

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-24

Petition of 29-35 Washington St Wellesley LLC
29-35 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, April 4, 2024, at 7:30 pm, on the petition of 29-35 Washington St Wellesley LLC requesting a Special Permit pursuant to the provisions of Section 2.11, Section 5.18 and Section 6.3 of the Zoning Bylaw for installation of a double-sided standing sign that will exceed the maximum area allowed by right and with less than required setback, at 29-35 Washington Street, in the Lower Falls Village Commercial District.

On February 29, 2024, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

April 4, 2024

Present at the public hearing was Jeff Sariff, Batten Bros. Signs, on behalf of Equity Industrial Partners.

Mr. Sariff said that the property is located in the Lower Falls Village Commercial District at the corner of Washington and Columbia Streets. He said that the two-story building is set back 15 feet from the property line. He said that the request is to install a non-illuminated directory sign in a mulched landscape bed that extends from the front of the building with less than required setbacks. He said that the purpose of the directory is to give the second-floor tenants some visibility and allow their patrons to locate the businesses more easily. He said that the tenants on the first floor have wall signs in place.

Mr. Sariff said that the sign measures 6 feet by 6 feet and consists of separated tenant panels with an address panel at the top. He said that the header panel is 10 inches high and the other panels are 8 inches high. He said that they would like to place the proposed sign in the same location as a previous sign that was removed.

A Board member discussed discrepancies between the photo rendering and the dimensioned plan that were submitted.

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The Chairman discussed concerns about the location of the property line. He said that a plot plan is typically submitted so that the Board can see what the setback is. He said that there are no landmarks that show where the old sign was located.

The Chairman said that there are only two parking spaces in front of the building and there is a lot of parking at the back. He questioned whether it would be more effective to install a wall sign at the back of the building where more parking is available. Mr. Sariff said that the intent is for the upper floor tenants to have a little bit more visibility at the front of the building in the main traffic area.

A Board member discussed concerns about the height of the sign at 6 feet. He said that it will block vision of the signs on the windows and may not be visible for people driving by.

The Board voted unanimously to continue the matter to June 6, 2024.

June 6, 2024

Present at the public hearing was Richard Batten, Batten Bros. Sign Advertising.

A Board member said that a certified plot plan that is a reprint of a plan from October of 2019 was submitted. He said that it appears that someone, presumably not the person who sealed the plan, placed the location of the sign and a statement about setback distances on the plan.

Mr. Batten said that the plot plan shows the location of the building as 13 feet 10 inches and the location of the edge of the sign as 3 feet 11 inches from the front property line.

Mr. Batten said that they will remove an old structure that was a prior sign. He said that the new sign will consist of two granite posts and aluminum panels for each of the tenants that can be changed out without having to create a whole new sign. He said that the overall height will be 6 feet. The Chairman confirmed that the top panel of the sign will be a single line of lettering.

Mr. Batten said that the previous sign was 8 feet high. He said that with the width of the sidewalk and the setback in the landscaped area, the sign will not create line of sight of issues for traffic. He said that the lettering is an adequate size to read but is not overbearing.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 29-35 Washington Street, in the Lower Falls Village Commercial District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section 2.11, Section 5.18 and Section 6.3 of the Zoning Bylaw for installation of a double-sided standing sign that will exceed the maximum area allowed by right and with less than required setback.

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ALTA/NSPS Land Title Survey, dated 10/16/19, stamped by David A. Dwyer, Jr., Professional Land Surveyor #46707, Letter of Authorization, dated 2/9/24, signed by Mike Hoban, Asset Manager, Equity Industrial Partners, Memorandum from Batten Bros. Sign Advertising, Sign Information, Top View, dated 11/21/23 and Photo Rendering, OPT. #1, dated 9/19/23, prepared by Batten Bros. Sign Advertising, Google Maps, dated 10/20/23, of Proposed Sign Location and Sign to Replace Existing Steel Structure in Same Location, Google Map, dated 2/13/24 of 31 Washington Street, and Assessment Valuation, dated 2/12/24, were submitted

On December 7, 2023, the Design Review Board voted unanimously to accept the application as presented, with a recommendation.

On March 21, 2024, the Planning Board reviewed the petition 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.

It is the opinion of this Authority that installation of a double-sided standing sign that will exceed the maximum area allowed by right and with less than required setback will be in harmony with the general purpose and intent of Section 5.18 of the Zoning Bylaw, as the sign scales 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 designs 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 a double-sided standing sign that will exceed the maximum area allowed by right and with less than required setback, in accordance with the submitted plans.

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.

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ZBA 2024-24
Petition of 29-35 Washington St Wellesley LLC
29-35 Washington 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 (h.m.)
J. Randolph Becker, Chairman

Walter B. Adams (h.m.)
Walter B. Adams

Peter Covo (h.m.)
Peter Covo

ZBA 2024-24
Applicant 29-35 Washington St Wellesley LLC
Address 29-35 Washington Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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2024 JUN 20 PM 12:24

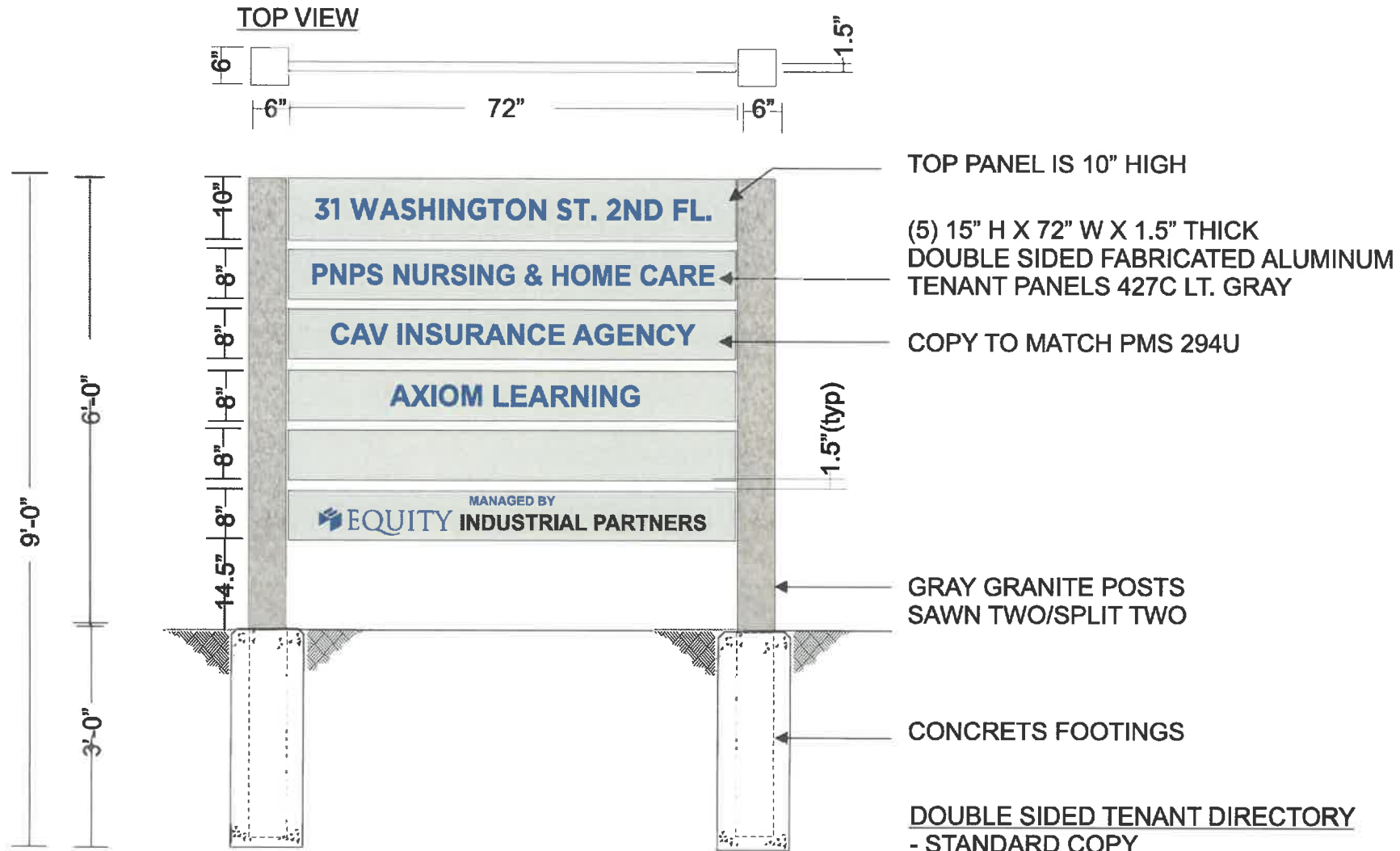
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



OPT. #1



BATTEN BROS.
Sign Advertising

893 MAIN STREET, WAKEFIELD, MA 01880
(781) 245-4800

Project: Equiv Industrial

Salesman: Rich Designer: Ronald

Scale: 1/2"=1'-0"

Date: 11/21/23

Sketch #: 64954

Location:

29-35 Washington St
Wellesley, MA

File Name: Equiv Industrial D.F. Directory Sign.cdr

Job Description:

D.F. Directory Sign

Revised

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code. The location of the disconnect switch after installation shall comply with Article 600.6 (A) (1) of the National Electrical Code.

Note: This is an original copyright drawing created by and owned by Batten Bros., Inc. It is submitted for your personal use in connection with a project being planned for you by Batten Bros., Inc. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied, or exhibited in any fashion.

Customer Approval:



LEGEND

These standard symbols will be found in the drawing.

- BOLLARD
- CATCHBASIN ROAD
- MONITORING WELL
- MANHOLE SEWER
- GAS METER
- GAS GATE
- WATER GATE
- HYDRANT
- ▲ LIGHT
- ▲ LIGHT POLE
- MAIL BOX
- SIGN
- PARKING METER
- OVERHEAD WIRES
- GAS
- SEWER
- FENCE WOOD
- GUARD RAIL
- PAVEMENT EDGE

GENERAL UTILITY NOTE

The underground utilities depicted hereon are from field locations of observable evidence and/or compiled according to available record plans and are approximate only. The surveyor makes no guarantees that underground utilities depicted comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities are in the exact location depicted hereon although they are located as accurately as possible from information available. Otis & Dwyer, Inc. and its surveyors assume no responsibility for damages incurred as a result of utilities, shown or not shown on this plan. Always call BIGSAFE at 811 before you dig.

Exhibit A to ALTA Commitment for Title Insurance No. 4405289, dated July 18, 2019, issued by First American Title Insurance Company

The land in Wellesley, Norfolk County, Massachusetts, together with the buildings, structures and improvements thereon, bounded and described as follows:

Beginning at the southerly corner of the premises at the point of intersection of Columbia Street with the northerly line of Washington Street, thence running

NORTHEASTERLY by said Washington Street one hundred twenty (120) feet to land now or formerly of Francis Blake; thence turning and running

NORTHWESTERLY by said land now or formerly of Francis Blake, one hundred eighty-one (181) feet to land now or formerly of Pulfifer; thence turning and running

SOUTHWESTERLY by said land now or formerly of Pulfifer, one hundred twenty (120) feet to said Columbia Street, thence turning and running

SOUTHEASTERLY by said Columbia Street, one hundred eighty-two (182) feet to the point of beginning; be all of said measurements more or less

Together with the easement created by that certain Drainage Line Easement Agreement by and among Wellesley Washington Street Housing LLC, grantor and Wellesley Office LLC, grantees, dated July 18, 2012, recorded in Book 30283, Page 331.

EXCEPTIONS

Exceptions, as numbered in ALTA Commitment for Title Insurance No.4405289, dated July 18, 2019, issued by First American Title Insurance Company.

With regard to exceptions 1-7 & 11. Our certification is limited to only matters observed on the ground or of record.

No. 8 Taking by the County Commissioners for the County of Norfolk for the reacquisition of Washington Street recorded in Book 2970, Page 82, as affected by a Certificate of Entry recorded in Book 3031, Page 54. As noted on this survey.

No. 9 Easement in fee by and between Agla A. Mandozzi and the Town of Wellesley recorded in Book 3741, Page 95. As noted on this survey.

No. 10 Notice of Lease recorded in Book 10110, Page 302. Not a survey matter.

No. 11 Notice of Amended and Restated Lease recorded in Book 15786, Page 483. Not a survey matter.

No. 12 Drainage Line Easement Agreement by and among Wellesley Washington Street Housing LLC, grantor and Wellesley Office LLC, grantees, dated July 18, 2012, recorded in Book 30281, Page 331. See Attachment C as shown.

No. 13 Notice of Activity and Use Limitation recorded in Book 35833, Page 268. As shown on this survey.

n/i
23-27 Washington Street Primary Cordemilium
23-27 Washington Street
Box 30417, Page 286

DRAIN EASEMENT
BOOK 30281, PAGE 31
(Exception No. 12)

SIDELINE OF WASHINGTON STREET
(FROM P.C. EAST) AS ESTABLISHED
BY RELOCATION OF NOV. 21, 1930
RECORDED IN BOOK 2970, PAGE 82
AS SHOWN ON PLAN No. 1518 & 1519
OF 1950. (Exception No. 8)

Note:
This parcel shown hereon are the same as described in ALTA Commitment for Title Insurance No. 4405289, dated July 18, 2019, issued by First American Title Insurance Company.

GENERAL NOTES

OWNER OF RECORD: WELLESLEY OFFICE, LLC
2365 NE 28TH ST LIGHTHOUSE POINT FL 33064

DEED REFERENCE: BOOK 24087, PAGE 106
PLAN REFERENCE: PLAN 1518 OF 1950
L.C.P. 4298G
TAX MAP REFERENCE: MAP 34 PARCEL 16

The Parcel shown on this survey lies within a Zone "X", as described on the Flood Insurance Rate Map No. 25021C0009E, dated July 17, 2012, in which the property is located.

To 29-35 Washington Street Wellesley, LLC; Brookline Bank, its successors and/or assigns and to First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(a), 7(a)(b)(c), 8, 9, 13, 14, 16 & 17 of Table A thereof. The field work was completed on August 7, 2016.

10/10/17 *[Signature]*
Name: David A. Dwyer Jr., PLS
Licensed Land Surveyor No. 46707
ddwyer@ottledwyer.com

CURRENT DIMENSIONAL AND DENSITY REGULATIONS

THE ENTIRE SITE IS LOCATED IN THE LOWER FALLS VILLAGE COMMERCIAL ZONING DISTRICT

| CRITERIA | REQUIRED | EXISTING |
|------------------------------|----------|-----------|
| MINIMUM LOT FRONTAGE (FT.) | 60' | 60+' |
| MINIMUM FRONT YARD (FT.) | NONE | 4.8' |
| MINIMUM SIDE YARD (FT.) | 20' | 1.7' |
| MINIMUM REAR YARD (FT.) | 10' | 9.5' |
| PARKING SPACES | 34 | 34+ |
| MAXIMUM NO. OF STORES/HEIGHT | 3 / 45' | 2 / 25.5' |

THE ZONING INFORMATION DEPICTED HEREON IS FROM THE ZONING AND SITE REQUIREMENTS SUMMARY PREPARED BY THE PLANNING & ZONING RESOURCE COMPANY, DATED 8/8/2019 AND, AS SUCH, IS FOR REFERENCE PURPOSE ONLY. OTTE & DYWER, INC MAKES NO OPINION OR WARRANTY AS TO CORRECTNESS OF THE FINAL ZONING INTERPRETATION OF THE ORDINANCE CAN ONLY BE MADE BY THE APPROPRIATE ZONING AUTHORITY. SINCE BUILDING ORIENTATION, PROPOSED USE, AND OTHER FACTORS CAN AFFECT THE SETBACKS, PRIOR TO ANY DEVELOPMENT OF THIS PROPERTY, THE BUILDER/OWNER MUST CONSULT WITH THE CITY/TOWN TO INSURE THE CORRECT APPLICATION OF THE ZONING ORDINANCE.

*SURVEY SHOWS 36.

NOTE:
The surveyor has relied upon the ALTA Commitment for Title Insurance issued by First American Title Insurance Company Number 4405289, effective July 18, 2019, as amended by Endorsement to Loan Policy, September, 2016 with regard to any recorded easements, rights of way or setbacks affecting the subject property.

ALTA/NSPS LAND TITLE SURVEY
29-35 WASHINGTON STREET
WELLESLEY, MASS. 02481

PREPARED FOR

29-35 WASHINGTON STREET
WELLESLEY, LLC

BY

OTTE & DWYER, INC.
LAND SURVEYORS

WWW.OTTERWYER.COM

59 APPLETON STREET

SAUGUS, MA 01906

P.O. BOX 982

(781)233-8155

SCALE: 1"=20'

OCTOBER 16, 2019



This map or plot is not valid without the seal and signature of the responsible surveyor.

JUN. 12019

RECEIPT
Printed: July 16, 2024 @ 13:21:45
Norfolk Registry of Deeds
William P O'Donnell
Register

Bk 41889 Pg 69 #45021
07-16-2024 @ 01:21p

Trans#: 47447 Oper:LEAH

=====
Book: 41889 Page: 69 Inst#: 45021
Ctl#: 322 Rec:7-16-2024 @ 1:21:42p
WELL 29-35 WASHINGTON STREET

| DOC | DESCRIPTION | TRANS AMT |
|----------------------|-------------|-----------|
| DECISION | | 10.00 |
| 10.00 rec fee | | 50.00 |
| 50.00 Surcharge | | 5.00 |
| 5.00 Tech.Surcharge | | 1.00 |
| Postage/Handling Fee | | 40.00 |
| State Fee \$40.00 | | |
| Total fees: | | 106.00 |
| *** Total charges: | | 106.00 |
| CHECK PM 416 | | 106.00 |

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MASSACHUSETTS

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DEPUTY CLERK
PETER BOVO

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esley LLC

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MARGINAL REFERENCE

BOOK 37254 PAGE 185