

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGL

2021 DEC 16 P 12:00

ZBA 2021-84-Amended
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.

December 2, 2021

Present on behalf of the Petition was David Himmelberger, Esq., who said that the Board voted favorably on October 7, 2021 for a special permit for installation of four wall signs and a standing sign. He said that subsequent to the Board's granting favorable action, the Applicant gave further thought to the approved E Charging tablet (sign G, as shown on Page 3 of 18 of the plans) and decided, due to its location, to eliminate it from the installation package. He said that because the Petitioner is coming back before the Board for a monument sign that was withdrawn at the October 7, 2021 public hearing, the Petitioner felt that it was important for the Board to know that the plan was to not install the previously approved E Charging tablet.

AMENDED DECISION

It is the opinion of this Authority that installation of 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.

ZBA 2021-84-Amended
Petition of James Carney
962 Worcester Street

Therefore, a Special Permit is granted for installation of four wall signs set at a height of 30.7 feet, subject to the following conditions:

1. Signs D, C, B, and E, 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 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.

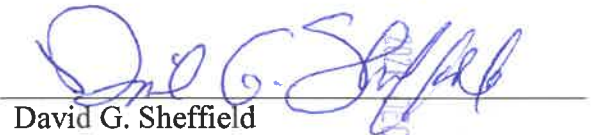
2021 DEC 16 P 12:06

ZBA 2021-84-Amended
Petition of James Carney
962 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.


J. Randolph Becker, Chairman


Richard L. Seegel


David G. Sheffield

16 P 12:06

ZBA 2021-84-Amended
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

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2021 OCT 21 P 3:06

ZBA 2021-84
Petition of James Carney
962 Worcester Street

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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:

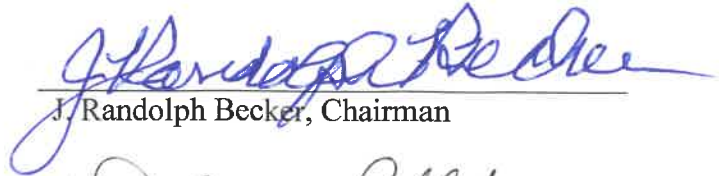
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2. The recommendations of the Design Review Board shall be incorporated in this decision.
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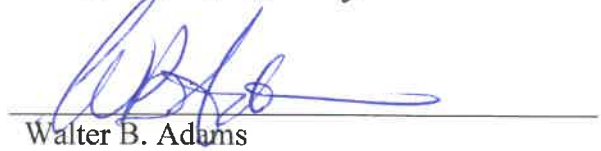
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J. Randolph Becker, Chairman


David G. Sheffield


Walter B. Adams

ZBA 2021-84
Applicant James Carney
Address 962 Worcester Street

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Date:

Attest:

Cathryn Jane Kato
Town Clerk

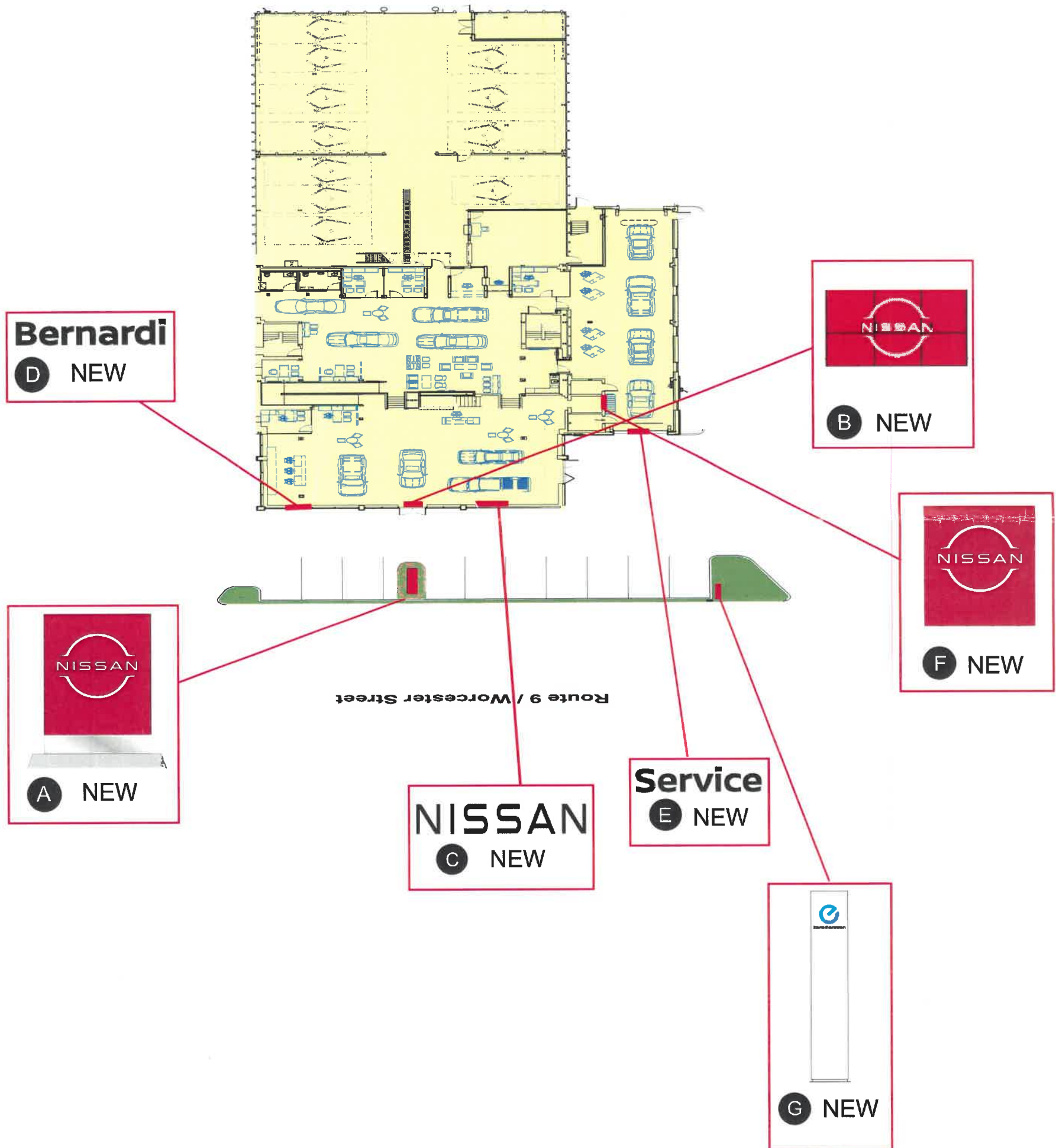
cc: Planning Board
Inspector of Buildings
lrm



NISSAN NORTH AMERICA Dealer Presentation Package

1. SITE PLAN

The following provides a visual representation of the prepared schedule:



NISSAN NORTH AMERICA Dealer Presentation Package



Proposed Signage

