69-36

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of the Estate of Charles E. Holman

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 8:00 p.m. on June 26, 1969, on the petition of the Estate of Charles E. Holman, requesting a variance from the terms of Section II of the Zoning By-law of the Town of Wellesley which will allow the premises at 6 Abbott Street to be used for a driveway and for the purpose of parking cars incidental to the business being conducted in the block of stores at 579 Washington Street. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On June 6, 1969, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Summer H. Babcock, attorney, represented the petitioner at the hearing.

Mary B. Hiatt, speaking for the owner of the property at 5-7 Abbott Street, questioned where the driveway would be located and felt that it could cause a hazardous condition if it were located across from the driveway at 5 Abbott Street.

Statement of Facts

The lot involved, which contains 6,862 square feet, with a dwelling house thereon, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The house is over sixty years old and is unoccupied.

The petitioner proposes to demolish the dwelling which is badly in need of repair, and seeks permission to use part of the land as a parking area and part of it for a driveway exit. The parking area, if built, will be used by employees of the stores on the adjacent property and will accommodate approximately seven cars. The driveway will be used by customers and others doing business in the stores within the block on the adjacent property.

There is a parking lot on the adjoining property, owned by the petitioner, which has an entrance from Church Street and an exit onto Washington Street. It was stated at the hearing that the present exit is extremely dangerous, and if the requested permission is granted, it will be closed and all traffic will exit over the proposed driveway onto Abbott Street. Traffic on Abbott Street is one way and those entering Abbott Street from the parking area can travel in a northerly direction only toward the business district and cannot travel in the direction of the residential area.

It was alleged at the hearing that certain conditions affect this particular lot which do not affect the remaining lots in the area. It is smaller than some of the other lots on the street and practically the only remaining single-family dwelling. Most of the other houses are being

used legally or illegally either as rooming houses or multi-family dwellings. The house involved is in extreme need of repair and to restore it to a single-family dwelling, the only allowable use, would be impractical, in the opinion of the petitioner, as this could not be accomplished with reasonable expense. Moreover, the petitioner contends that to tear the house down and build a new single-family house would require the permission of the Board of Appeal. Therefore, it is the opinion of the petitioner, that the proposed use of the property would be better for the neighborhood than to allow it to remain in its present condition and that a literal enforcement of the by-law would involve substantial hardship to the petitioner.

A plot plan was submitted, drawn by Gleason Engineering Company, dated June 10, 1969, which showed the proposed parking area with the car spaces indicated and the location of the driveway exit.

Decision

The Board has given the petition careful consideration and has taken several views of the locus under varying traffic conditions. Although the lot involved is situated within a Single-residence District, it is diagonally across from a large public parking lot, within a very short distance from a Business District in which there is a large block of retail stores, and adjacent to the petitioner's block of stores and parking lot. The Board feels that by granting the requested permission, a dangerous traffic condition can be eliminated. The present exit onto Washington Street will be closed and a new one opened onto Abbott Street which, in the opinion of the Board, will be far less hazardous.

The Board further feels that to repair the house in its present condition would require an expenditure in excess of what one might be expected to spend to obtain a fair financial return from the property.

The remaining portion of the lot will provide space for off-street parking for employees' cars which, in the opinion of this Board, should improve the present parking in the petitioner's parking lot for customers who otherwise might have to park on the street.

For these reasons, therefore, the Board feels that a literal enforcement of the provisions of the By-law which prevents the desired permission, would involve a substantial hardship, financial or otherwise to the petitioner and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested permission is granted under the provisions of Chapter 40A, Section 15, of the General Laws, in accordance with the plans submitted and on file with this Board and subject to the following conditions:

1. That the parking area and driveway exit shall be blacktopped and lined in accordance with the plan submitted and on file with this Board.

2. That a fence, approved by the Board of Appeal, shall be erected and maintained along the southerly boundary line of the lot involved. Said fence to start at Abbott Street at a height of 3½' and to continue at said height a distance

Cont. 2. of twenty feet at which point it shall be increased gradually within a distance of five feet to a height of seven feet. Said fence shall continue to the rear boundary line at a height of seven feet.

3. That a surety performance bond running to the Town shall be provided in the amount of $5,000. in form satisfactory to Town Counsel and the Board of Appeal which shall be posted with the Treasurer of the Town of Wellesley before commencement of the work. Said bond shall be conditioned on the completion of the work in accordance herewith and the performance of all conditions hereof, and shall be signed by party or parties satisfactory to Town Counsel and this Board. The bond may be reduced to $1,000. upon completion of the work.

4. Use of the premises shall be subject to such regulations as the Board shall from time to time hereafter make or amend.

Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

TOWN OF WELLESLEY MASSACHUSETTS

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On written motion of the petitioner duly filed with this Board that the decision of the Board, filed with the Town Clerk on September 5, 1969, be amended in various respects and upon further consideration, the Board is of the opinion that the proposed amendment will not prejudice or be detrimental to the rights of the abuttors or of the public, and that the Board may amend its decision pursuant to condition 4. thereof, that:

> "4. Use of the premises shall be subject to such regulations as the Board shall from time to time hereafter make or amend."

The Board is further of the opinion that there is no longer any necessity for a security Bond since the work has been completed.

Accordingly said decision is hereby amended by eliminating the four conditions therein stated and substituting therefor the following:

1. That the parking area and driveway exit shall be blacktopped and lined.

2. That a fence approved by the Board of Appeal shall be erected and maintained along the southerly boundary line of the lot involved.

3. The use of the premises shall be subject to such regulations as the Board shall from time to time hereafter make or amend.

The Board further approves pursuant to condition #2, the chain link fence which has been erected on the premises.

Except as herein specifically provided said decision is hereby ratified and confirmed.

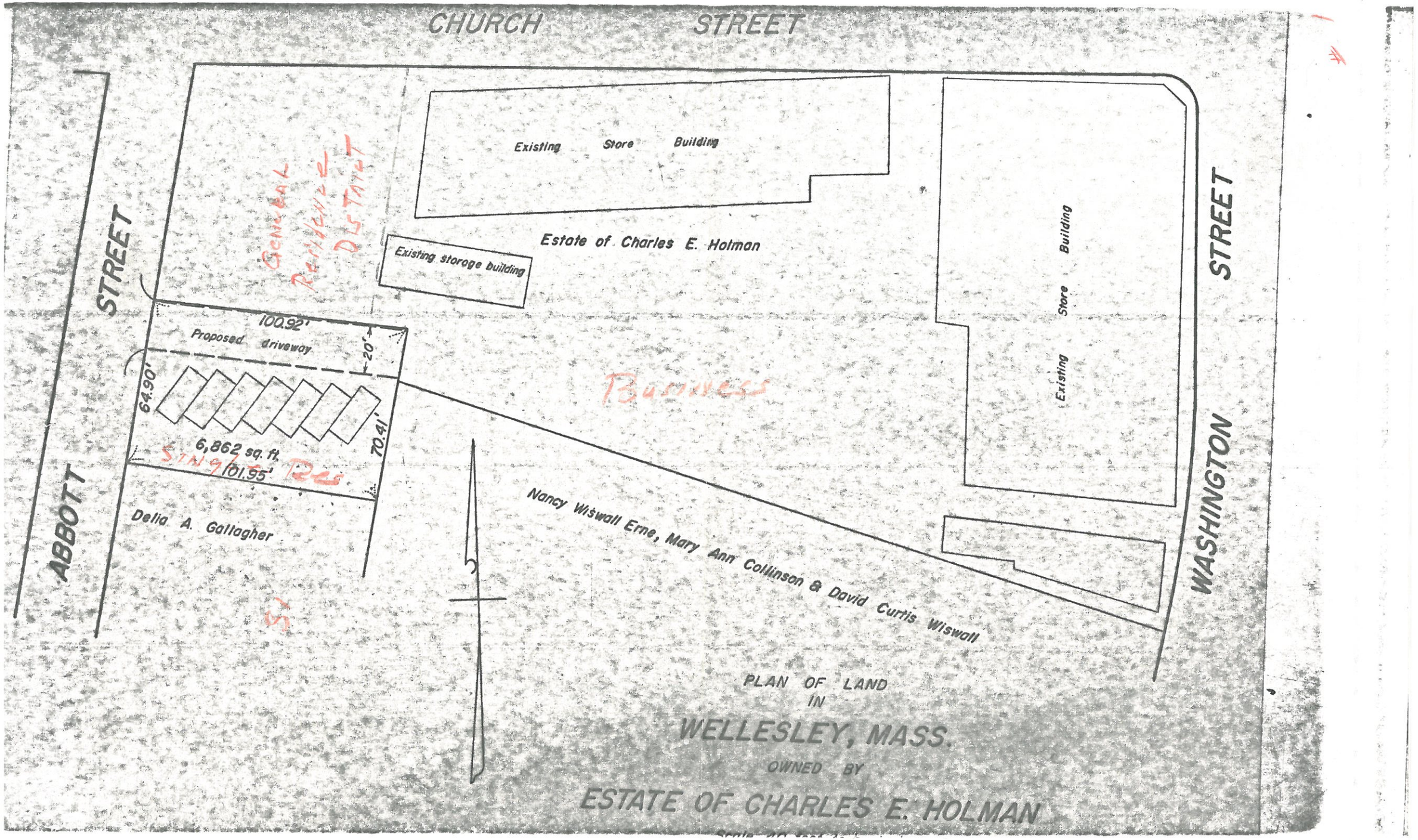
NOV 30 AM 10 30 AM '71
WELLESLEY, MASS.
TOWN CLERK, OFFICE
RECEIVED

Richard O. Aldrich
Richard O. Aldrich

Dana T. Lowell
Dana T. Lowell

F. Lester Fraser
F. Lester Fraser

Filed with Town Clerk _____


CHURCH STREET
ABBOTT STREET
WASHINGTON STREET
Existing Store Building
Estate of Charles E. Holman
Existing storage building
Existing Store Building
100.92'
Proposed driveway
20'
64.90'
70.41'
6,862 sq. ft.
101.55'
Delia A. Gallagher
Nancy Wiswall Erne, Mary Ann Collinson & David Curtis Wiswall
PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
ESTATE OF CHARLES E. HOLMAN