setbacks, and four wall signs set at a height of 30.7 feet, at 962 Worcester Street, in a Business A District.

On September 8, 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.

A Board member said that, according to the Assessor's records, the property owner is Donald Realty Trust, not James P. Carney. A Board member said that he is familiar with the property. He said that the property is owned by a realty trust and an LLC is the assignee of a ground lease. David Himmelberger, Esq. said that he will send confirmation of the ground lease to the Board.

Mr. Himmelberger said that the property is located on Route 9 near the Natick border and has been used for a variety of automobile dealerships. He said that the property will now be used as Bernardi Nissan. He said that the request before the Board is for replacement signage. He said that the Board previously issued a number of special permits for signage, the most recent being in 2013-08 for a 15 foot tall standing sign and in 2011-19 for three walls signs and a standing sign. He said that the current request is for a special permit for four walls signs and two standing signs. He said that none of the signs will be internally illuminated. He said that the total area of the four wall signs will be 87.48 square feet where 75 square feet is allowed. He said that two of the wall signs are permitted as of right and the request is to allow an additional two wall signs. He said that the request is for three of the walls signs to be at a height of 30.7 feet where 20 feet is allowed. He said that the standing tablet sign will be 6.89 square feet on each side with an E on both sides to indicate to traffic in each direction on Route 9 that there is an electronic charging station. He said that the monument sign is located one foot from the property line where 15 feet is required. He said that the preference is to pull the monument sign back 15 feet and make it smaller.

Mr. Himmelberger discussed compliance with the Design Review Board recommendations.

A Board member said that the Hancock survey is lacking detail of what is being proposed. He said that there are no dimensions shown. He discussed potential conflict with the light poles where the bases are already installed and alignment with the monument sign. Mr. Himmelberger said that the proposal is to pull the monument sign back 15 feet and accept a condition that an accurate, dimensioned plan will be submitted to the Board at a continued hearing. The Board member said that the light poles should be shown on the survey. He discussed Board concerns about sight lines for cars exiting onto Route 9.

The Chairman asked if the EV charging system is owned by Bernardi or a separate business. He said that if it is owned by a different business, it may be allowed by right.

Mr. Himmelberger asked if the Board would agree to recognize the existence of a second standing sign. He said that would allow construction of the base to go on. He said that the sign will be consistent with past relief that was granted. He requested that the Board vote favorable action on the four walls signs, the tablet sign and a second standing sign to be located 15 feet back, the height for which to be determined by the Board at a continued hearing.

The Board said that the monument sign and its base should be designed together and constructed in sequence.

There were no members 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 standing sign and an electric vehicle totem with less than required setbacks, and four wall signs set at a height of 30.7 feet, at 962 Worcester Street, in a Business A District.

Letters of Authorization, dated 8/23/21, signed by James P. Carney and E. Tyson Bolles, Explanation of Request, dated 8/26/21, from Jessica Lane, Sign Information, Proposed Plot, dated 7/8/21, prepared by Hancock Associates, Architectural Site Plan L 1.1, dated 8/25/21, prepared by Regent Associates, Inc., Nissan North America Dealer Presentation Package Site: Site Plan, Proposed Signage, MNT43R-N, pages 1-16, Boutique, pages 1-11, prepared by AGI, Nissan Wall Sign General Notes, S.1, dated 9/27/21, stamped by Jere K. Murdoch, P.E., T36-DNL, pages 1-3, T36-NWM, pages 1-3, SM-SER, pages 1-3, EV-TOTEM-63, pages 1-2A, prepared by AGI, 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 October 5, 2021, the Planning Board reviewed and project and recommended that a special permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject signage is a standing sign and an electric vehicle totem with less than required setbacks, and four wall signs set at a height of 30.7 feet, at 962 Worcester Street, in a Business A District.

It is the opinion of this Authority that installation of an electric vehicle totem sign with less than required setbacks, and four wall signs set at a height of 30.7 feet 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 installation an electric vehicle totem sign with less than required setbacks, and four wall signs set at a height of 30.7 feet, subject to the following conditions:

1. Signs D, C, B, E and G, as shown on Page 3 of 18 of the plans, are hereby approved.
2. The recommendations of the Design Review Board shall be incorporated in this decision.
3. Evidence of Authority from the property owner shall be submitted.

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.

