

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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TELEPHONE
(781) 431-1019 EXT. 2208

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ZBA 2019-74
Petition of Michael Chammas
1005 Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, September 12, 2019 on the petition of Michael Chammas requesting a Special Permit pursuant to the provisions of Section XI, Section XIVE and Section XXV of the Zoning Bylaw to allow the sale of up to 15 used cars on the easterly side of the existing lot, at 1005 Worcester Street, in a Business District and a Water Supply Protection District.

On August 14, 2019, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Romeo Adams, Esq. and Mike Chammas, the Petitioner.

Mr. Adams said that the request is for a special permit to sell up to 15 used cars on the east side of the property. He said that the operation will not require any additional construction. He said that the service station has been serving the Wellesley community for 37 years, during which time the owners have built up a reputation for quality services and reliability. He said that over the past few years there has been an increase in customer requests for advice to purchase and sell used cars.

A Board member said that there is not a lot of room on the property for what the Applicant is requesting to do. He said that there was a petition before the Board for this site a few years ago to allow an inspection station and a small extension. He said that the Town of Natick line runs right through the property and there are cars associated with the business that are parked in Natick. Mr. Adams said that the cars on the left side in Natick are there for repair.

A Board member said that he did not see a plan in the application package that was prepared by a civil engineer that shows where and how the cars will be parked and how they will fit on the lot, including the cars being repaired and/or inspected, and traffic into and out of the site. The Chairman said that there is nothing in the record that shows what the total use of the site will be. Mr. Chammas said that service takes place at the opposite side of the station. He said that gas operations take place at the front of the station and the serviced cars are on the Natick side. Mr. Adams said that they will submit a plan that has been certified by a civil engineer.

A Board member discussed concerns about cars parking on Edgemoor Avenue. Mr. Adams said that the cars will be parked up against the east side of the facility on the sidewalk. A Board member said that currently there is a dumpster there.

Mr. Adams said that the estimate of 15 cars includes the side of the building on Edgemoor Avenue and the back side of the building. The Chairman asked about the cars currently parked at the site. Mr. Chammas said that most of those cars are junk and are waiting to be picked up by the tow truck to take to

the junkyard. He said that the pickup truck will be parked on the other side. He said that the cars for sale will be on the east side where there is a sidewalk where you can walk to view the cars.

The Board voted unanimously to continue the petition to November 7, 2019.

November 7, 2019

Present at the public hearing were Romeo Adams, Esq., Mike Chammas and Patrick Arnow, Metrowest Engineering, Inc.

Mr. Adams said that Mr. Arnow produced the survey that is before the Board tonight. He said that after getting Mr. Arnow's input, the Petitioner realized that he only has room for 10 spaces.

Mr. Adams said that the request is for a waiver to allow access to the gas station from the private street that is maintained for snow and leaf removal by Mr. Chammas. He said that there is one other business and one residence on the street. A Board member said that there is a large pothole on the street that is frequently filled with water that comes from the car detailing business nearby.

Mr. Adams said that the request is for a waiver to allow the seven cars that are parked on the east side to be able to be moved back and forth by employees. He said that TD Bank is across from Mike's Auto & Gas and cars exiting the bank frequently go into the gas station space, which creates potential for accidents. He said that putting the cars on a line beyond the five foot setback creates a safety barrier as well as allowing the cars to be lined up in a way that was recommended by the engineer. He said that the three cars that are shown on the northern side of the diagram will only be moved by employees.

Mr. Arnow said that the parking spaces facing Edgemoor Avenue will be 8.5 feet by 18 feet, in accordance with the specifications in the bylaw.

A Board member said that he revisited the site and was troubled by the request for so many spaces because they would overburden the parcel. He said that it might be appropriate to have six spaces on the Edgemoor Avenue side but not behind the building. He said that there is a trash container back there and from his observations, the business needs to use the space at the back. Mr. Adams said that the space that they would like to use for the sale of cars currently has junk cars on it. He said that a plan shows where the functions will move to. Mr. Arnow said that there is quite a bit of space where you could put cars.

A Board member asked if angled parking to Edgemoor Avenue had been considered. He said that it may be a better angle for marketing the sale of used cars. Mr. Arnow said that 90 degrees seems to work better. He said that if you were to angle the spaces, one of them would be harder to get in and out of.

The Chairman asked about the number of employees for gas and repair operations and how many are anticipated for the sales operation. Mr. Chammas said that there are a total of three employees and he does not anticipate hiring any more. He said that most of the advertisement for the cars will be online. He said that his facility will be more of a place to store cars for sale, not show them. He said that there is an office and a waiting room inside the gas station to complete the paperwork if a sale goes through.

The Chairman asked about the use of the three proposed spaces on the north side of the lot. Mr. Chammas said that the spaces will be for cars for sale but those cars will be more in a place to store them until someone showed interest in them via text message, email or phone call.

The Chairman asked about employee parking. Mr. Adams said that they can park on the Natick side. A Board member said that at the last hearing the Petitioner said that was where the customers will park. He said that his concern is overburdening the site. He said that Mr. Chammas probably needs the space behind the station for employee parking, for access and for storing snow plowing equipment because it does not belong in the middle of the gas station.

The Chairman asked about tanker access to the underground storage tanks for the gasoline that is sold at the station. He said that the spaces that are closest to intersection of Worcester Street and Edgemoor Avenue restrict flow in and out of the gas operation. Mr. Chammas said that he orders the gasoline and knows when the tankers will be coming. He said that all gas deliveries happen at night. He said that he can easily move the cars to the other side of the site or put them in the garage.

A Board member said that access for gas customers is typically off of Worcester Street. He said that angled parking there would relieve the distance off of Edgemoor Avenue and would allow for better presentation for sales. He said that the three spaces at the back should be eliminated because there seems to be more of a daily requirement for the dumpster and whatever else is happening on the site during normal operations.

The Chairman said that storage of junk cars is not an allowed use and the current permit does not cover that. He said that there should be no junk cars stored on the property. Mr. Chammas said that it may take a day or two for the customer to clean the car out once they have decided that it is junk. He said that if he has a more important use for the space, he can have the car removed immediately.

The Chairman asked about the business model for selling used cars. Mr. Chammas said that most of the car sales take place online where a picture of the car or a video is uploaded, the customer checks with Car Fax and then comes to the site ready to buy the vehicle.

A Board member said that under the current proposal, the entire site will be used and Mr. Chammas will not be able to accommodate his customers. He said that he did not object to Mr. Chammas using his property for the sale of used cars but strongly objects to the number of used cars and where they will be placed. He said that the proposed plan may cause problems for customers getting in and out of the site. He said that employees will be busy moving cars when they should be repairing cars. He discussed concerns about snow storage and where the plow will be stored. He discussed eliminating two spaces near Route 9 and one of the three at the rear so that the area can be used for ancillary purposes for the garage.

The Chairman said that he supported eliminating two spaces near Route 9. He said that the proposal is to intensify the use of the property in ways that leave no flexibility for unanticipated events such as emergency vehicle access. After further discussion, a Board member confirmed with Mr. Chammas that he would accept having five spaces facing Edgemoor Avenue and one at the back. The Board said that removing two spaces would push the space to the first car from Worcester Street back to approximately 30 feet. The Board discussed striping the pavement.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 1005 Worcester Street, in a Business District and a Water Supply Protection District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XI, Section XIVE and Section XXV of the Zoning Bylaw to allow the sale of up to 15 used cars on the easterly side of the existing lot, in a Business District and a Water Supply Protection District.

Letter to Board of Selectmen, dated July 12, 2019, Building Permit 15603, dated January 16, 1967, Application for License to Buy, Sell, Exchange, or Assemble Second Hand Motor Vehicles or Parts Thereof – Class I or Class II Auto Dealers License, License to Sell Motor Fuel and/or Automotive Lubricating Oil at Retail, a Plot Plan, dated 10/22/19, stamped by Patrick H. Arnow, Professional Land Surveyor, and photographs were submitted.

On September 11, 2019, the Planning Board reviewed the petition and recommended that the special permit be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section XIVE of the Zoning Bylaw in a Water Supply Protection Districts.

It is the opinion of this Authority that the use of the property for the sale of used cars on the easterly side of the existing lot, will meet the Special Use Permit Standards conditions, in accordance with Section XXV D of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the sale of used cars on the easterly side of the existing lot, subject to the following conditions:

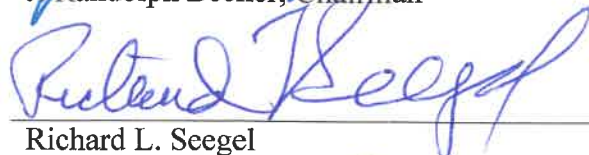
1. The Special Permit shall run with Mr. Chammas, as owner of the property, and shall not run with the land.
2. Parking of six vehicles facing Edgemoor Avenue shall be with the nearest vehicle being no closer than 30 feet to Worcester Street.
3. Only one vehicle shall be parked toward the rear of the building but as close to Edgemoor Avenue as practicable.
4. Lines shall be installed between the spaces, with no parking between the last approved space and Worcester Street.
5. The proposed use to sell used cars requires a permit from the Board of Selectmen.

This Special Permit shall expire two years from the date time-stamped on this decision.

ZBA 2019-74
Petition of Michael Chammas
1005 Worcester Street

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.


J. Randolph Becker, Chairman


Richard L. Seegel


David G. Sheffield

ZBA 2019-74
Applicant Michael Chammas
Address 1005 Worcester Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2019 NOV 21 P 3:43

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrn

REFERENCES

NORFOLK AND MIDDLESEX COUNTY REGISTRIES OF DEEDS

DEEDS:
BOOK 19136, PAGE 535
BOOK 11205, PAGE 325

PLANS:
PLAN LCC 4252B
PLAN LCC 4252O
PLAN LCC 4252-7
PLAN 1149 OF 1966

NOTES:

- SUBJECT PARCEL IS SHOWN AS ASSESSORS SHEET 205, LOT 3. RECORD TITLE FROM CERTIFICATE OF TITLE #128982.
- UTILITY LOCATIONS DEPICTED ON THIS PLAN, BOTH ABOVE- AND BELOW-GROUND, ARE BASED UPON DIRECT FIELD OBSERVATIONS MADE BY METROWEST ENGINEERING, INC. PERSONNEL DURING A FIELD SURVEY, RECORD PLAN LOCATIONS, OR DIGSAFE PAINT-INDICATORS. METROWEST ENGINEERING, INC. DOES NOT WARRANT THAT ALL UTILITIES ARE SHOWN OR THAT UTILITIES THAT ARE DEPICTED ARE SHOWN IN THE CORRECT LOCATION, OR WITH THE PROPER MATERIAL DESIGNATION. METROWEST ENGINEERING, INC. DOES NOT WARRANT OR PROVIDE AN EXPRESS OR IMPLIED WARRANTY THAT ALL SUBSURFACE IMPROVEMENTS ARE SHOWN OR ARE SHOWN CORRECTLY, INCLUDING, BUT NOT LIMITED TO, UTILITIES, UNDERGROUND VAULTS, UNDERGROUND TANKS OR CHAMBERS, BUNKERS, DUCT BANKS, AND/OR OTHER MAN-MADE IMPROVEMENTS THAT LIE BENEATH THE GROUND SURFACE AT THE TIME OF THE SURVEY.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR ESTABLISHING EXISTING LOCATIONS OF ALL SUB-SURFACE UTILITIES AND MAN-MADE IMPROVEMENTS AND FOR THE REQUIREMENTS TO REPLACE, RELOCATE OR REPAIR EXISTING UTILITIES IN THE EVENT OF DAMAGE OCCURRING DURING CONSTRUCTION. MWE IS NOT RESPONSIBLE OR LIABLE FOR DELAYS OR COSTS ASSOCIATED WITH REMOVING/REPLACING/RELOCATING OF EXISTING UTILITIES REGARDLESS OF WHETHER SAID UTILITIES ARE ACCURATELY DEPICTED ON THIS SURVEY.
- THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE "X" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NUMBER 25021C0012E, BEARING AN EFFECTIVE DATE OF JULY 17, 2012.
- THE PROPERTY DESCRIBED ON THIS SURVEY HAS THE BENEFIT OF A SPECIAL PERMIT GRANTED ON OCTOBER 22, 2015 (ZBA#2015-79) AND A VARIANCE RECORDED AS DOCUMENT 554828 IN THE SOUTH MIDDLESEX REGISTRY OF DEEDS LAND COURT SECTION.

LEGEND

BIT. CONC. C.P. BERM
CONCRETE PAD
CURB
D.H. DRILL HOLE
FENCE
(F) FOUND
GUARD POST
LIGHTPOST
NUMBER OF PARKING SPACES
PAVEMENT EDGE
STONE BOUND
S.B. TO BE DETERMINED
T.B.D. WITH
W/ WOOD FRAMED
W.F.

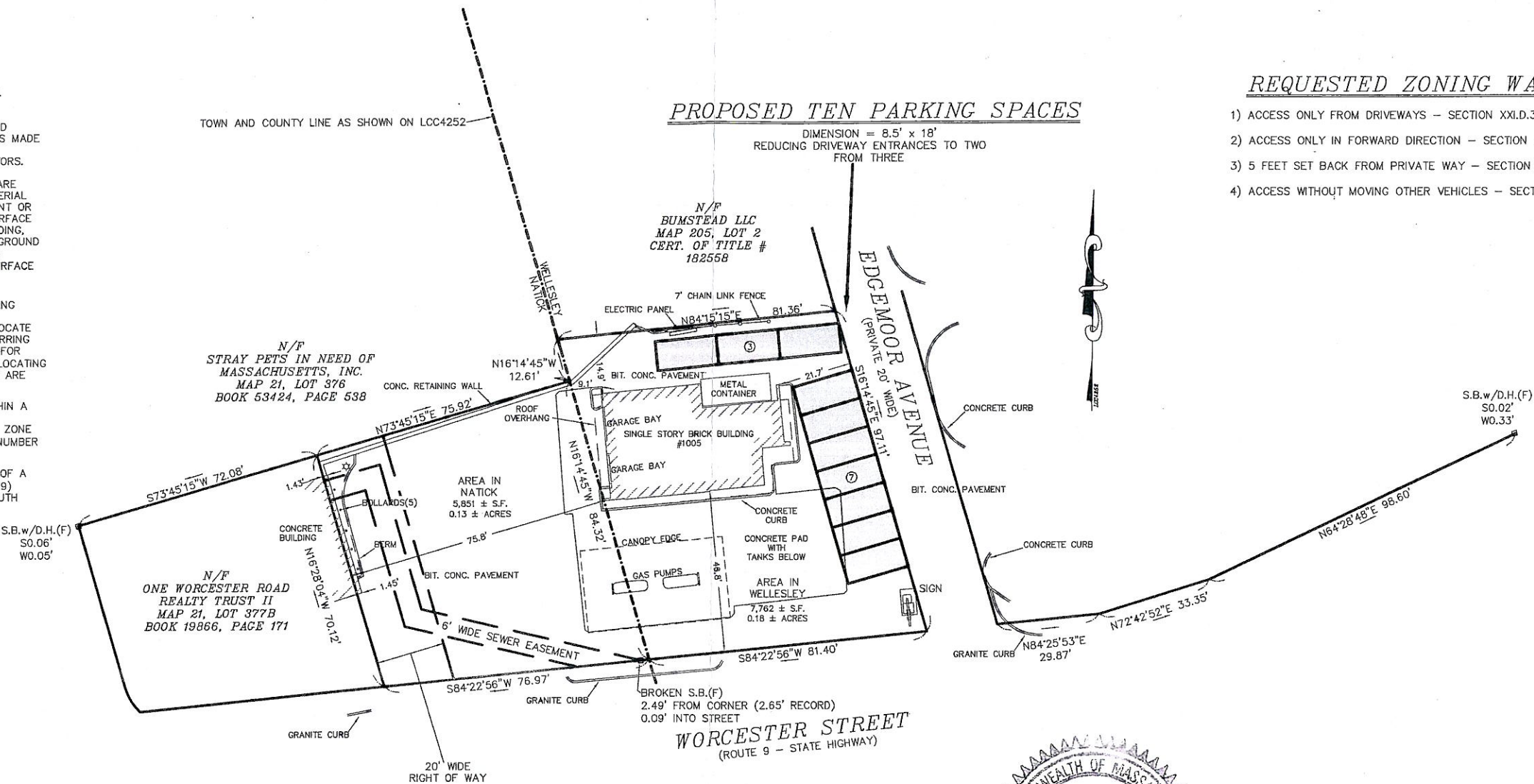
ZONING TABLE		
BUSINESS DISTRICT*		
	REQUIRED	EXISTING
AREA	10,000 S.F.	13,613 S.F.
FRONTAGE	60 FEET	158.37 FEET
SETBACKS:		
FRONT YARD	30 FEET	21.7 FEET
SIDE YARD	20 FEET	9.1 FEET
REAR YARD	10 FEET	N/A
BUILDING HEIGHT	45 FEET/3 STORIES	1 STORY
F.A.R.	.30 MAXIMUM	0.103
BUILDING COVERAGE	25% MAXIMUM	10.3%
LOT COVERAGE		99.1%

*WATER SUPPLY PROTECTION OVERLAY DISTRICT.

TOWN AND COUNTY LINE AS SHOWN ON LCC4252

PROPOSED TEN PARKING SPACES

DIMENSION = 8.5' x 18'
REDUCING DRIVEWAY ENTRANCES TO TWO FROM THREE



REQUESTED ZONING WAIVERS

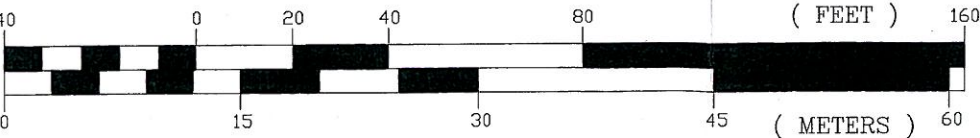
- ACCESS ONLY FROM DRIVEWAYS - SECTION XXI.D.3.D.
- ACCESS ONLY IN FORWARD DIRECTION - SECTION XXI.D.3.E.
- 5 FEET SET BACK FROM PRIVATE WAY - SECTION XXI.D.3.F.
- ACCESS WITHOUT MOVING OTHER VEHICLES - SECTION XXI.D.3.G.



Patrick H. Arnow 10/25/2019
FOR METROWEST ENGINEERING, INC. DATE
PATRICK H. ARNOW, P.L.S. # 38031

GRAPHIC SCALE

1 inch = 40 ft.



ZONING BOARD OF APPEALS

PLOT PLAN
IN
WELLESLEY & NATICK, MASS
(NORFOLK & MIDDLESEX COUNTIES)

PREPARED FOR:
MICHEL Y. CHAMMAS
1005 WORCESTER STREET
WELLESLEY, MA 02482

PROPERTY OF:
MICHEL Y. CHAMMAS
1005 WORCESTER STREET
WELLESLEY, MA 02482

ENGINEERS & SURVEYORS:
MWE METROWEST ENGINEERING, INC.
75 FRANKLIN STREET
FRAMINGHAM, MA 01702
TELE: (508) 626-0063
EMAIL: INFO@MWEENGINEERING.COM

SHEET 1 OF 1
DATE: OCTOBER 22, 2019
CALC'D BY: PHA FIELD BK: 698 CAD FILE: CHAMMAS_01.DWG
DRAFTER: PHA PROJECT: WEL_WOR4 DWG FILE: