

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
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KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Mobil Oil Corporation

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:45 p.m. on June 30, 1966, on the appeal of Mobil Oil Corporation from the refusal of the Inspector of Buildings to issue a permit to construct a service station and gasoline pump island at 1005 Worcester Street. The reason for such refusal is that said service station and pump island would violate Section XIX of the Zoning By-law which requires that there shall be provided for every such building and structure a front yard at least thirty feet in depth. The service station would further violate Chapter IV, Section 1 (a), (b), and (c) of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street; and at least forty feet from the center line of any public or private street; that such buildings shall be placed at least five feet from any party line and that the walls and pitched roofs of such buildings five feet or less from a party line shall be constructed of masonry and openings in such walls or roofs shall be filled with metal or metal covered frames and doors or windows wherein the glass shall be wire glass.

On June 13, 1966, the Inspector of Buildings notified the appellant in writing that a permit for the proposed service station and pump island could not be granted for the above-mentioned reasons and on the same date the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Richard K. Mason, Field Engineer of the Mobil Oil Corporation spoke in support of the appeal at the hearing.

Statement of Facts

The property involved, which is located on the westerly corner of Worcester Street (Route 9) and Edgemoor Avenue and abuts the Town of Natick and County Line on the westerly side, is within a Business District.

At present there is a small service station with gasoline pumps located on the property which is inadequate for today's business and traffic. It is the desire of the appellant to demolish the present building and erect in its place a new modern service station and gasoline pump island. It is also proposed to remove an existing building on the adjacent lot, within the Town of Natick, providing the requested exceptions are granted by this Board. The new service station is to be located approximately 47.5' from Worcester Street, two feet from the Westerly side line abutting the Town of Natick line, and twenty-one feet from Edgemoor Avenue. The pump island is to be located approximately twenty feet from Worcester Street and twenty-three feet from the proposed service station and will extend across the boundary line into the Town of Natick. A plot plan was submitted, drawn by R. K. Mason, and approved by Gleason Engineering Co., dated June 8, 1966, which showed the location of the proposed service station building and pumps. Architectural drawings were also submitted showing the elevations of the proposed building. It was pointed out

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that the proposed building, if built, will be 21' from Edgemoor Avenue and 31' from the center of the street, while the existing building is only 14' from Edgemoor Avenue. The new building would also be a few feet farther away from Worcester Street than the existing one. It is proposed to keep the adjoining land in Natick vacant so that the nearest building on the westerly side would be approximately 74' away.

Decision

It is the opinion of this Board that the construction of the proposed service station and pump island on the property involved as shown on the plan submitted will not change the character of the neighborhood and that the granting of the requested exceptions, in this case, will not prove a detriment to the public good and will not substantially derogate from the intent and purpose of the by-laws. In the opinion of the Board, the new building will be an improvement both in appearance and as regards the safety factor. It will provide the public with more efficient and improved service which should benefit the Town. Although the proposed building is to be located only two feet from the boundary line, it will be some distance from the building on the next lot.

The Board finds that a real need exists for the new building to be constructed as requested and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter I, Section 10, of the Building Code on which the Board's authority depends to grant a special exception from the application of the front yard restrictions of the Zoning By-law and the setback requirement of the Building Code.

The lot involved was held of record on April 1, 1939, under a separate and distinct ownership from adjacent lots. The lot is relatively narrow for a service station which requires off-street parking of several cars at one time. It has a frontage of only 81.39 within the Town of Wellesley, but does have an additional 74.32' within the Town of Natick, and a depth of approximately 97.28' which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape.

In view of the evidence presented, it is the opinion of this Board that manifest injustice would result to the appellant unless this permit is granted.

Accordingly, the requested exception and variance are granted and the issuance of a permit for the proposed service station and pump island as shown on the plans submitted and on file with this Board is hereby authorized subject to the following conditions:

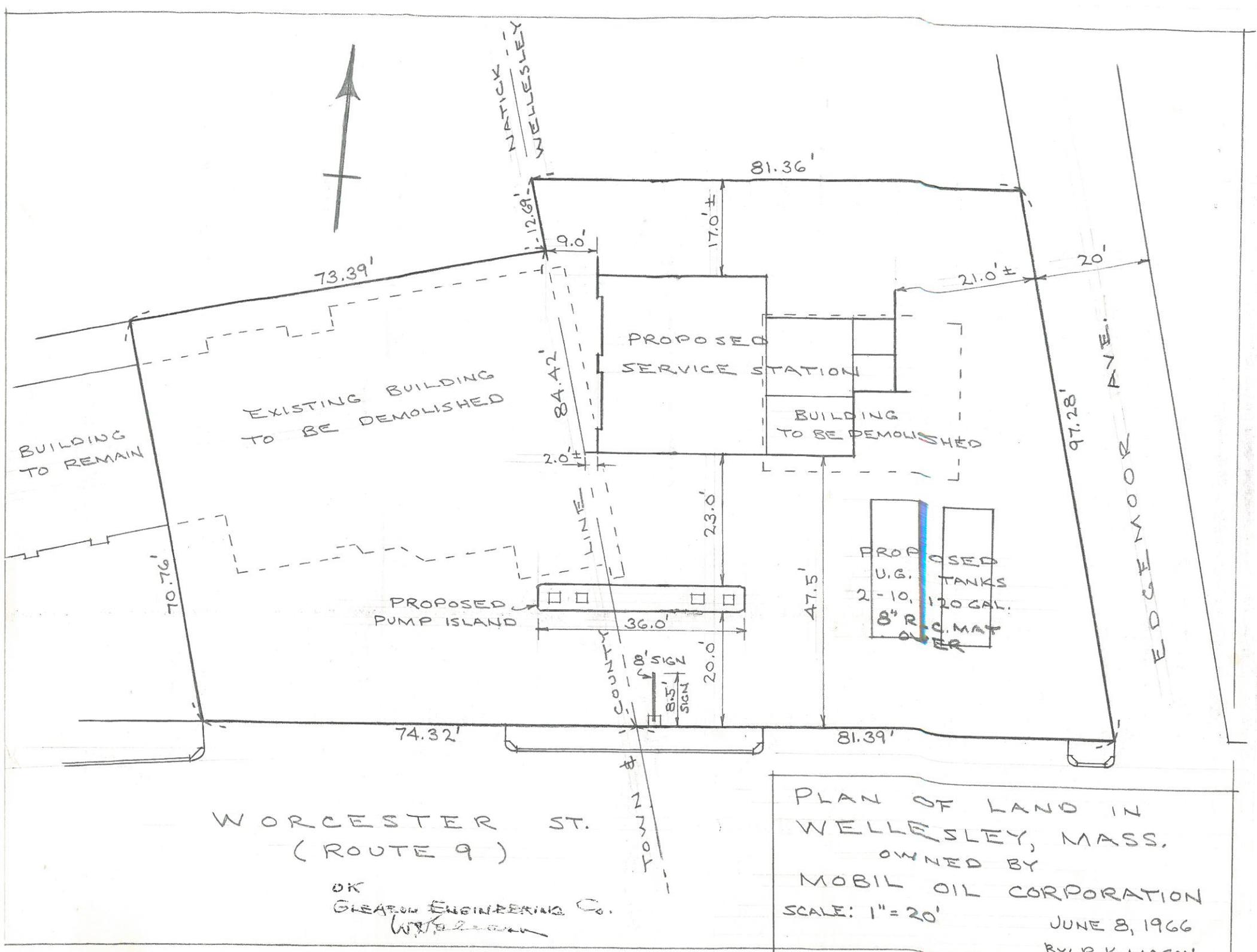
1. The existing building on the adjacent lot within the Town of Natick be removed in connection with the proposed construction of a new service station.
2. The adjacent lot within the Town of Natick continue to be owned by the owner of the lot in question and used in connection with the service station operation to be conducted thereon.
3. No buildings in addition to the service station building to be erected according to the plans on file with this Board shall be erected on the lot in question or on the adjacent lot in Natick.

*Edward T. Kilmain*  
Edward T. Kilmain

*F. Lester Fraser*  
F. Lester Fraser

*Richard O. Aldrich*  
Richard O. Aldrich

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WORCESTER ST.  
 (ROUTE 9)

OK  
 GLEASON ENGINEERING Co.  
 W. K. Mason

PLAN OF LAND IN  
 WELLESLEY, MASS.  
 OWNED BY  
 MOBIL OIL CORPORATION  
 SCALE: 1" = 20'

JUNE 8, 1966  
 BY: R. K. MASON