

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTAELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

1998 AUG -4 A 8:18

SUMNER H. BABCOCK
ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 98-62

Petition of Highland Oil Company
431 Worcester Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 23, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of HIGHLAND OIL COMPANY requesting the following variances from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw for construction of two canopies with less than the required front setbacks from a public way at its premises at 431 WORCESTER STREET, in a Business District:

1. Construction of a 24 foot by 30 foot canopy with a minimum front setback of 1.5 feet from WORCESTER STREET (ROUTE 9) on the north section of the property.
2. Construction of a 24 foot by 32 foot canopy with a minimum front setback of 2 feet from WORCESTER STREET on the south section of the property.

On July 7, 1998, 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 Robert Fairchild, principal of Highland Oil Company. Mr. Fairchild said that the station is self-service, and would like the canopies because the customers cannot be protected from the elements without them. The benefits would be a tremendous improvement in lighting of the area as well as customer convenience.

Mr. Fairchild said that the Mobil stations at 199 Worcester Street and at the corner of Worcester Street and the Weston Road ramp also have canopies that have less than the required front setbacks. On his property, the distance from the edge of the island to the curb is 14 feet, but to the property line, it is only 2 feet. The height of the canopies will be 14.5 feet, which is standard to allow trucks to pass beneath them.

The Board asked if the Mass Highway Department had any concerns about the canopies interfering with line of sight or lighting, being so close to Route 9. Mr. Fairchild explained that the property folds out and away from Route 9, so there would be no interference. The canopies will have a "low light" profile.

The Board asked if the Design Review Board was referring to this illumination in its objection to internal illumination of proposed canopy signage. Mr. Fairchild said that he withdrew the internal illumination request in regard to the canopy signage.

ZBA 98-62
Petition of Highland Oil Company
431 Worcester Street

The Board noted that the Planning Board had recommended that the Board of Appeals explore with the petitioner the possibility of moving the canopies farther from the street. In regard to any signage, the Planning Board recommended that before any permits be granted, all illegal signs be removed. The Board stated that although the signage is not part of the petition at this time, the illegal signs will have to be removed before any petition for signage can be considered.

Mr. Fairchild said that there will be no signage on the canopies until he returns to the Board.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 431 Worcester Street, in a Business District, on 12,145 square foot lot situated between Worcester Street (Route 9) to the south and Worcester Street to the north. The property is owned by the Wellesley Hills Realty Trust and leased to the Highland Oil Company, which operates a Getty Service Station on the premises.

The petitioner is requesting two variances to construct two canopies: a 24 foot by 30 foot canopy with a minimum front clearance of 1.5 feet from Worcester Street (Route 9); and a 24 foot by 32 foot canopy with a minimum front clearance of 2 feet from Worcester Street. The required front setback in a Business District is 30 feet.

A Plot Plan date June 2, 1998, drawn by Needham Survey Associates; Elevation Plan for a 24' by 32" by 2" column canopy and Detail Sheet for said canopy, dated 2/6/98, drawn by Mohawk Manufacturing Co. Inc., stamped 5/20/98 by Lawrence R. Pilon, Registered Professional Structural Engineer; Elevation Plan for a 24' by 30' by 2' column canopy and Detail Sheet for said canopy, dated 5/27/98, drawn by Mohawk Manufacturing Co., Inc., stamped June 1, 1998 by Lawrence R. Pilon, Registered Professional Structural Engineer; and photographs were submitted.

On February 28, 1998, the Design Review Board reviewed the proposal for a canopy and a wall sign to be constructed over a gas pump island on the north side of the lot at 431 Worcester Street. The Board approved the canopy design.

The wall sign is proposed to be installed on the canopy and internally illuminated. The applicant received a special permit for two internally illuminated standing signs in October, 1997. The Design Review Board approved the design of the sign, but voted against the internal illumination.

On June 11, 1998, the Design Review Board reviewed the proposal for a second canopy over the gas pumps on the south side of the lot, and approved the proposal as presented.

On July 21, 1998, the Planning Board reviewed the petition and recommended that the ZBA explore with the applicant the possibility of moving the canopies farther from the street while

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 JUN -4 A 8:12

ZBA 98-62
Petition of Highland Oil Company
431 Worcester Street

still satisfying the intended use. With respect to the sign request, the Board recommends that all illegal signs be removed before any favorable consideration of other signage.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject canopies will not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the 65.5 foot width of the western end and the 111.8 foot width of the eastern end of the property render construction of two canopies which would comply with the 30 foot setbacks from both streets virtually impossible at the western end and difficult at the eastern end, as there would not be sufficient width between the canopies for safe passage of trucks and vehicles.

It is the opinion of this Authority that because of the shape of the lot and its location between two heavily travelled streets, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, variances are granted to construct the two canopies, subject to construction in accordance with the submitted plot plan and construction drawings, and on the condition that no signage is to be installed on either canopy without permission from the Board of Appeals; and that the illumination of the canopies be of the "low light" type described by the petitioner at the Public Hearing.

The Inspector of Buildings is hereby authorized to issue a permit for construction of the two canopies upon receipt and approval of a building application and detailed construction plans.

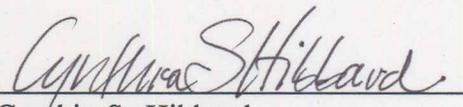
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
edg Inspector of Buildings


Kendall P. Bates, Acting Chairman


William E. Polletta


Cynthia S. Hibbard

RECEIVED
TOWN CLERK'S OFFICE
WILLESLEY, MA 02181
1998 AUG -4 PM 5:18



ZONING BOARD OF APPEALS
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 JUL -7 A 11:13

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

SUMNER H. BABCOCK
ROBERT A. BASTILLE

Permit Granting Authority
Town Hall
Wellesley, MA 02181
Gentlemen:

Date: 6/16/98
ZBA: 98-62

Pursuant to the provisions of Section XXIV-D of the Zoning Bylaw, the undersigned hereby petitions your Board for a Variance from the terms of Section ~~XX~~ which will allow the construction or addition to the dwelling or building located at:

431 Worcester Street

The proposed construction will include: Canopy B -

1. Canopy 24' x 39' - 17' High to top of canopy.
2. Canopy has less than required front setback from (Worcester) Washington St. side

It is the opinion of the petitioner that unless relief is granted by your Board, substantial hardship, as defined in Section XXIV-D 1-a, will result. A hearing therefore is requested at your next Board Meeting.

FEE: _____ ZONING DISTRICT: Business

Is your project subject to the Mass. Wetlands Protection Act? No.

OWNER OF PROPERTY: Wellesley Hills Realty Trust

MAILING ADDRESS: 12 Washington St, Wellesley Hills, Mass. 02481

PHONE WORK: 781-431-7344 HOME: -

SIGNATURE OF OWNER(S): Highland Oil Co.

PETITIONER: Highland Oil Co.

MAILING ADDRESS: P.O. Box 81187, Wellesley Hills, Ma. 02481

PHONE WORK: 781-237-2370 HOME: 781-237-2885



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5998

1998 JUL -7 A 11:13

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 308

SUMNER H. BABCOCK
ROBERT A. BASTILLE

Permit Granting Authority
Town Hall
Wellesley, MA 02181
Gentlemen:

Date: 6/16/98

ZBA: 9862

Pursuant to the provisions of Section XXIV-D of the Zoning Bylaw, the undersigned hereby petitions your Board for a Variance from the terms of Section XIX which will allow the construction or addition to the dwelling or building located at:

431 Worcester Street.

The proposed construction will include: canopy A -

- 1. Canopy 24' x 30' - 17' High to Top of Canopy
- 2. Canopy has less than required front setback from Rte 9. (Worcester Road)

It is the opinion of the petitioner that unless relief is granted by your Board, substantial hardship, as defined in Section XXIV-D 1-a, will result. A hearing therefore is requested at your next Board Meeting.

FEE: _____ ZONING DISTRICT: Business

Is your project subject to the Mass. Wetlands Protection Act? No

OWNER OF PROPERTY: Wellesley Hills Realty Trust

MAILING ADDRESS: 12 Washington St., Wellesley Hills Mass. 02481

PHONE WORK: 781-431-7344 HOME: —

SIGNATURE OF OWNER(S): Highland Oil Co. - R H Pahl

PETITIONER: Highland Oil Co.

MAILING ADDRESS: P.O. Box 81187, Wellesley Hills, Ma. 02481

PHONE WORK: 781-237-2370 HOME: 781-237-2885