



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Appeal of Shell Oil Company

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 8:10 p.m. on April 8, 1965, on the appeal of Shell Oil Company from the refusal of the Inspector of Buildings to issue a permit to them to construct a service station and pump island at 987 Worcester Street, on land owned by Thomas A. Duffy. The reason for such refusal is that said service station would violate Section XIX of the Zoning By-law which requires a thirty-foot side yard 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, and that the pump island would violate Section XIX of the Zoning By-law which requires a thirty-foot front yard.

James G. Fay, attorney represented the appellant at the hearing.

Edward J. Gallagher, representative of Shell Oil Company, also spoke in support of the appeal.

Jan P. Chin, part owner of the adjoining property on the easterly side, stated that he had no objection to the proposed construction, but would like to keep the trees which he planted some time ago on the appellant's property.

The Planning Board in its report offered no objection to allowing the pump island to be located with less than the thirty-foot setback, nor to the proposed location of the building, but it did object to the roof sign.

On March 15, 1965, the Inspector of Buildings notified the appellant in writing that a permit for the proposed service station and pump island for the above-mentioned reasons could not be issued, and on March 22, 1965, the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The premises involved are located on the northerly side of Worcester Street near the Natick line, within a Business District.

At present there is an existing service station and pump island located on the property. These are poorly placed on the lot for today's traffic and business. The appellant now seeks permission to remove the present building and pump island and erect in their place a new service station and pump island in a position which will be more easily accessible by the public and will provide better service to the public. If the requested exceptions are granted, the appellant will construct an attractive building which should be an improvement to the area.

The lot involved is at the corner of Worcester Street and Brookside Avenue, a so-called paper street, which has not been constructed and in all probability will not be in the foreseeable future. It is proposed to construct the new building approximately 68 feet from Worcester Street and twenty feet from the easterly side line abutting Brookside Avenue. The pump

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island is to be located approximately twenty feet from Worcester Street. A plot plan was submitted, drawn by C. L. Van Inwagen, Reg. Engineer, which showed the location of the proposed service station and pumps. Architectural drawings were also submitted showing the elevations of the proposed building.

Decision

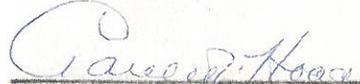
It is the opinion of this Board that the construction of the proposed service station and pump island on the lot involved as shown on the plan submitted will not change the character of the neighborhood and that the granting of the requested exceptions, in this case, will not prove detrimental to the 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 from a safety factor. It will provide the public with an easier approach and better maneuvering space.

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 side yard restrictions of the Zoning By-law and the setback requirement of the Building Code.

The existing building was built in 1935 and the lot involved was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. The lot is relatively narrow and irregular in shape for a service station which requires off-street parking for several cars at one time. It has a frontage of approximately 100 feet and a depth of only 80 feet on one side which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its depth 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 request 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 directed, subject to the condition, however, that the existing standing sign on the property shall be and remain still.


Garrett S. Hoag

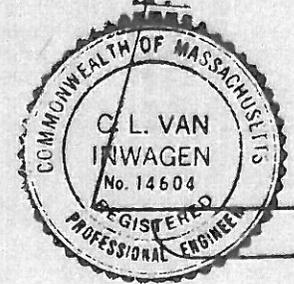
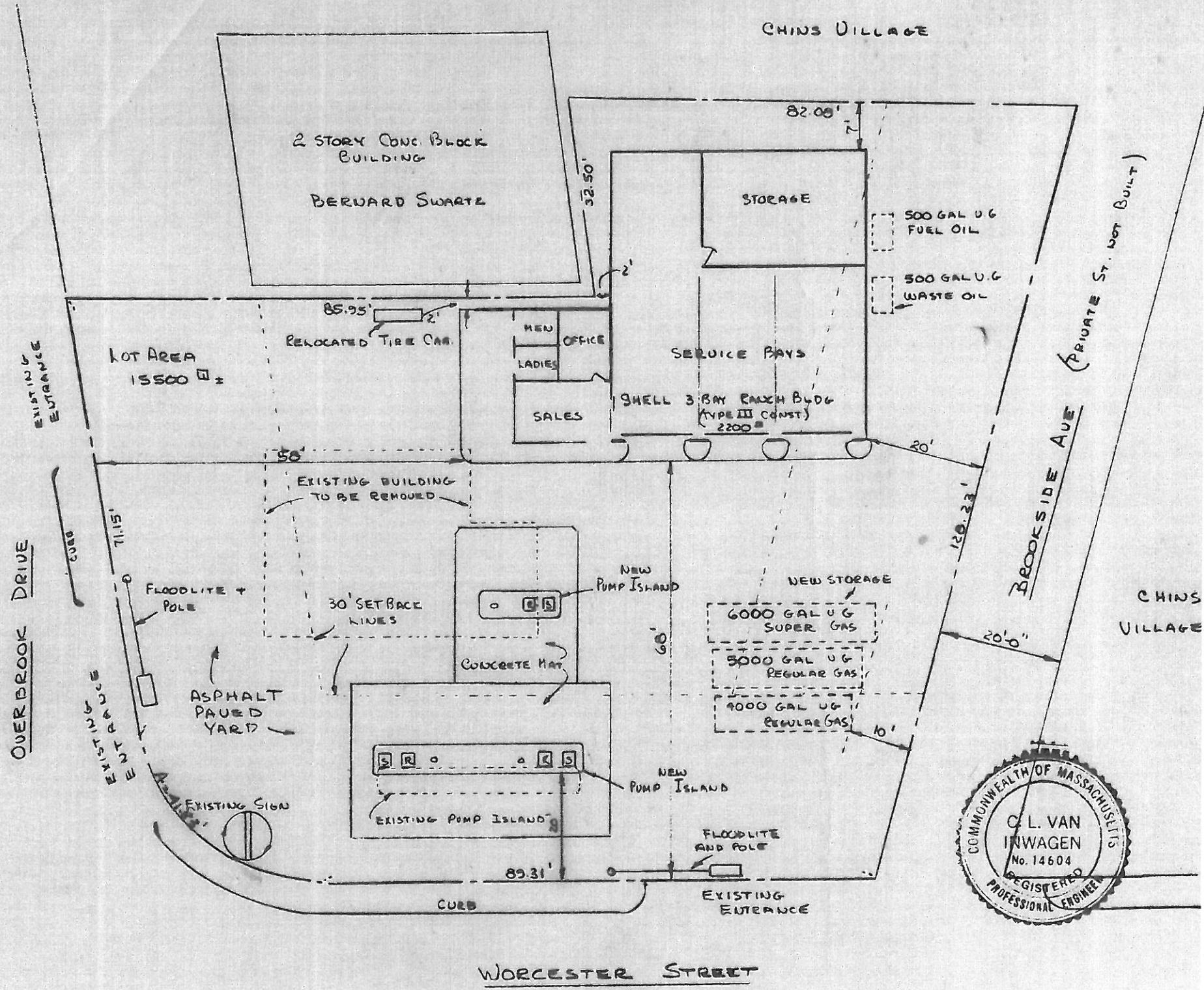

John L. Hayden


Dana T. Lowell

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BY E. J. GALLAGHER DATE 3/2/65. SHEET NO. OF
 CHKD. BY DATE REBUILD OF SERVICE STATION JOB NO. A-2780
 987 WORCESTER ST. WELLESLEY, MASS



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