

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS 2002 SEP 13 A 8:59

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ZBA 2002-79

Petition of Cumberland Farms, Inc./Gulf Oil  
461 Worcester Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 29, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of CUMBERLAND FARMS, INC./GULF OIL requesting a Special Permit/Finding that the construction of a 2,116 square foot canopy covering three forward and two rear dispensing stations, which will have less than the required front setback, at its premises at 461 WORCESTER STREET, in a Business District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 9, 2002, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Leslie Shea, attorney representing Cumberland Farms, who was accompanied by Roland LaPointe, and Manny Paiva from Cumberland Farms. Mr. Shea said Cumberland Farms wants to replace the five existing pumps, double the lines from the tanks, and install new concrete pads. The rear portion would have one new 3 foot by 26 foot pad, and the front portion would be divided into three 3 foot by 12 foot pads.

Presently, the fire suppression system and the lighting fixtures are very visible, particularly over the front three pumps. They would like to construct one canopy covering all 5 pumps at a height of 14 feet 4 inches to house the fire suppressant systems and flush lighting. The canopy will come one foot from the front property line. Currently the setback from the front pumps is 11 feet 3 inches.

The Board asked if the nonconformity was the setback of the canopy at one foot and the pumps at 11.6 feet. Mr. Paiva said that was correct. Presently, the canopy covers only the rear pumps. The new canopy would cover all five pumps.

The Board expressed concern that the canopy at 1 foot from the property line might affect site distances, as the station is located on a curve and an intersection. Mr. Shea said the traffic has passed the gas station as it approaches the Cliff Road intersection. The concrete pads are flush to the ground.

The Board said that Route 9 is a state highway, and asked if formal approval would be required to erect a structure so close to the road. As there has been talk about state plans for modification in the Route 9/Route 16 area, it might be a good idea to contact the Mass Highway Department in regard to the canopy. Mr. Shea said they would do that.

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The Board asked about signage. Mr. Shea said the signage will not change. There will be no signage on the canopy, and all illumination will be contained in the canopy. SEP 13 A 8:59

The Board asked how rainwater would drain off the canopy. Mr. Paiva said that the canopy downspouts are contained in the support columns and drain into the existing detention system.

The Board asked about the ownership of the property on which the Cat Hospital is located. Anthony Cosimini said he was the owner of the property. He explained that easements are in place to access the parking area at the rear of the Cat Hospital.

The Board asked about the sufficiency of parking on both lots. Mr. Cosimini said that when the property was divided, it had to meet zoning requirements. When he came before the Board, the parking complied with these requirements. The Board suggested that submission of parking calculations be required as a condition of the decision.

The Board asked about the material to be used for the canopy. Mr. Paiva said it would be steel with a baked on white finish. The columns would be gray steel.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 461 Worcester Street, in a Business District, on an 18,575 square foot lot. The property is bounded by Worcester Street to the south, the property containing the Cat Hospital to the east and property owned by Mass Bay Transportation Authority to the west.

The petitioner is requesting a Special Permit/Finding that the construction of a 2,116 square foot canopy covering three forward and two rear dispensing stations, with a minimum front setback of 1 foot, shall not be substantially more detrimental to the neighborhood than the existing structure.

The following plans were submitted:

- |                             |         |                        |
|-----------------------------|---------|------------------------|
| 1. Existing Conditions Plan | 7/24/02 | Merrill Associates     |
| 2. Site Plan                | 7/22/02 | Tyree Consulting Group |
| 3. Grading & Drainage Plan  | 7/22/02 | Tyree Consulting Group |
| 4. Pump & Tank Plan         | 7/22/02 | Tyree Consulting Group |
| 5. Lighting Proposal        | 4/25/02 | LSI Industries         |
| 6. Canopy Elevators         | 4/25/02 | Cumberland Farms, Inc. |
| 7. Fire Suppression Plan    | 4/25/02 | Cumberland Farms, Inc. |

On March 14, 2002, the Design Review Board held a Preliminary Review of the Minor Construction Project and a Final Review on June 13, 2002 at which time the Board voted approval of the proposal as presented.

On August 13, 2002, the Planning Board reviewed the petition and had no objection to granting a Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed 2,116 square foot canopy shall not conform to the current Zoning Bylaw as it will be set back one foot from the front property line, rather than the 30 feet required in a Business District.

It is the finding of this Authority that construction of the proposed 2,116 square foot canopy shall not be substantially more detrimental to the neighborhood than the existing structure as it will not intensify the existing nonconformance.

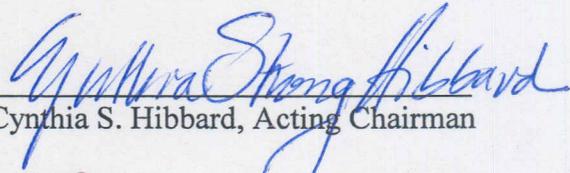
A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the canopy construction in accordance with the submitted plans, subject to the following conditions:

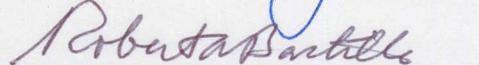
1. Prior to the issuance of a building permit, evidence shall be submitted to the office of the Board of Appeals that the petitioner has consulted the Mass. Highway Department regarding the canopy construction, and that said department has no objection to the canopy installation.
2. Prior to the issuance of a building permit, parking calculations verifying compliance with Section XXI in regard to parking at 461 Worcester Street shall be submitted to the office of the Board of Appeals.

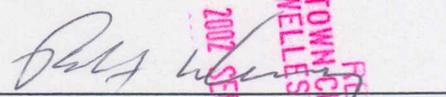
Subsequent to compliance with the aforesaid conditions, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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  
edg

  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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