

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of James E. Lee

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 8:20 p.m. on July 31, 1963 on the appeal of James E. Lee from the refusal of the Inspector of Buildings to issue a permit to him to construct a public garage on Prescott Street at the rear of his property at 366 Washington Street. The reason for such refusal is that said building would violate Section XIX of the Zoning By-law which requires a thirty-foot front yard, and Chapter IV, Section 1, of the Building Code which requires that all buildings shall be placed at least thirty feet from the side line of any public or private street. Said appeal is made under the provisions of Chapter 40A, Section 15, of the General Laws.

Thomas J. Carens, Attorney, represented the appellant at the hearing.

John J. Mahaney, Attorney, represented Leo J. and Elsie K. Rourke, 16 Prescott Street and favored the granting of the request.

Irving M. Davis, Attorney, representing Babson Reports, Inc., 17 Prescott Street, Earl Smith, Executive of Babson Reports, Inc. and Alfred A. Fraser, 330 Washington Street, all opposed the granting of the appeal. In their opinion the appellant needs more space than is provided on the lot involved; the proposed metal building would prove detrimental to the neighborhood, and to allow the proposed building to be built closer to the street than the required setback, would add to the existing traffic congestion now on Prescott Street.

The Planning Board opposed the granting of the appeal in its report.

On July 15, 1963, the Inspector of Buildings notified the appellant in writing that a permit for the proposed garage could not be granted for the above-mentioned reasons and on the same date the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved which contains approximately 17,883 square feet, is located within a Business District and abuts the old Cochituate Aqueduct now owned by the Town of Wellesley.

The appellant seeks a variance under General Laws Chapter 40A, Section 15, paragraph 3, which will permit him to construct a garage 70' x 134', within 20.8' from the side line of Prescott Street rather than the required thirty feet. The appellant's lessee is a Chevrolet dealer. It now occupies a garage building on a parcel of land containing 15,650 square feet on the corner of Washington and Prescott Streets. The present building contains show rooms, offices and a service area and is located approximately, if not exactly,

on the side line of Prescott Street. In addition the lessee uses Town of Wellesley land, formerly the Cochituate Aqueduct, adjacent to, and to the rear of, the parcel above referred to on which the present garage building stands and the parcel on which it now seeks authority to build a new building. The rear of Washington Street parcel, the Town of Wellesley land and the parcel on which it is now proposed to build are now vacant and used for open air storage of new and used automobiles.

The lessee is sorely in need of additional building space to meet the minimum required to provide the standard of service required of its dealers by the Chevrolet Division of General Motors which the lessee represents. The appellant is unable to acquire title to, or permission to build on, the Town of Wellesley land which separates the appellant's two parcels and therefore seeks a variance which would permit construction of the needed building closer to Prescott Street than would otherwise be permissible and thus to make possible a substantially larger building than would otherwise be practical.

Prescott Street is now often so congested by cars belonging to the appellant's lessee, its employees or its customers, parked on both sides that it is difficult for a car to pass. The appellant has made no proposal to avoid aggravating the already unsatisfactory traffic condition on Prescott Street by the displacement of the cars now parked on the land on which it is proposed to build.

Decision

Messrs. Fraser and Hoag are unable to find any condition especially affecting the parcel in question and not affecting generally the Zoning district owing to which a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship. The only conditions which prevent the appellant from building as large a building as he needs in compliance with the by-law is the size and shape of the lot. These are not conditions of the sort referred to in the Statute. Nor do they believe that the relief desired may be granted without substantial detriment to the traffic situation on Prescott Street and to the public good or without substantially derogating from the intent and purpose of the by-law which is to prevent congestion and maintain a minimum standard of open space and so to insure the safety and welfare of the public.

Mr. Lowell disagrees. He would grant the variance requested.

The appeal is dismissed.

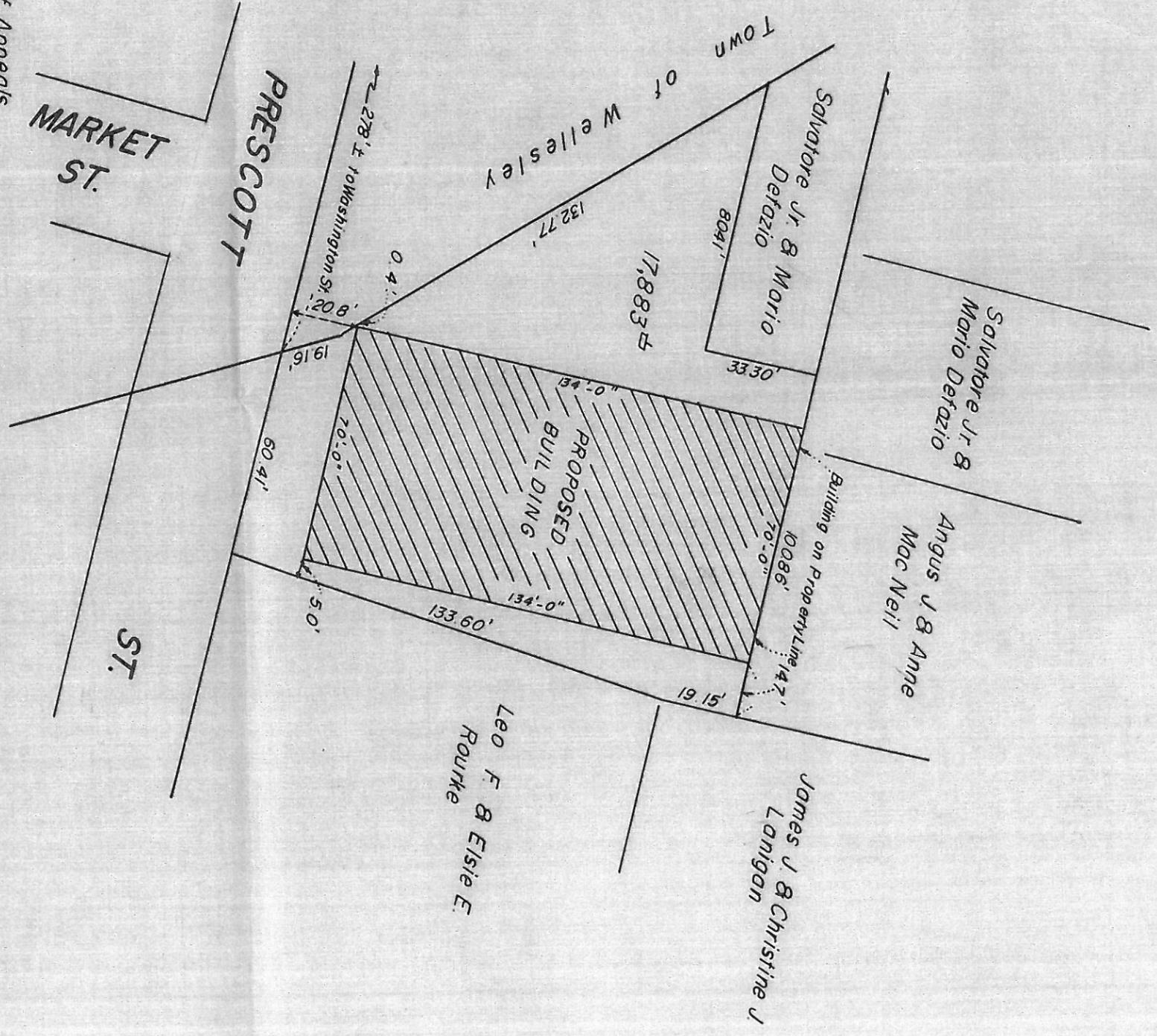
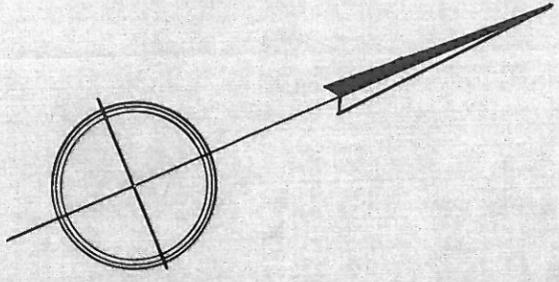
Garrett S. Hoag
Garrett S. Hoag

F. Lester Fraser
F. Lester Fraser

Lana T. Lowell
Lana T. Lowell

RECEIVED
TOWN CLERK'S OFFICE
MAY 11 1933
CIVIL ENGINEER

Filed with Town Clerk _____



Approved by:
Wellesley Board of Appeals

Date: _____

Plan of Land in Wellesley, Mass.

(Showing Location of Proposed Building)

Scale: 1" = 40'

July 23, 1963

Plan by:

MacCarthy Engineering Service Inc. Natick, Mass.
Nashoba Survey Co. Inc. Marlborough, Mass.

