

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Gordon E. Miller and Ann E. Miller

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 8:45 p.m. on May 19, 1966, on the petition of Gordon E. Miller and Ann E. Miller, requesting an extension of a business use a distance of fifty feet across the zoning boundary line between the Business District and the Single-residence District over property owned by them at 192 Worcester Street. Said extension to be bounded northerly by the existing Business District and to extend fifty feet southerly therefrom as shown on a plan on file with the Board of Appeal. Said request was made under the provisions of Section XXIV E-2 of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

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

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

Duff MacKay, 194 Worcester Street, spoke in opposition to the granting of the request at the hearing. He stated that the petitioners have been parking trucks on residential property illegally which he felt was detrimental to his property.

James R. Sheehan, 168 Cedar Street, likewise opposed the granting of the request. He stated that the oil trucks which have been parked illegally on the petitioners' property have proved detrimental to the neighborhood, and any further extension of business will create further annoyance to the neighborhood.

Michael and Helena R. Litz, 148 Cedar Street, spoke in favor of granting the request.

Statement of Facts

The property involved is on the southerly side of Worcester Street (Route 9) and is located partly within a Business District and partly within a Single-residence District.

There is an existing office building on the business-zoned portion of the property which is occupied by eight tenants. The employees of the building require parking space for twenty-six cars which leaves little, if any space for customers. The customers now occasionally park their cars on the property involved which is zoned for residential purposes and this creates a problem for the petitioners. There is also an existing garage on the property, half of which lies within the Business District and half within the Residential District. For these reasons, the petitioners seek a fifty-foot extension of a business use across the zoning boundary line, which, if granted, would provide

1966 SEP 20
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an additional parking area and would include the entire garage within a business zone.

It was stated at the hearing that it was not the intention of the petitioners to enlarge the office building in the immediate future, but subsequently they went on record by letter that there might be some time in the future when it would be desirable to make some extension to the building, perhaps for storage purposes for existing tenants, or to erect more garages.

A plot plan, drawn by Gleason Engineering Company, dated April 15, 1966, was submitted which showed the lot involved with the buildings thereon and the existing Business District line as well as the proposed fifty-foot extension.

Decision

Section XXIV E-2 of the Zoning By-law provides that this Board may give permission in a specific case for the extension of a use across a district boundary line not more than fifty feet into a district where such a use across the boundary line is reasonably necessary and will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

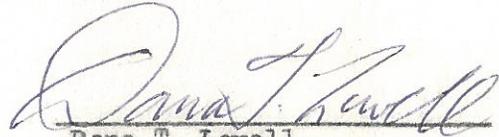
The Board has given the matter careful consideration and has taken a view of the locus. The property is located on Route 9, a heavily traveled highway and is adjacent to business-zoned property on both sides for a depth of approximately 150'. It is the opinion of this Board that it will be advantageous to the Town as well as to the petitioners to extend the business use fifty feet. It will provide off-street parking for the petitioners' customers which might otherwise be parked on the ramp or illegally on residentially zoned property. There is one residence adjacent to the property on Worcester Street, but it is the opinion of this Board that the proposed extension should not prove detrimental or create any additional nuisance to that property owner as the proposed parking area would not be extended any closer to that property, but would be on the opposite side and in the rear. The area in question backs up to a high embankment which can serve as a boundary of the business use and as a buffer between it and the adjoining residential property. The garage is now being used in part for business purposes so it does not appear to this Board that to allow the remaining portion of it to be used for business purposes, with restrictions, would prove detrimental to any degree. The Board also finds that such extension is reasonably necessary and that such use of the property will not reduce the value of surrounding properties nor otherwise injure the neighborhood.

Accordingly, the requested permission is granted and the specific business use above-mentioned is extended a distance of fifty feet as shown on the plan submitted and on file with this Board subject to the following conditions:

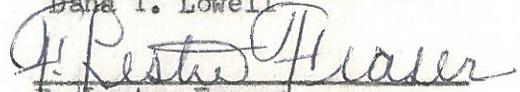
1. That the area extended by this permit shall be used for parking purposes only and only in connection with the petitioners' business or their tenants' businesses, and shall not be enlarged by any further excavation at the rear embankment.

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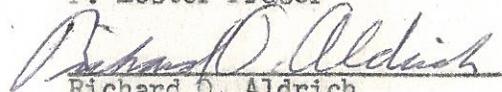
2. That the existing garage shall be used only for parking of motor vehicles used in connection with the petitioners' business, and that no other business shall be operated within the garage and no business use shall be made of petitioners' residential property to the rear of his driveway to Cedar Street.
3. That no additions shall be made to the existing office building or the existing garage without permission of this Board, nor any additional buildings.
4. This Board reserves the right to revoke this permission in its sole discretion.



Dana T. Lowell



F. Lester Fraser



Richard O. Aldrich

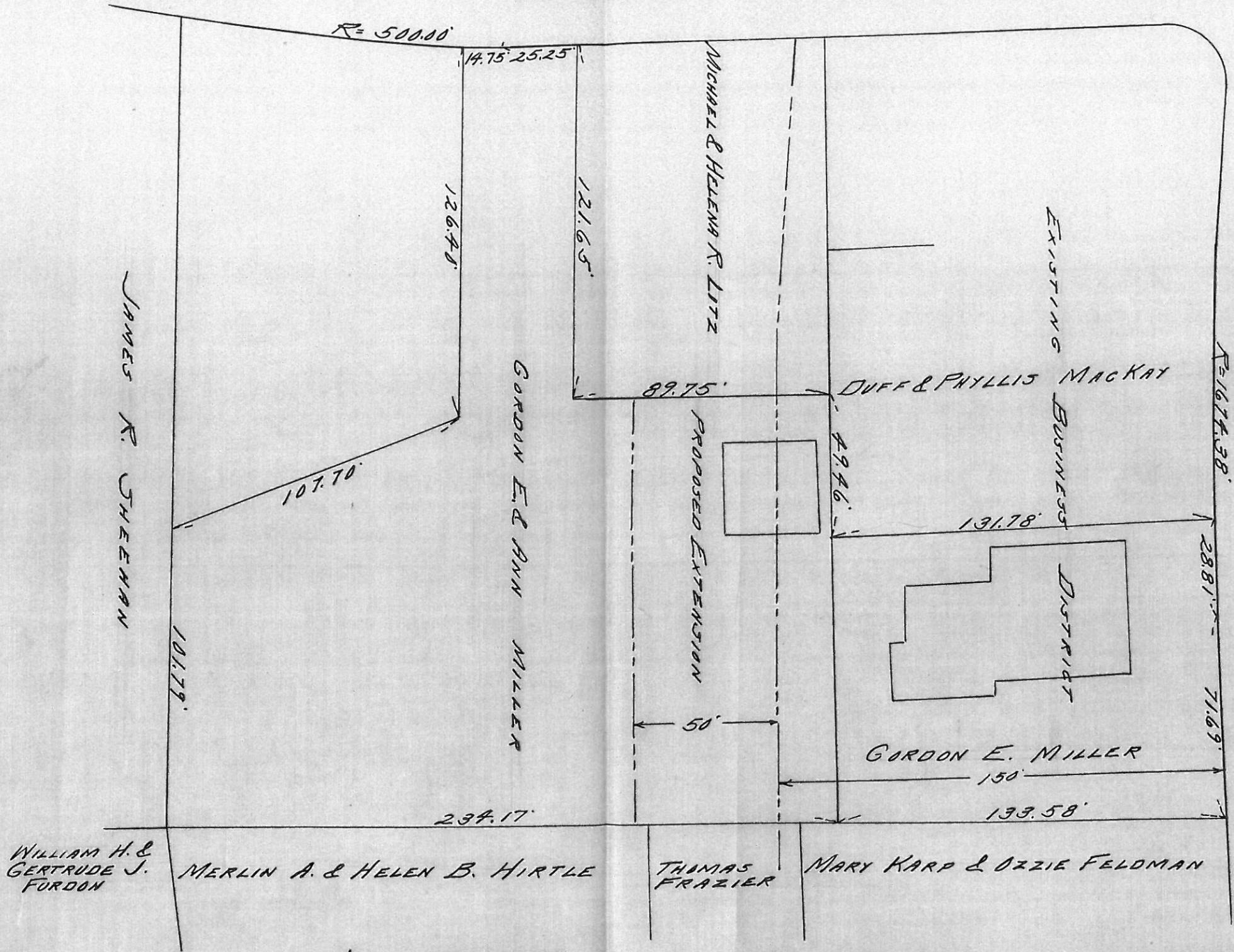
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CEDAR STREET

WORCESTER STREET



WELLESLEY, MASS.

SCALE 40 FEET TO AN INCH
APRIL 15, 1966.
GLEASON ENGINEERING COMPANY

PLAN OF LAND

