



BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Henry J. and Mary E. Burke

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 8:40 p.m. on May 19, 1966, on the petition of Henry J. and Mary E. Burke, requesting a variance which would allow them to construct an addition on the side of their dwelling at 56 Washington Street to enlarge the facilities of the existing funeral home on the premises. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On April 22, 1966, the petitioners filed with this Board their request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioners at the hearing.

A number of persons spoke in favor of granting the request at the hearing.

A petition favoring the request was submitted which was signed by 186 persons.

The Planning Board in its report stated that it felt additional parking space should be provided by the appellant as the additional space is likely to generate a need for same.

Statement of Facts

The property involved is a large old seventeen-room house located on the southeast corner of the intersection of Crescent and Washington Streets in a single-residence district. On the east it is adjacent to a large antique establishment, directly across Washington Street, a heavily traveled through highway, is a block of three stores, and across Crescent Street is a non-conforming three-family dwelling, operating under a special permit granted by this Board. The petitioners have been operating a funeral home in the building involved under special permits granted by this Board since 1953. They now seek permission to construct a one-story addition 17' x 30'6" on the easterly side of the building in order to provide an additional visiting parlor. It was pointed out that the present facilities are unsuitable to properly accommodate the persons visiting when the petitioners are handling two funerals at one time. There is a living room on one side which accommodates thirty-six people and there is also a small room on the other side which holds only twelve people. The proposed addition, if built, will provide sufficient space for visitors in a more suitable and adequate manner. It was further stated that the proposed addition will not reduce the existing parking space, and that adequate space will be maintained for parking purposes. The existing situation requires relief which the petitioners feel can be granted under the provisions of Chapter 40A, Section 15, of the General Laws. No evidence was presented of

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there having been any parking or other problems in this area incidental to operation of this funeral parlor.

A plot plan was submitted drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated June 30, 1966, which showed the existing building on the lot as well as the proposed addition, and the proposed parking area. Said plan showed the proposed addition to be 17' x 30'6" and located 21' from the lot line on the easterly side.

#### Decision

The Board has made a careful study of the facts and the plans submitted by the petitioners in this case. This Board has made the finding in its decisions granting permission to the petitioners to use the building involved as a funeral home, that owing to its size and location on a heavily traveled thoroughway with commercial activities presently being carried on in the vicinity, conditions affecting the premises involved but not affecting generally the zoning district in which it is located, a literal enforcement of limitations imposed on property within a single-residence district would involve substantial hardship to the petitioner, and that relief could be granted without detriment to the public good and without derogating from the intent or purpose of the Zoning By-law. The house is not suited to single-family residence occupancy and it is unlikely that it will ever revert to such use. It is the opinion of this Board that the petitioners should be allowed to provide sufficient space for those attending visiting hours at the funeral home and unless the requested permission is granted to construct the desired addition, this cannot be accomplished. The Board concludes there will be suitable parking available even though it feels that the parking availability must realistically be regarded as somewhat less than as shown in petitioners' plan.

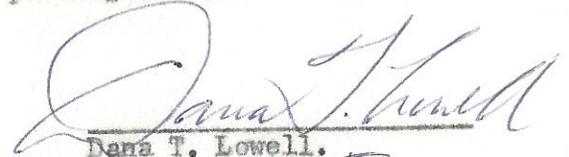
It is, therefore, the unanimous opinion of this Board that the requested permission can be granted under the provisions of Chapter 40A, Section 15, of the General Laws, and authorized the Inspector of Buildings to issue a permit for the proposed addition in accordance with the plan submitted and subject to the following conditions:

1. That a parking space to accommodate at least thirty-six cars as shown on the plan submitted shall be provided
2. That said parking space shall be hot-topped and lined substantially in accordance with the plan submitted, and said work to be completed prior to occupancy of the new addition.
3. That no further alterations or additions shall be made to the building involved unless and until permission is obtained from this Board.
4. That all work shall be performed in accordance with the requirements of the Zoning By-law, except for the permission herein granted, the Building Code, the requirements of the Department of Public Safety, if any, as well as all other laws affecting the proposed construction and use.

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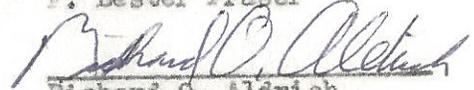
5. The Board reserves the right to make such rules and regulations as it deems appropriate with respect to the conduct of petitioners' business as it may affect the parking of cars in the vicinity.



Dana T. Lowell.



F. Lester Fraser

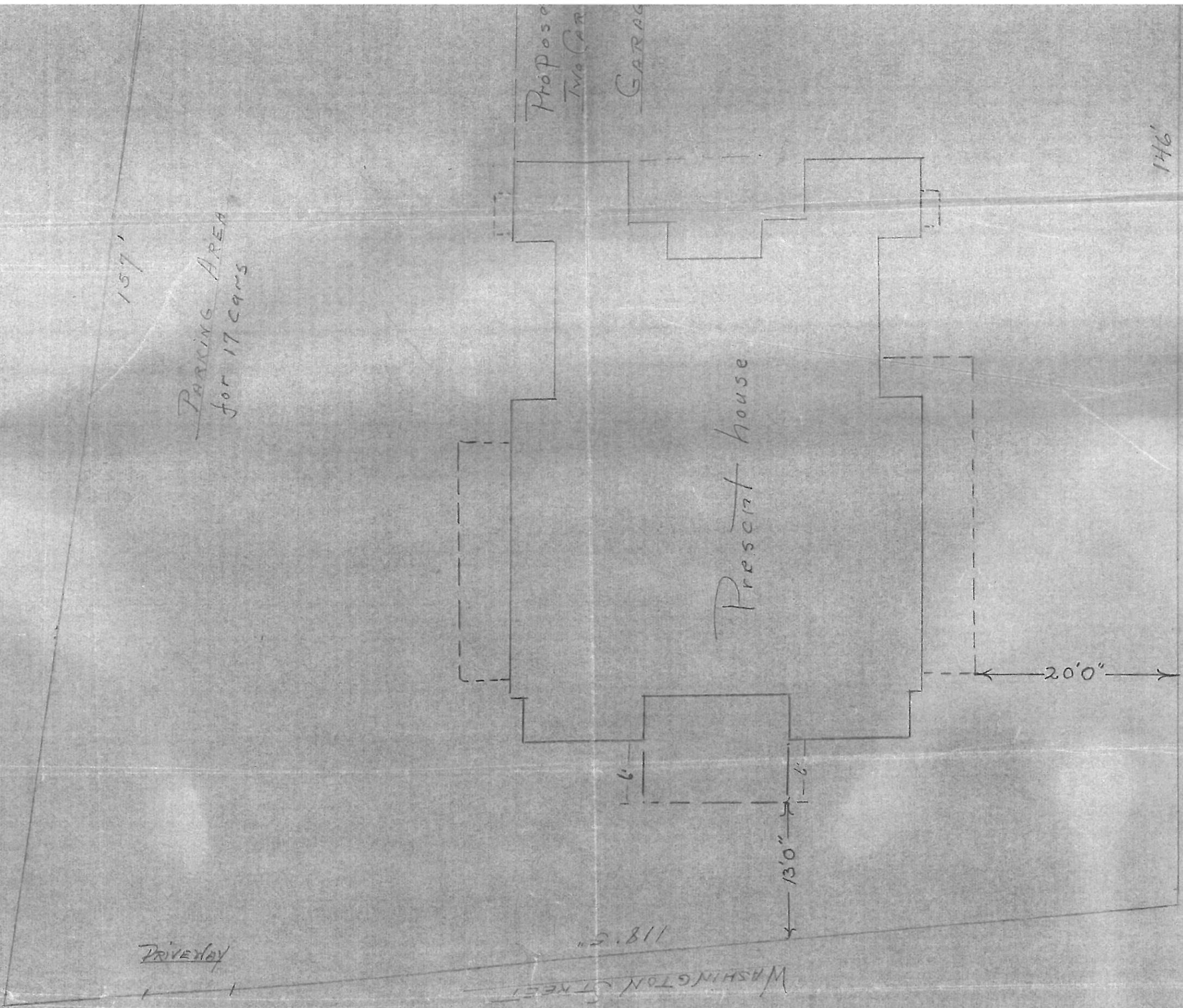


Richard O. Aldrich

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

1888 SEP 30 PM 5 : 25

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157'

PARKING AREA  
for 17 CARS

Proposed  
Two Car  
GARAGE

Present house

146'

Crescent Street

DRIVEWAY

118.5'

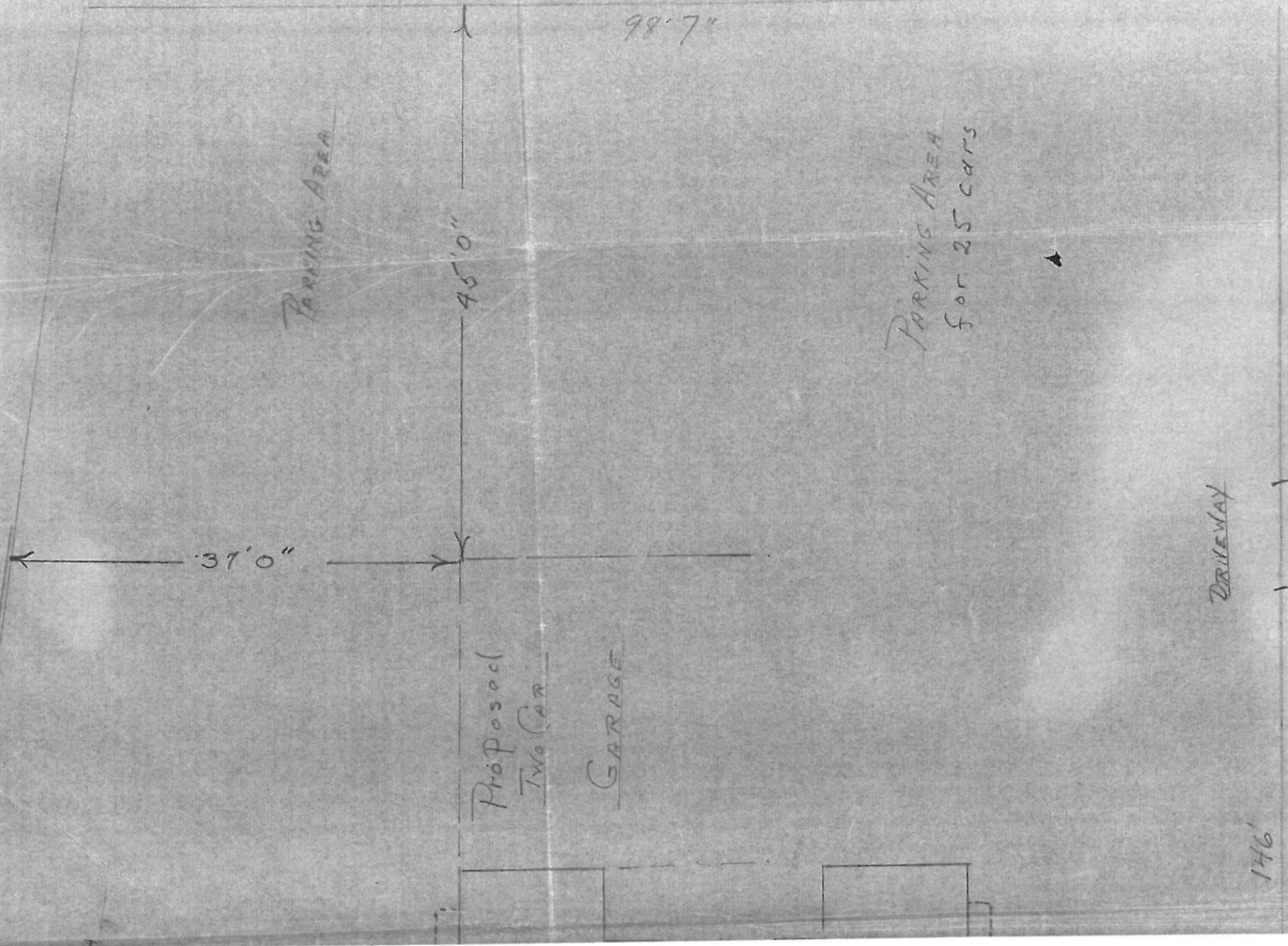
WASHINGTON STREET

6'

13'0"

6'

20'0"



PARKING AREA

PARKING AREA  
for 25 cars

Proposed  
Two Car  
GARAGE

DRIVEWAY

146'

feet

98' 7"

45' 0"

37' 0"

Plan of Land  
Scale 1" = 10'  
Area 16,573

Owner

Henry J. Burke