



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-43

Petition of Mobil Oil Corporation
463 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall at 525 Washington Street, Wellesley on the petition of MOBIL OIL CORPORATION requesting a Special Permit and approval of site plans pursuant to Section XVIA and Section XXV of the Zoning Bylaw for the upgrading of the MOBIL STATION at 463 WASHINGTON STREET at the corner of KINGSBURY STREET and conversion to Pegasus 21 Design, including the replacement of the existing service station facilities with four fueling islands, a Mobil Mart and a fully automated car wash and associated re-grading, landscaping and parking. A Special Permit is requested pursuant to Section XI-A-11 of the Zoning Bylaw for the car wash as an accessory use in a Business District.

On May 21, 1987 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Edward C. Donlon, attorney representing Mobil, who introduced Mr. M.T. Carroll of Mobil Oil Corp. Mr. Carroll presented a site plan which indicated the existing features and the proposed facilities. There are presently eight fueling positions. Sixteen fueling positions are proposed, each serving all types of gasoline. All would have the capability of being self-serve. One existing curb cut would be closed at the easterly end of the property, two curb cuts would remain. The westerly exit would allow no left hand turns onto Washington St. At least two people would be on duty at all times. Customers would pay for gasoline first and then could swing around to the left to an automated car wash or out to the street. The entire flow of traffic would be to the left. Mobil says 92% of the cars going through the car wash would have first come through the gas pumps. The car wash would at times be free of charge to gas purchasers. At other times there would be a charge. The mini store would sell the snack items now sold. The existing service bays would be demolished which, Mr. Carroll claims, would make the use less intense. However, an increase of 15% to 25% in business per day is projected at the upgraded facility. The proposed gasoline facility would be opened 24 hours per day.

John M. Knox, Ryko Manufacturing, builder of car washes, explained the three kinds of car washes. The proposed "rollover" type which was proposed handles an average of 75 cars per day and takes about one minute to go through. Drainage per the car wash would be by closed loop or sanitary sewer. Mike Grendel of Storch Engineering discussed drainage from the car wash.

Discussion took place as to whether a car wash can be permitted in a Business A District. Gail Oliva, Chairman of the Planning Board, stated that it is an inappropriate use in a Business District but is allowed in an Industrial District.

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Discussion followed about the impact of the facility on traffic on Washington St., the placement of curb cuts, traffic flow within the site, problems associated with cars entering and exiting the site. Patricia Palmer, Chairman of the Selectmen, asked if the entrance could be shifted easterly so that it would be further away from the Washington Street/Kingsbury Street intersection. Mr. Carroll stated that the Mobil property doesn't have enough depth in that area to handle traffic flow. David Daly, Board of Selectmen, expressed concerns about cars waiting in line for the car wash and backing up onto Washington Street and general concerns about the impact of the whole facility on Washington Street traffic. Gail Oliva expressed concerns about pedestrian safety in the area, particularly due to the large school population nearby.

Statement of Facts

The property in question is located at 463 Washington Street at the corner of Kingsbury Street in a Business A District, containing approximately 45,703 square feet of land. A Mobil Station has existed for many years on the site, containing eight fueling positions and a one-story brick building containing service bays. The rear of the property abuts the Transportation District and the MBTA tracks. The property, previously described as 455-463 Washington Street, has been the subject of cases before the Board of Appeals in 1965 (ZBA 65-10, 65-11, and 65-12).

Mobil proposes to demolish all structures on the site, to re-grade a portion of the site, and to replace it with a new facility which retails gasoline on a self-service basis from four fueling islands, each equipped to handle four autos, covered by a canopy approximately 4,782 square feet in size. Snack items would be sold from a "Mobil Mart" area approximately 924 square feet in size. A fully automated car wash approximately 647 square feet in size would be located in the westerly end of the site.

Mobil describes the project as a "Pegasus 21" design. A curb cut at the easterly end of the property would be eliminated. Two 40 foot curb cuts would be used (in the location of existing curb cuts), each allowing vehicles to enter and exit. The westerly curb cut would allow no left hand turns onto Washington Street. Ten parking spaces would be provided on the site. Landscaping would be provided per the requirements of the Zoning Bylaw.

A Special Permit for Site Plan Approval pursuant to Section XVIA is requested and permission pursuant to Section XI-A-11 for accessory use for a car wash is requested.

The following plans were presented:

- Plan 1, Dwg 601-185 PPP, Proposed Site Plan, Mobil Oil Corp. Fairfax, Va., dated 2/27/86, revised 11/12/86 and 4/23/87, Joseph F. Libuda, Registered Professional Engineer. Another revision dated 6/9/87 was presented on 6/12/87 indicating 10 parking spaces.
- Plan 2, Drainage + Grading Plan, 2/27/86 revised 11/12/86.
- Plan 3, Landscape Plan, Alan Goldberg/Eliot Noyes Assoc., New Canaan, Ct., dated 11/11/86. Another plan was submitted on 6/15/87 and is on file at the Design Review Board.
- Plan 4, Site Plan, Alan Goldberg/Eliot Noyes Assoc., dated 5/4/87.

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Photos were also presented of other Mobil Pegasus 21 Design sites. A letter dated 6/22/87 from Ruth R. Levens, 25 Baker Place, Newton Lower Falls, was opposed to the request.

Site plans and other submission materials were also sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health, and Fire Chief as required by Section XVIA of the Zoning Bylaw. Written responses from each of the above were received and are on file at the ZBA office.

The Design Review Board reviewed preliminary plans on February 12, 1987. Final plans were reviewed on June 11 at which time plans were approved with several recommendations as enumerated in a letter of June 12, 1987. A revised landscape plan was approved by the Design Review Board on June 25, 1987.

The Planning Board on June 16, 1987 voted unanimously to recommend denial of the site plan as enumerated in a letter of June 18, 1987 on file with the ZBA. The Planning Board's concerns focused on the legality of a car wash, on the location of the entrance drive, traffic backups on the site and Washington Street, traffic problems associated with the entrance and egress, slippery winter conditions associated with the car wash. They recommended that if a Special Permit were granted that construction be delayed until reconstruction of the Kingsbury Street bridge is completed.

A letter from Patricia Palmer, Chairman of the Board of Selectmen, to Mr. Porter, dated June 23, 1987, expressed concern about the location of the entrances and exits, concern about traffic on Washington Street and the stacking of motor vehicles on Washington Street awaiting entrance to the facility.

Decision

This Authority has made a careful study of the evidence presented. Mobil Oil Corp. has proposed a new facility to replace existing service station facilities at 463 Washington Street. The new facility would include four fueling islands covered by a canopy, a mart area and a fully automated car wash. A Special Permit for Site Plan Approval is requested pursuant to Section XVIA of the Zoning Bylaw for the new facility and approval of the automated car wash as an accessory use is requested pursuant to Section XI-A-11.

Regarding the proposed service station facilities and the request for a Special Permit pursuant to Section XVIA, this Board must find that the project complies with the Zoning Bylaws of the Town, protects the safety, convenience and welfare of the public, minimizes additional congestion in public and private ways, insures adequate protection for water, sewerage and drainage, and that it complies with Sections XVI, XXI, and XXII of the Zoning Bylaw.

This Board has taken into consideration the concerns of other Town Boards and departments regarding the project. Based on the evidence submitted, this Board is convinced that potential congestion at the Mobil site will result more from the increased gasoline purchase traffic than from the inclusion of the car wash. The car wash proposed by Mobil is described as a "rollover" type car wash which takes about a minute to go

through and is fully automated. This is quite different from the Route 9 "Scrub-A-Dub" car wash which is a "tunnel" design car wash, and is a much more extensive operation than that proposed by Mobil. In the Mobil plan, only one car per minute can be added to the traffic flow as a result of the car wash.

This Board is concerned about the car wash meeting the intent of the Zoning Bylaws. While car washes are not mentioned in the bylaw, it is the belief of this Board that the type of car wash proposed fits the accessory use inclusion of the Zoning Bylaw. Many gasoline filling stations in this area and in the country have provided services for washing cars at their facilities for many years, and it is the opinion of this Board that a car wash is an accessory use which is customary to a gasoline filling station.

While we believe that Mobil has a legal right to this project, we are none the less extremely concerned about traffic congestion at this location. Therefore, we have incorporated certain requirements listed in Addendum A. of this decision. The hour restrictions are included to curtail as much as possible increased congestion during heavy traffic periods.

It is the responsibility of Mobil's agent to insure that no lines of vehicles waiting for the gasoline facility or the car wash back up onto Washington Street. While the Board is concerned about traffic movement on the Mobil lot, we consider this to be the responsibility of Mobil and, so long as it does not affect public ways, the Town has no specific responsibility concerning it.

It is the opinion of this Authority that the proposed plans for the upgraded facility owned by Mobil at the corner of Washington Street and Kingsbury Street at 463 Washington Street, as shown on Drawing 601-185 PPP, Proposed Site Plan, by Joseph F. Libuda, Registered Professional Engineer, Mobil Oil Corp., dated 2/27/86, revised 11/12/86 and 4/23/87 and 6/9/87, meet the requirements of Section XVIA of the Zoning Bylaws. A Special Permit is hereby granted and Site Plan Approval is given by this Authority pursuant to Section XVIA and Section XXV of the Zoning Bylaw and permission is granted pursuant to Section XI-A-11 to allow the car wash as an accessory use, subject to the conditions attached hereto as Addendum A.

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.

cc: Planning Board
Inspector of Buildings

mam


Stephen S. Porter, Chairman


Robert R. Cunningham


William E. Polletta

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Addendum A.

1. That all requirements of the Fire Chief shall be met, including but not limited to the requirement that at least one operator be assigned to the gasoline sales portion of the operation exclusively. During the operation of the car wash and the snack sales area, there must be at least one person other than the gasoline sales person on duty so that the gasoline salesperson is not diverted from overseeing the gasoline station.
2. That all the requirements of the Board of Health shall be met, including but not limited to the requirements for surface and storm drains, car wash re-cycling and hazardous material on the site.
3. That an oil trap should be installed in the storm drainage system and regularly maintained.
4. That all requirements of the Town Engineer shall be met.
5. That a "No Left Turn" sign must be posted at the exit driveway near Kingsbury Street before a new facility is operational.
6. That there shall be no traffic back-ups on Washington Street caused by cars waiting to enter the Mobil facility.
7. That the car wash will be closed from 7 to 9 a.m. and 4 to 6 p.m. every day.
8. That all work shall be performed in accordance with plans submitted and on file with this Authority.
9. That all design and construction must comply with all applicable state and local codes.
10. That, upon completion of the project, a complete set of "As Built" plans, including a complete set of mechanical plans, shall be submitted to the Inspector of Buildings. Site utility plans shall be submitted to the Department of Public Works.
11. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

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