

69-77

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

RECEIVED  
TOWN CLERK  
WELLESLEY MASS.  
EM:01 WA 11  
KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of The Grove Street Trust

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 8:35 p.m. on December 4, 1969, on the petition of The Grove Street Trust, requesting a variance from the terms of Section VII. of the Zoning By-law. Said variance would allow the petitioner to use a portion of the premises at 40 Grove Street, within an Educational District, as a walkway in connection with the business to be performed in the building now under construction on the property and located within a Business District. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On November 17, 1969, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Edward O. Proctor, Jr., attorney, represented the petitioner at the hearing.

Statement of Facts

The property involved which contains approximately 50,000 square feet, is rectangular in shape and fronts on Spring Street. It is within a Business District to a depth of approximately 96.75' with the remainder of the land within an Educational District.

The petitioner seeks permission to use a portion of the premises in the rear, within an Educational District, as a walkway, as shown on the plan submitted and on file. Said walkway would be used in connection with the business to be performed in the building now under construction on the portion of the land within the Business District.

It was alleged at the hearing that owing to conditions especially affecting such parcel, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of Section VII of the Zoning By-law would involve a substantial hardship to the petitioners. The property is so situated that it would be a detriment to the public good if an access walk could not be provided from Grove Street to the proposed building.

Decision

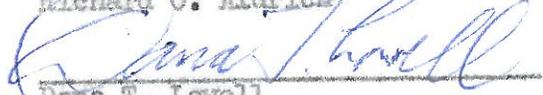
The Board has examined the plans submitted and the locus. In its opinion the proposed walkway, although within an Educational District, will not prove detrimental to the neighborhood and a substantial hardship will result to the petitioners if the requested permission is not granted. The Board, therefore, finds the criteria required under the provisions of Chapter 40A, Section 15, of the General Laws, to grant a variance which will

allow the petitioners to use the walkway as shown on the plan submitted and on file with this Board, as an access to the building and in connection with the business to be performed in the building now under construction on the property located within a Business District.

Accordingly, the variance is granted under the provisions of Chapter 40A, Section 15, of the General Laws subject to the following conditions:

1. That the proposed walkway shall be installed as shown on the plan submitted and on file with this Board.

  
 Richard O. Aldrich

  
 Dana T. Lowell

  
 F. Lester Fraser

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

JALD HWS TS WI JO : VS  
 METCALFE, WEE  
 TOWN OFFICIALS OFFICE  
 SEP 17 1968

Scale 20' = 1"  
 4 Sept. 1969  
 S. Albert Kaufman P.L.S.  
 #255

