

TOWN OF WELLESLEY



MASSACHUSETTS

SHERMAN J. L. BROWN  
JOHN L. HAYDEN  
GARRETT S. HOAG

BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of Roderick H. MacKinnon

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:25 p.m. on November 24, 1958 on the petition of Roderick H. MacKinnon requesting an extension of the Business Zone on the westerly side of his property at 870 Worcester Street; said extension to continue westerly across the present established boundary line of the Business Zone into a more restricted zone a distance of fifty feet, starting at Worcester Street and continuing southerly approximately one hundred and fifty feet, as provided under Section 7-D of the Zoning By-law.

Statement of Facts

On November 10, 1958 the petitioner filed his request for the above-mentioned permission and thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner stated that the parcel of land involved is located within a single-residence zone; cars incidental to the automobile service business operated on the property adjacent to the easterly boundary of the requested extension are frequently parked on the locus in violation of the Zoning By-law; in his opinion, the desired extension of the business zone should not prove detrimental to the neighborhood in any way. A plot plan drawn by James P. Dunne, C. E., dated November 15, 1958 was submitted which showed that the service station now at the locus extends approximately four feet over the existing boundary line of the Business Zone into what is presently a Single Residence District.

The following persons appeared and spoke in favor of granting the requested permission: George Colby, 12 Fells Circle, William Hole, 20 Fells Circle, Joseph Grifnaffini, 16 Fells Circle, John Cunniff, 26 Fells Road, Joseph Quinn, 33 Russell Road, and Henry L. Peek, 11 Fells Road. Lawrence E. Bunker, Trustee of the Wellesley Library also favored the petition.

A letter favoring the granting of the requested extension was received from Brycie B. and Vincent T. Kavanaugh, 8 Fells Circle.

The following persons appeared and spoke in opposition to the request: Elmer C. Park, 15 Russell Road, Mrs. Emory Ireland, 38 Bay View Road, George Reynolds, 17 Russell Road, Norman Lockwood, 37 Russell Road, Janice Connor, 12 Fells Road, Frederic P. Maier, 6 Fells Road, Ells Terrio, 21 Russell Road, Gladys Smith, 1 Shadow Lane, Joseph Veazie, 11 Shadow Lane, and Talbot F. Hamlin, 2 Shadow Lane.

Letters opposing the granting of the requested change were received from: Wilford H. Hooper, 7 Shadow Lane, Raymond H. Wheeler, 11 Shadow Lane and Donald W. White, 10 Shadow Lane.

Conclusion

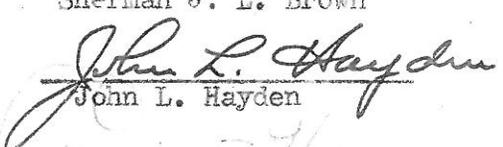
By its terms this petition requests us to extend the area on the southwesterly corner of the intersection of Weston Road and Worcester Street, which is zoned for business, a distance of fifty feet to the west and to a depth of 150 feet southerly from Worcester Street under the provisions of Section 7-D of the Zoning By-law.

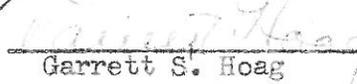
This Board has no power to extend or otherwise change the boundary lines of any Zoning District. Section 7-D of the Zoning By-law does, however, authorize it to "give permission in a specific case for the extension or moving of a ... use across a boundary line into a district where such ... use is not authorized" under specific conditions. It is assumed, therefore, that the petition may be construed as a petition for permission to extend the use as an automobile service station to the westward over the boundary line of the business district a distance of fifty feet. We cannot, however, find that the need of parking space is such as to make the requested extension "reasonably necessary." Moreover, we find that if the requested permission was granted it would substantially reduce the value of the adjacent single residence as such and would injure the neighborhood.

Examination of the plan submitted shows that the bay of the existing service station which was constructed in 1955 extends into the residential district approximately four feet. This violation was a result of an error made in determining the proper location of the zone line. To require the petitioner to remove a section of the building would, in the opinion of this Board, result in manifest and unnecessary hardship.

Accordingly, permission for the extension of the use as an automobile service station across the existing westerly boundary of the business district to a line parallel with said boundary line and five feet to the west thereof and to the depth of the business district from Worcester Street at that point, is hereby granted.

Sherman J. L. Brown

  
John L. Hayden

  
Garrett S. Hoag

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

WORCESTER STREET

N 83° 56' 13" E  
111.29

LOT A  
12,010 Sq. Ft.  
LEASED TO SUNOCO

GASOLINE STATION

N 75° 58' 05" E  
183.03

GREENHOUSE

LOT B  
15,053 Sq. Ft.

GREENHOUSE

FRAME BUILDING

200.97  
S 83° 56' 13" W

BUSINESS ZONE LIMIT

RAMP TO WESTON ROAD

PROPOSED EXTENSION OF THE  
BUSINESS ZONE

N 6° 03' 47" W  
65.42

50

50



PLAN OF LAND  
IN  
**WELLESLEY, MASS**  
OWNED BY  
**RODERICK H. MACKINNON**  
SCALE 20 FEET TO AN INCH  
DEC 6 1957  
JAMES P. DUNNE, CIVIL ENGINEER

DATUM IS U.S.C. & G.S.S. M.S.L.  
BENCH MARK "ABAB12" IN  
WESTON ROAD OVERPASS @ EL. 168.10

PROPOSED EXTENSION OF THE  
BUSINESS ZONE PLOTTED NOV 6 1958

*J. P. Dunne*