

TOWN OF WELLESLEY



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WELLESLEY, MASS.
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BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Appeal of Sun Oil Company (Philip C. and Cathering H. Early)

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:15 p.m. on February 11, 1965, on the appeal of Sun Oil Company from the refusal of the Inspector of Buildings to issue a permit to them to construct a service station and pump island and to relocate a tire cabinet at 2 Washington Street, corner of River Street, on property owned by Philip C. and Catherine H. Early. The reason for such refusal was that said station and pump island and the relocation of the tire cabinet would violate Section XIX and XXI of the Zoning By-law which requires a thirty-foot front yard and at least two square feet of parking area for each square foot of area occupied by the buildings, and Chapter IV, Section 1 (a) 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.

The appellant was represented at the hearing by John J. Sheehan, the owners' attorney. Also speaking in favor of the appeal were Earle Patterson, representative of Sun Oil Company and Philip C. Early, part owner of the property involved. William Fitzpatrick, employee at the service station also spoke in favor of granting the request.

On January 18, 1965, the Inspector of Buildings notified the appellant in writing that its application for a permit to construct a service station and relocate a tire cabinet had been refused for the above-mentioned reasons. On the same date the appellant took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located within a Business District, at the corner of Washington Street and River Street, a district in which a gasoline service station is permitted.

The property has been owned by the Early family since 1900 and there has been a gasoline service station on it for the past thirty-three years. The station needs to be modernized by the reconstruction of a new building and relocation of the pump island, and tire cabinet. It is proposed to demolish the existing wood frame service station and construct a new three-bay masonry building 44'4" x 47'4". The proposed building will be located forty feet back from Washington Street, twenty-eight feet from River Street and three feet from the westerly boundary line. The tire cabinet will be relocated slightly closer to Washington Street than it is now and will be approximately twenty-eight feet from the street line. The pump island will be located on Washington Street twenty-two feet in front of the new building and fourteen feet from the street line. It was pointed out that ample off-street parking space will be provided so that all cars being serviced will be located on the property at all times. The proposed new service station should be an improvement to the Town as well as a service to the public.

The Planning Board offered no objection to the location of pump island, but did not favor the location of the building in its report.

Decision

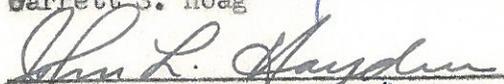
It is the opinion of this Board that the proposed modernization of the service station involved is necessary and reasonable and that the proposed new building and pump island will prove beneficial to the Town. The property involved was held of record by the present owner as an isolated lot on April 1, 1939, the effective date of Section XIX, Front Yards of the Zoning By-law. It is a corner lot with a width of only eighty feet which makes compliance with the present set-back requirements impracticable because of its width and shape. The Board, therefore, finds the criteria necessary to grant a special exception in this case under the provisions of Section XIX of the Zoning By-law. It further finds that to deny the requested variance from the provisions of Chapter IV, Section 1 (a) of the Building Code would result in manifest injustice to the appellant, and in the opinion of this Board, this specific case did not appear to be contemplated by the provisions of said section of the Building Code.

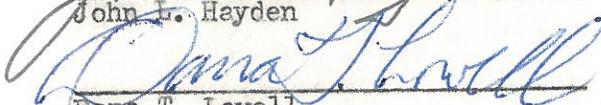
No exception is required from this Board from the terms of Section XXI of the Zoning By-law, as the property involved is located within a Business District which does not require the provision of parking space for motor vehicles.

Accordingly, the Board grants the requested exception and variance and the Inspector of Buildings is hereby directed to issue a permit for the construction of a new service station and pump island and the relocation of the existing tire cabinet, all in accordance with plan P. L. 2089-1 submitted and on file with this Board, dated November 5, 1964, and revised to agree with the survey also submitted and on file with this Board, drawn by O. Leonard Colavecchio, dated January 14, 1965, subject to the following conditions:

1. No cars shall at any time be parked on either Washington Street or River Street in connection with the appellant's business.
2. That all applicable licenses required by the Board of Selectmen shall be obtained prior to construction of the proposed building and pump island.

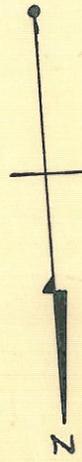

Barrett S. Hoag


John L. Hayden

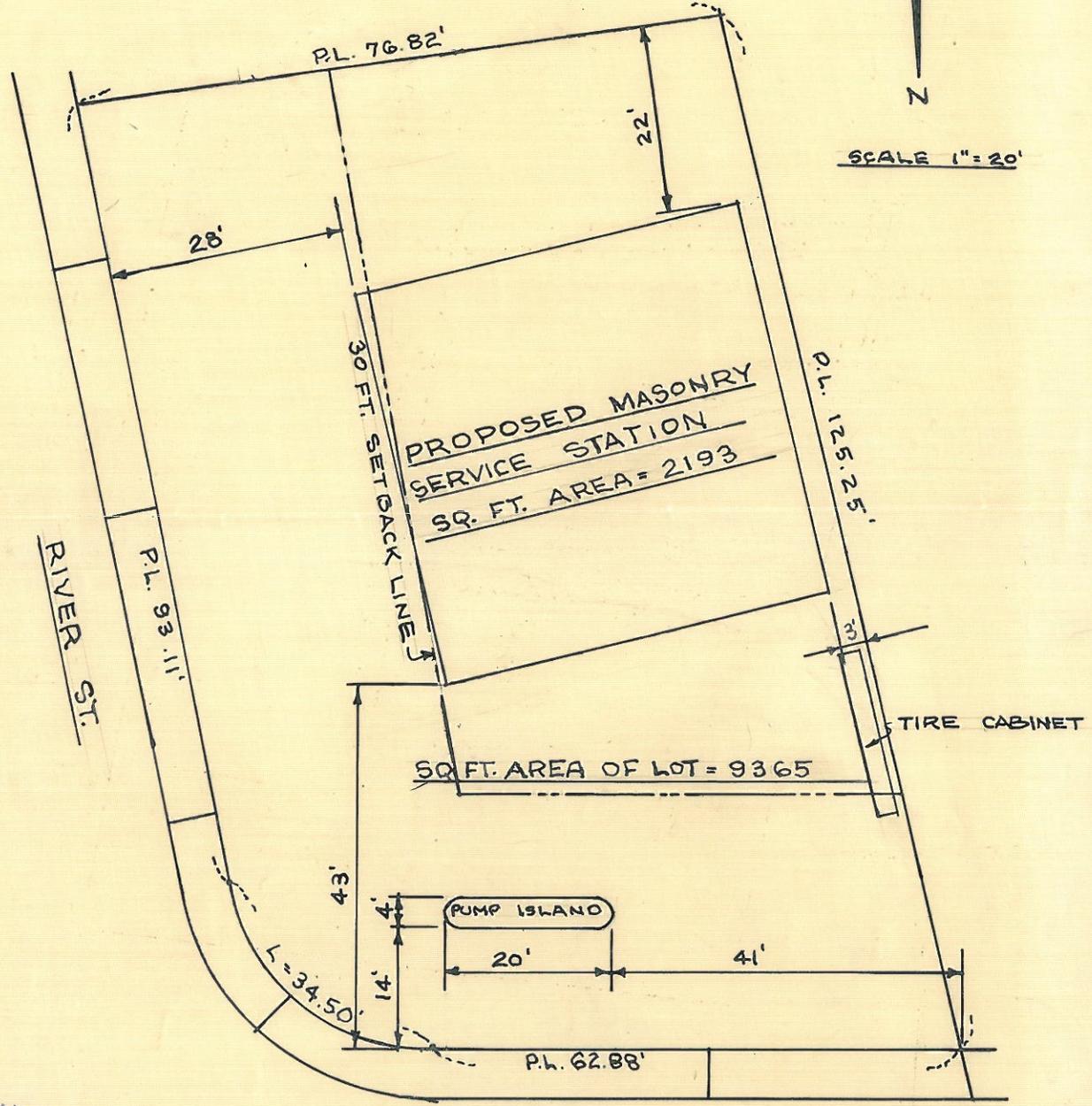

Dana T. Lowell

Filed with Town Clerk _____

SQ. FT. AREA OF YARD = 7172
SQ. FT. AREA OF PARKING = 2754



SCALE 1" = 20'



WASHINGTON ST.

PROPOSED SERVICE STATION
LAYOUT ~ LOCATED AT
WASHINGTON & RIVER STS.
WELLESLEY, MASS.