

69-45

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 Alan A. and Lynn Winslow

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 July 24, 1969, on the petition of Alan A. and Lynn Winslow, requesting permission to conduct a Classical Ballet School in a portion of their dwelling at 50 Woodlawn Avenue as provided under Section XXIV-E and Section II 8 (b) of the Zoning By-law.

On June 25, 1969, the petitioners filed their request for a hearing before the Board and thereafter due notice of the hearing was given by mailing and publication.

Alan A. Winslow spoke in support of the petition at the hearing. He emphasized the need for the ballet school, the type of facilities required and the qualifications of Mrs. Winslow as a classical and modern ballet instructor, and summarized the proposed schedule of the school relative to number of children and adult classes and possible number of cars which might be expected to come daily.

Approximately twenty-five persons spoke in favor of granting the petition. The majority had children in the classes now being conducted by Mrs. Winslow and felt that the new location would be most beneficial to their children and in no way detrimental to the neighborhood. None of these, however, were residents of the immediate neighborhood.

Ten letters favoring the request were also received from the following: Virginia Andlauer, 234 Bristol Road, Wilomena Allen and David Frederic Allen, 15 Chapel Place, Margaret S. Boles, 8 Inverness Road, Dr. Marguerite Bouvard, 6 Brookfield Circle, Paula Dunn and H. K. Chisholm, 6 Woodlawn Oval, Eleanor and Dan Evans, 31 Hodges Avenue, Frances B. Goodman, 26 Sagamore Road, Mrs. Donald G. Kennedy, 33 Wareland Road, Pattie H. and John P. Petrou, 68 Washburn Avenue and Ruth L. Sattervaite, 8 Fuller Road.

Frank E. O'Donnell, 42 Woodlawn Avenue, spoke in opposition to the petition. Representing a number of nearby residents, he stated that they felt that there was no need for this type of business in a residential area, and that a variance in the Zoning By-law which will allow a Ballet School, will change the character of the neighborhood and depreciate properties. He submitted a petition signed by thirty nearby residents opposing the request.

Eighteen residents, the majority of whom were from the immediate neighborhood, also spoke in opposition to the granting of the petition and letters were received from George F. III and Elizabeth B. Woodley, 49 Woodlawn Avenue and Maude B. Harding 2 Woodlawn Oval, setting forth their objections.

#### Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet, and the proposed use of the property is not one permitted unless an additional use under Section II-8 or a special permit under Section XXIV-E.1 of the Zoning By-law is granted by this Board.

MEETINGS  
MAY 21  
1952  
PLANNING  
COMMISSION

The petition asks for permission to conduct a ballet school in the petitioners' home. It was alleged at the hearing that this request is being made because of the lack of suitable available facilities elsewhere in the community. Mrs. Winslow has taught modern ballet in Wellesley for the past four years in the Legion Home and has found that the hall there is not adequate and it is therefore necessary to find a larger room unobstructed with a smooth floor and space for a large mirror. There have been several rental increases over the period Mrs. Winslow has used the Legion's facilities. Considerable search has been made for a suitable location.

During the last year the petitioners have purchased the property involved and have constructed or are in the process of constructing a large addition at the rear which can provide the proper size room as well as a dressing room and lavatory. Ample parking space can be provided for approximately a dozen cars, though it was alleged that very few cars would be parked there at any one time as most of the children would be coming in car pools. No representation was made, however, that the "car pool" concept would apply to approximately fifty adults taking ballet lessons or attending exercise classes.

Classes would be held primarily after school, in the afternoon until 6:00 p.m. for the children, with classes Saturday morning and occasionally Saturday afternoon. Adult classes, at least some of which would apparently be of a group exercise or calisthenic variety, would be held in mid-morning on weekdays and up until 9:00 p.m. not more than two weekday evenings. The two terms would coincide with the public school schedule with an abbreviated mid-week schedule in an eight-week summer session. The

proposed facility is fully insulated so that there should be no noise audible outside the house.

It was alleged that unless the requested permission is granted hardship will result by the lack of suitable available facilities and the children will be deprived of a cultural background in the performing arts.

#### Decision

Mr. Lowell and Mr. Cahill believe that the petitioners might properly be granted a permit under Section XXIV-E.1, subject to such appropriate conditions and limitations with respect to the petitioners' ballet school and other associated operations as would insure an adequate review of the situation on the basis of actual experience, including the effect on persons, property and conditions, including traffic, in the neighborhood, before consideration was given to the grant of any subsequent temporary permit or of permission for an additional use.

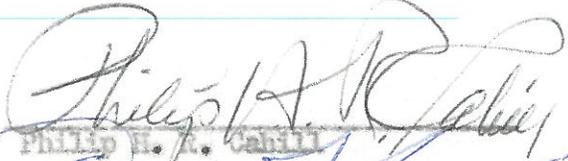
Mr. Fraser does not agree as to the appropriateness of a permit under Section XXIV-E.1. In his opinion a case cannot properly be made for the existence of a "real need" for the grant of a temporary permit for a non-conforming use for a period of not more than one year, when there is no indication that at the end of the period for which the temporary permit would remain in force, the petitioners' need would have terminated and indeed, the contrary would seem to be suggested. Further, Mr. Fraser would not be prepared to join in a finding that permitting the petitioned for use on a temporary basis would not have an adverse effect on property values or otherwise injure the neighborhood.

In the absence of agreement of all the members of the Board on the granting of a temporary permit, it cannot be granted.

With respect to the permission for an additional use, sought under the provisions of Section II-8, the Board was not able, on consideration of the matter stated in the petition, the statements and evidence offered at the public hearing and the investigation required by the provisions of Section XXIV-D, to make a finding "that the proposed use will not substantially reduce the value of any property within the district, and will not otherwise be injurious, obnoxious or offensive to the neighborhood."

There are not presently any activities of this nature being conducted in the neighborhood, and in the opinion of the Board the proximity of the petitioners' property and that of other neighboring property owners to the town's Public Works Department property and to several areas off Washington Street whereon activities of a community service nature are being conducted is not a sufficient justification for the Board to permit the addition of a business use which appears to be not entirely educational in character.

The petition must therefore be denied.

  
Philip H. Cahill  
  
Dana T. Lovell  
  
F. Lester Fraser

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