



## BOARD OF APPEAL

GARRETT S. HOAG  
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KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of Wellesley Inn, Inc.

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 8:05 p.m. on December 18, 1963, on the petition of Wellesley Inn, Inc. requesting permission under the provisions of Section XI, 11, and other applicable provisions of the Zoning By-law and Building Code, to construct an addition to the Wellesley Inn at 576 Washington Street, Wellesley.

Irving P. Gramkow, attorney, represented the petitioner at the hearing.

The following persons appeared at the hearing and spoke in favor of the request: Clarence Holman, Tr., Estate of Charles Holman, 579 Washington Street, Frank Waterman, Joseph S. Waterman Sons, Inc., 592 Washington Street, Mrs. Martin Lauter and Mrs. Horn, 594 Washington Street.

Letters favoring the request were received from the following: Edmund R. Dewing, President, Dana Hall Schools, Louis C. Toppan, Associate Minister, Wellesley Congregational Church, Wellesley, and Charles J. McCullough, 59 Leighton Road.

The Planning Board offered no objection to the granting of the request in its report.

On November 29, 1963, the petitioner filed its petition with this Board and thereafter due notice of the hearing was given by mailing and publication.

Decision

The property involved is located within a Business District and the Wellesley Inn and Annex are now located on it.

At the hearing reference to Sections XVIII C 2 (area) and XX (height) of the Zoning By-law was made but no questions under these or other sections of the By-law were properly raised by the petition. As a consequence the public had not been given notice that such questions were to be considered. The petition, it is true, after making specific reference to Section XI, 11, continued "and other provisions of the Zoning By-law and Building Code." But such a provision is meaningless. It notifies neither this Board nor the public what exceptions, permissions or variances are being asked for or to be considered at the hearing.

The sole question raised by the petition was whether this Board would exercise its authority under paragraph 11 of Section XI of the Zoning By-law to grant permission for the construction of the proposed addition to the existing Wellesley Inn.

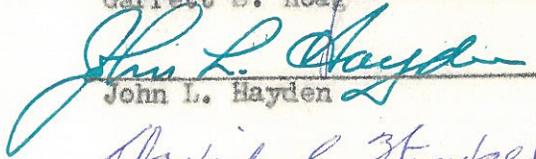
Section XI expressly provides that in a Business District, such as is here involved, a building or structure may be constructed or used, and land

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may be used for a "hotel" or "inn". In spite of this express provision the petitioner seeks our permission to build the proposed addition to its existing inn under a paragraph of that section which authorizes us to grant permission under certain circumstances for any "additional" use which we find similar to one or more of the uses specifically authorized. The proposed use is not such an "additional" use. It is a specifically authorized use for which no permission of this Board is required.

The petitioner may therefore build the proposed addition provided it complies in all respects (other than the proposed use which we here find does comply) with the Wellesley Zoning By-laws, Building Code, Health and Police regulations and with all applicable State regulations and statutes.

  
Garrett S. Hoag

  
John L. Hayden

  
David C. Wiswall

Filed with Town Clerk \_\_\_\_\_

1981 MAR 13 PM 5:50

REGISTERED MAIL