

**ZONING BOARD OF APPEALS**

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ZBA 2010-12  
Petition of G & J Realty Trust  
870 Worcester Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 4, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of G & J REALTY TRUST requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to use a portion of the premises for the purpose of selling coffee and fountain drinks, at 870 WORCESTER STREET, in a Business District.

On January 19, 2010, 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 Victor Alexandropoulos, representing G & J Realty Trust (the "Petitioner").

Mr. Alexandropoulos said that he has a permit from the Board of Health for the existing use and has had a preliminary review for the proposed use.

The Board said that issues of concern are the site flow, parking and safety due to the poorly designed curb cuts. Mr. Alexandropoulos said that they increased the functionality of the property by removing the towing operations. He said that they created 15 minute parking spaces to the left of the building. He said that the traffic flow has been manageable.

Mr. Alexandropoulos said that they had a lot of problems over the years with the trucks being on the property. He said that situation has changed.

The Board said that in order to pay cash for gasoline the customer has to go into the building first. The Board said that the customer leaves the car at the pump.

Mr. Alexandropoulos said that the spaces at the pumps are considered temporary parking. He said that there are six spots there. He said that they are not being held up for a long time. He said that the people who are at a disadvantage are the ones who are coming in for a cup of coffee. He said that every gas station in town sells coffee. He said that the conditions in the previous Special Permit were imposed on his father. He said that was when Dunkin Donuts was first introduced at the Shell Station. He said that his father was not interested in selling coffee at that time.

Mr. Alexandropoulos said that he did not believe that there will be a congestion problem. He said that when they see traffic buildup, they send someone outside. He said that they are concerned with safety and traffic flow. He said that they have invested a lot of money on the site.

Mr. Alexandropoulos said that the busiest time is at 6 p.m.

Mr. Alexandropoulos said that most of the traffic comes from the west. The Board said that vehicles can access the property from the ramp on the east as well.

The Board said that the major business is pumping gas. Mr. Alexandropoulos said that the convenience business complements that. He said that is why they always leave the side parking lot open.

The Board asked about employee parking. Mr. Alexandropoulos said that there are two spots next to the I.D. sign where the employees park.

The Board said that it is concerned about traffic flow. The Board said that there appears to be sufficient parking but it is not being used. The Board said that there is no queuing space on the property. Mr. Alexandropoulos said that they can queue four cars in addition to the six that are already on the property.

The Board asked about repair service. Mr. Alexandropoulos said that they do quick lubes and jobs that do not require the vehicle to stay on the property. He said that he has three bays. He said that he moved the towing operation to Ashland.

The Board asked about the sale of pre-packaged food. Mr. Alexandropoulos said that they sell that in the store already. The Board said that Mr. Alexandropoulos has a retail food permit.

Mr. Alexandropoulos said that they have never had an accident on the site. He said that another station on Route 9 has a smaller site and fewer pumps and is allowed to sell coffee.

The Board asked if there will be a microwave for the packaged foods. Mr. Alexandropoulos said that they have a microwave. He said that the biggest microwave use is by the employees. He said that the people who are coming in for these types of products are not buying gas. He said that people who use the convenience store are coming in for chips, coke and similar products. He said that they will not be preparing food. He said that people who are buying gas are price-driven people.

The Board said that the Shell Station has a larger grocery capacity. Mr. Alexandropoulos said that there is less parking at the Shell Station.

The Board said that it does not want to see any queuing on Route 9. Mr. Alexandropoulos said that if it became a problem, he would eliminate it. He said that it has not been a problem.

The Board said that it could modify the Special Permit granted under ZBA 95-20. The Board said that condition #4 could be deleted.

Mr. Alexandropoulos said that he has been approved for a Food Service Permit by the Board of Health.

The Board said that it could allow the sale of pre-packaged food and beverages.

The Board said that it would ask the Building Inspector to anonymously observe the operation on one day before the Special Permit comes up for renewal.

There was no present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 870 Worcester Street, in a Business District.

The Petitioner is requesting a Special Permit to use a portion of the premises for the purpose of selling coffee and fountain drinks.

On February 3, 2010, the Planning Board reviewed the petition and recommended that the petition be denied.

#### 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 modification of ZBA 95-20 to eliminate Condition #4 shall be in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, the Special Permit granted under ZBA 95-20 is modified to allow for coffee and fountain drink service, subject to the following conditions:

1. All necessary permits shall be obtained from the Board of Health.
2. There shall be no advertising or promotion of the beverages.
3. All products shall be sold inside of the store.
4. The permit shall expire in one year.

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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.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
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