

Sunoco Hearing

Minutes of the Public Hearing held on the application of Wilfred A./
Mary O. Spiller and Daniel/Dorothy Krause and Sun Oil Company for a
license to construct and operate a gasoline service station at 29 Hudson
Road, Sudbury, Mass., held on Thursday, May 28, 1964, at 8:30 p.m., in the
Town Hall.

In attendance: Selectmen Chairman Edward E. Kreitsek, Richard C. Venne,
John E. Taft, Executive Secretary G. Paul Draheim, Phyllis Sampson.

Proceedings:

The Selectmen held a public hearing on Thursday, May 28, 1964, at 8:30 p.m.
in the Town Hall on the application of Wilfred A./Mary O. Spiller, Daniel/
Dorothy Krause, and Sun Oil Company for a license under Chapter 148 of the
General Laws, as amended, to construct and operate a gasoline service
station, including a two-car garage lubitorium and to keep, store and sell
from underground tanks 18,000 gallons of gasoline, 1,100 gallons of oils,
and to keep, store and sell 1,700 gallons oils, grease and anti-freeze
compounds in steel containers above ground at 29 Hudson Road, Sudbury, Mass.

This notice was advertised in the Sudbury Citizen on May 14, 1964. Notice
was sent to the following abutters: Richard R./Alice E. Hawes, Richard J./
Ruth A. Moore, George R. Hanow, Edmund C. Stone, Linda F. White, Lamonte/
Florence Griswold.

Mr. Kreitsek read the application, the legal notice, named the abutters,
stated that the hearing was limited to the application for underground
storage.

~~Mr.~~ Attorney Alan I. Alford appeared representing the petitioners. Mr. Alford
stated that his clients request a permit and feel that the granting of such
a permit will be a public convenience and in the public interest. He stated

that, with the exception of the pumps at Young's store which are not in service at this time, there is no other gas station on route 27 from Cochituate to Maynard - a distance of approximately 12 miles. Mr. Alford submitted a petition of 200 names in favor of this permit as a public necessity.

Mr. George G. Bradley, 19 Candy Hill Road, raised a point of order. He suggested that the petition read "colonial type building" but said that it was his understanding that the application was limited to fuel storage.

Mr. Taft asked what type of storage facilities would be used - new tanks or reuse of old ones. Mr. Alford answered that new tanks would be used - tanks with 4500 gallon capacity in place of the old ones. Mr. Taft questioned the construction of the tanks. Mr. Raymond Salminen, Land Dept. Representative for Sun Oil Co., answered that they would be of standard construction of steel. Mr. Taft then asked if they would be constructed on a concrete slab. Mr. Salminen said they would if this was required by the town. Mr. Taft asked how the tanks would be constructed, and Mr. Salminen said it would depend on the soil condition. Mr. Taft asked if test borings had been made, and Mr. Salminen answered that some had been made but he did not know the results nor the condition of the soil. Mr. Krause volunteered information that it was typical poor soil, no deep acidity, not well drained, that this was not the fault of the site but due to distortion. He stated that, at one time the storage tanks affected his well water, but that he was now using town water.

Mr. Lamonte Griswold, abutter, had several questions.

(1) How much land in the area was involved for the new station?

Mr. Griswold was referred to the map of the area and, at this time, many of those in attendance took time out to view the site plan. Mr. Kreitsek stated that the new station would be larger.

- (2) Mr. Griswold said that he realized that the hearing is not concerned with the site, but questioned what will happen to the existing store and greenhouse.

Mr. Kreitsek discussed the location of the building, the frontage and the depth and stated that the Krause residence would not be affected, but that the store and greenhouse would be removed.

- (3) Would this involve sale of the property, lease or rental?

Mr. Kreitsek stated that this actually had no bearing on the hearing and informed Mr. Spiller that he did not have to reveal this information. Mr. Spiller volunteered that he would be the lessee; would not own the station but would operate it. Mr. Griswold said that this would involve a change of ownership. He stated that the zoning in existence now was to benefit those owners now (Spillers); it was not contemplated to benefit future outside interests. Mr. Kreitsek said that, regardless, the town had zoned this area for business.

- (4) Would there be a reclassification of zoning?

Mr. Kreitsek answered that there would not.

- (5) Would this not be an extension of so-called "spot zoning" in the middle of a large residential area?

Mr. Kreitsek said that there was no action or testimony to this effect, that there was no evidence of this from the attorney general's office.

Mr. Taft stated that this area was a part of Business District #8.

Mr. Venne stated that it was not a non-conforming use.

- (6) What would be the effect on the Historic Districts Commission and what was the attitude of the Historic Districts Commission?

Mr. Kreitsek asked if anyone at the hearing represented this commission.

There was no representative present and no information was received.

(7) What is the size of the present tanks? Size of the new tanks? How much of an increase in use?

Mr. Kreitsek said that the size was explained by the site \dot{p} map and there would be an enlargement of use.

Mr. Robert N. Mackin, 140 Morse Road, requested the opinion of the Planning Board. Mr. Robert C. Wellman, member representing the Planning Board at this hearing, read the letter from the Planning Board sent to the Selectmen and dated May 27, 1964, in which it was stated that it was the unanimous opinion of the Planning Board that this application be denied. (see letter attached).

Mr. Josiah Frost, 61 Maynard Road, questioned the Planning Board relative to the letter. He asked if the board had worked with the site plan and did they feel that the new building would definitely be non-conforming?

Mr. Wellman answered that, as the plot plan exists now and according to the town by-laws, yes it would. Mr. Wellman stated that he understood that the distance required from the road is $37\frac{1}{2}$ feet and that the building on the property now is back as \dot{p} far as it can be.

Mr. Frost stated that, as a neighbor and longtime resident of Sudbury, he felt that the new station would not be detrimental to the area and would be a \dot{p} convenience in the area.

Mr. Kreitsek, at this time, clarified the fact that ~~the/site/plan~~ a general discussion of the site plan would be permissible.

Mr. Ernest C. Bauder, 571 Peakham Road, read the letter he personally sent to the Selectmen. (see copy attached).

Mr. Bertram Weinstein, 329 Old Lancaster Road, spoke in opposition to the new station. He cited three reasons: 1) convenience of obtaining his

Sunday paper denied him; 2) there are a number of gas stations in town and he was worried about the economy of more, questioning the number the town can support and stating that may turn out to be financially unsound; and 3) taking a long-term look at the town, suggesting that route 20 is an eyesore and civic groups are trying to improve this. Mr. Weinstein said he had looked at the site plan and felt that the building is not restored-colonial but clearly a gas station and will not enhance the town.

Mr. Taft asked Mr. Weinstein what the Mass. Chamber of Commerce ratio of gas stations was. Mr. Weinstein said he did not have the figures. Mr. Taft put the question to the Sun Oil Company representative. Mr. Salminen said he did not know and stated that it would take three or four months to justify whether or not the station would be a paying proposition. All stations in Sudbury are open and not doing badly, Mr. Salminen stated, and, of all the stations in surrounding areas, all are operating.

Mr. Taft asked what Mr. Spiller's reason was for considering Sun Oil Co. rather than Mobil Oil Co. Answering for Mr. Spiller, Mr. Alford explained that the Mobil contract was on a yearly basis and Mr. Spiller did not want to be tied up for another year with Mobil if the plan for the new station went through. He said that Mr. Spiller felt that a new station would be economically feasible, that ratio figures were not important because there ~~were no gas stations between~~ were no gas stations on route 27 between Cochituate and Maynard. Mr. Alford stated that, after taking the site plan to the Planning Board, his clients had adopted every suggestion made and the site plan still had not been accepted. He pointed out that local people would be operating the station, and that they would conform to any suggestion put forth.

Concerning a variance, Mr. Kreitsek stated that this area was zoned for

business, that, with the present plans, it would be impossible to conform; the pumps could be moved back but not the required 37½ feet. He said that the matter would have to go to the Board of Appeals.

Mr. Mackin brought out several points: 1) that gas is convenient to obtain anywhere in Sudbury, 2) that this site will create traffic congestion because it is fed by three roads from east and two roads from west, 3) that it will be a larger station than he anticipated and will hurt land values around it and the aesthetic balance of the area, 4) that a profit will be made at the expense of the general welfare of the residents. He made the statement, in effect, that residents should not be required to protect their rights, but that the Selectmen should be responsible for the welfare of the people.

Regarding Mr. Mackin's last statement, Mr. Kreitsek pointed out that the Selectmen rely on the town by-laws which govern the business districts, and that the town votes the by-laws. He said that the responsibility of the Selectmen lies in the welfare of the general population, not in minority groups, and that this is determined by the Commonwealth of Massachusetts.

Mr. Taft pointed out that the application reads Wilfred A./Mary O. Spiller and Daniel/Dorothy Krause and asked if Mr. Alford represents both these parties and Sun Oil Company. Mr. Alford replied that he did represent both but was representing the Spillers and the Krauses at this hearing.

Mr. Taft asked if the station was to be located on the property of both parties. His answer from Mr. Salminen and Mr. Alford was that Sun Oil Co. would purchase the property and then lease the necessary area for the station back to Mr. Spiller who is to operate the business, and that the Krause house would stand.

Mr. Taft asked where the nearest Sunoco station was. Mr. Salminen said there was one in Cochituate, Wayland, Concord, Framingham and three in Acton.

Mr. Bradley spoke in opposition to the new station. He stated that there was no public need for a Sunoco station here, the nearest one being located in Wayland only three miles away. He said he had a credit card for this company and did not mind going to Wayland for good service. He pointed out that Sudbury Center would look like a Sunoco gas station with the common attached. Mr. Salminen replied that the Sunoco contract in Wayland may run out very soon.

Mr. Richard R. Hawes, an abutter, spoke in favor and said he felt that it would be better than the present property and that land values are better when traffic is heavier.

Mr. Joseph Clementi, 18 Poplar Street, said he was an artist and, as such, regarding the improvement of the neighborhood with a new gas station, he would prefer to do a painting of the store as it stands now. He pointed out that people who patronize the store now move right out, with the proposed station, but he pictures congestion and a large lighted sign on a new building. He suggested that there would be congestion caused by the school buses. He stated that, from a business point of view it would probably be alright, but, from an artistic or historic point of view, he was opposed.

Mr. Taft asked if ~~the~~ the large trees were on town land or on the applicants property. Mr. Alford said he did not know. Mr. Venne asked if the trees the removal of were to be removed. Mr. Kreitsek stated that roadside shade trees is under the jurisdiction of the Tree Warden and the Selectmen and that removal is subject to subsequent review.

Mr. Bauder said that he thought the board did not get the point of his letter:
1) By-laws are specific to assure protection of adjoining districts, and 2)
Three hundred years from now residents will ask why this was done in an historic district. He stated that the Selectmen have a responsibility to

carry out.

Mr. Richard Moore, 18 Hudson Road, abutter, stated that he and his wife lived across the road, and were restoring an old house, and are against this station. He said that it is not economically feasible, that he had once owned a Sunoco station and had lost money in the venture. He pointed out that there must be an excess of cars and trucks to make it pay, it would be a public nuisance not a public convenience, and Sun Oil Co. will benefit not the residents. He asked that the town not be destroyed - no economical factor could justify this.

Mr. Frost stated here that he had lived in the town since 1930, has a deep pride in the town and resented Mr. Moore's accusation that this would destroy the town.

Mr. Thomas E. Newton, 430 Dutton Road, said that Mr. Moore was personally against the Sun Oil Co. He said that Mr. Mackin lives on Morse Road and doesn't go by Young's store. He further stated that the land abutting the other new station (Shell - Boston Post Road) had increased in value.

Mr. Clementi asked about the gas station further up on Hudson Road.

Mr. Edward E. Sherman, 199 Horse Pond Road, volunteered that this station is not open all day. Mr. Clementi asked what were the hours of service.

Mr. Kreitsek here stated that this was not pertinent now.

Mr. Sherman stated that the area under discussion at this hearing is not a new business, but one that is expanding storage facilities and erecting a better building.

Mr. Taft asked if this was an expansion of storage facilities on the now existing license. Mr. Kreitsek answered that the license could continue as it is.

Mr. Mackin requested permission to speak. He stated that he did not want to be misunderstood; that he was not criticizing the Selectmen. He said that he felt this was a case of the welfare of a small group of people versus the welfare of the general population. He further stated that this would not be the last application for gas stations in town and questioned what the Selectmen proposed to do if another company wanted to put in another station.

Mr. Moore stated that he was not against Sun Oil Company, but that he knows how they run stations. He felt that they are utilizing Sudbury residents for their own end and not concerned with residents or the tax rate. He said the value of property always goes down with this kind of business; it is a nuisance, and he called attention to the telephone booth on the property and the arrests which he said had taken place there.

Mr. Hawes pointed out that his grandfather had planted the shade trees which are on this property.

Mr. Alford stated that the telephone booth was to be removed; his clients felt that it is unsightly. He stated here that Mr. Spiller is not victimizing the town, that he did not call for those in favor to speak for him here, that this business is only a matter of convenience, ~~taxes residents tax~~ necessity and interest to the public and not a matter of money making.

Mr. Kreitsek requested here that there be no debate.

Mr. Wellman said that, if the permit is granted, it will still be non-conforming. The site cannot be legal without a variance.

Mr. Griswold summarized his opinion by stating that he was opposed because of the loss in value of property, the appearance of the center and ~~xxxxxx~~ said that he agreed with all the opposing arguments.

Mr. Kreitsek made note of the letters received by the Selectmen and read a letter received from Mr. Owen C. Roessler, 559 Peakham Road, which was in opposition. (see copy attached). Mr. Kreitsek made mention of the letter from the Fire Chief which approved the site in the safety hazard respect only.

Mr. Newton again mentioned that the Shell station on the Boston Post Road as not detrimental to that area. Mr. Salminen stated that the Shell station is a nice building and pointed out that Sun Oil Company had turned down this site because it did not take care of the public needs.

Mr. Bauder asked if it would be of interest to the Selectmen to have a petition presented with the names of those in opposition. Mr. Kreitsek stated that a petition shows expression, but this decision would be based on testimony, responsibility to protect the area in an historic district, and in regard to traffic safety. He said that a petition would not be weighted evidence and was not worth the effort involved.

At this time, Mr. Kreitsek stated that the names on the petition received at the hearing would not be read, but would be available at the Town Hall to any who wished to read them.

Hearing adjourned: 10:20 p.m.

ERNEST C. BAUDER
571 Feakham Road
Sudbury, Massachusetts

April 1, 1964

Mr. Edward E. Kreitsek
Chairman, Board of Selectmen
Town of Sudbury
59 Dudley Road
Sudbury, Massachusetts

Mr. Richard T. Brooks
Chairman, Planning Board
Town of Sudbury
20 Russet Lane
Sudbury, Massachusetts

Gentlemen:

It is my understanding that the Sudbury Board of Selectmen and Planning Board have received a request to permit the Sun Oil Company to erect an automobile filling station on the site of Youngs store.

It is my opinion that a filling station on that site will be a detriment to the town. The town has seen fit to declare Sudbury Center as the Old Sudbury Historic District. The purpose, in the words of the Historic District's Act, is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, places and districts of historic significance through the development and maintenance of appropriate settings for said buildings, places and districts and through the maintenance of said buildings, places and districts as sites and landmarks compatible with the historic tradition of Sudbury. The boundary of the Old Sudbury Historic District nearest the filling station site is defined as a line ". . . parallel to and 300 feet westerly of the westerly side line of Concord Road. . . . I asked Mr. George White, the Town Engineer, where the boundary of the historic district was in relation to the service station site. He estimated that it was in the vicinity of the west boundary of Stones' property. Thus, the service station site may abut the historic district.

view Even more important is the fact that the site is within eyesight of the picturesque Center and green.

The very purpose of the historic district is to protect the setting and sites compatible with the historic tradition of

Mr. Edward E. Kreitsek
Mr. Richard F. Brooks

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April 1, 1964

Sudbury for the general welfare of the public. A filling station adjoining the historic district defeats this very purpose.

The Bylaws of the Town of Sudbury provide a means by which the Board of Selectmen shall protect the best interests of the town. Under the zoning Bylaw, Section 1 E, Subsection 6(a), ". . . The Board of Selectmen shall assure . . . (a) protection of adjoining districts against seriously detrimental or offensive uses on the site."

A filling station, in my opinion, is seriously detrimental and offensive adjacent to the historic district. I humbly request that the Board of Selectmen and the Planning Board exercise their responsibility to the public by rejecting the request for approval of a filling station on this site.

Sincerely yours,

Ernest C. Bauder

ECB/ed

COPY

April 3, 1964

Mr. Edward Kreitsek, Chairman
Board of Selectmen
Sudbury, Mass.

Dear Sir,

Please let the record show that I am opposed to the location of the Sunoco Gas Station on the present site of Young's Store and the Spiller property. In fact, I am opposed to any type of business in the area of Sudbury Center.

I feel that business of any type belongs on the Post Road and not in the Historic Center. It is a pleasant sight to see the Town Hall, Churches and the Green untouched by modern progress.

I also feel that the traffic situation on Peakham and Hudson Roads is bad enough without adding more.

A copy of this letter will be sent to the Planning Board.

Respectfully yours,

/s/ Owen C. Roessley
559 Peakham Road
Sudbury, Mass.



TOWN OF SUDBURY

Planning Board

Sudbury, Mass.

May 27, 1964

Board of Selectmen
Town Hall
Sudbury, Massachusetts

Gentlemen:

1. Application before Selectmen is, in effect, an application to establish a gasoline filling station on Spiller-Krause land, in vicinity of Sudbury Center.
2. This land is located adjacent to the Historic District, within sight of the Town Green, the First Parish Church, and the Town Hall. Its presence in this area would be unsightly and out of keeping with the civic, historic, residential and religious character of the district. In the words of our Zoning By-Law, Section 1 (E) (6) (a), page 39 of the current edition, it would be impossible to protect "adjoining districts against seriously detrimental or offensive uses on the site".
3. Removal of several 22-inch trees is contemplated; this would do further violence to the character of the center which the Town is attempting to preserve.
4. If the gasoline storage permit is granted, and the station is to be established, then on this site, it would be impossible to conform with front-yard and setback requirements. Thus, a variance for this non-conforming use would be necessary; by granting this application, the Selectmen would be contributing to this non-conformity.

For all of these reasons, it is the unanimous opinion of the Planning Board that this application be denied.

Very truly yours,

SUDBURY PLANNING BOARD

Richard F. Brooks, Chairman

RFB:be