

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.  
MASSACHUSETTS

TOWN OF WELLESLEY



JUL 2 1961

JOHN L. HAYDEN  
GARRETT S. HOAG  
DANA T. LOWELL

BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of Gulf Oil Corporation

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:35 p.m. on May 25, 1961, on the petition of Gulf Oil Corporation requesting an exception from the terms of Section 9-C of the Zoning By-law which will permit the construction of a gasoline pump island on the property owned by it at 461 Worcester Street with a front yard less than the required thirty feet. Said request is being made under the provisions of Chapter 40A, Section 15, of the General Laws of Massachusetts.

The petitioner was represented at that hearing by Albert L. Hyland.

The Planning Board opposed the request in its report.

Statement of Facts

The premises involved are located on the northerly side of Worcester Street, near Wellesley Hills Square, and are within a Business Zone.

The Gulf Oil Corporation has operated a gasoline service station on the premises involved for many years but the building is badly placed and business has suffered as a result. The petitioner now desires to demolish the present service station building and erect a new building and gasoline pump islands in a position where they will be facing the on-coming traffic traveling toward Worcester. If this is done it would be impractical because of the depth and shape of the lot to put both the pump islands thirty feet from the street line. Therefore, it is the desire of the petitioner to construct one of the new pump islands twelve feet from the street line rather than the required thirty feet.

There is some question as to whether a gasoline pump island is a structure within the meaning of Section 9-C of the Zoning By-law.

Decision

For the purposes of this decision we have assumed a pump island and pumps to be a "structure" within the meaning of Section 9-C of the Zoning By-law and find they are not a "building" within the meaning of the Building Code.

The Board may grant a variance under Section 15, Chapter 40A of the General Laws when due to conditions affecting the land or building involved but not affecting the zoning district generally a literal enforcement of the provisions of the by-law would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of such ordinance or by-law but not otherwise.

The Board believes that because of the peculiar shape of the lot which is bounded by Worcester Street, the fire station and the railroad, a literal

enforcement of Section 9-C of the Zoning By-law would involve a substantial hardship to the appellant in that it would not be practical to place the pump island involved the required distance back from the street. As proposed the island will not obstruct the view of motorists or prove detrimental in any way, therefore a variance may be granted without detriment to the public good and without nullifying or derogating from the intent or purpose of the by-law.

Accordingly, the requested variance is hereby granted and the issuance of a permit for the proposed gasoline pump island as shown on the plan submitted and on file with this Board is hereby directed.

Garrett S. Hoag  
 Garrett S. Hoag

John L. Hayden  
 John L. Hayden

Dana T. Lowell  
 Dana T. Lowell

Filed with Town Clerk \_\_\_\_\_

JUL 15 2 44 PM '23  
 REGISTER, WASS  
 TOWN CLERK'S OFFICE  
 RECEIVED