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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 8:30 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 portion of the property at 40 Grove Street, within an Educational District, to be used as a parking area in connection with 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 said land located within the Educational District as a parking area in connection with the business to be performed in the building now under construction on the portion of the land within the Business District. The area involved has for a long time been used as a parking lot by the previous owner in connection with its educational use of the premises. Space for forty-five cars will be provided under the building under construction and fifty-one additional spaces can be provided outside if the requested permission is granted.

It is the stated opinion of the petitioner that the land involved is unique in that it is probably the only parcel of land in Wellesley having a 160' width and a depth of only 96 feet of its area within a business district.

It was alleged that while it is conveniently located with respect to the business of Wellesley Square, yet it is limited in its use by the size of its area zoned for business, the adjacent land in the Educational District and the existing development of the adjacent land in the Business District. To compel the petitioner to use a substantial part of the Business District portion of the premises for parking, in its opinion, would limit the building to a size which would not be economically feasible and would result in a real hardship.

A plot plan was submitted drawn by Albert Kaufmann, dated November 18, 1969, which showed the building on the lot as well as the proposed park-

ing area to be provided.

Decision

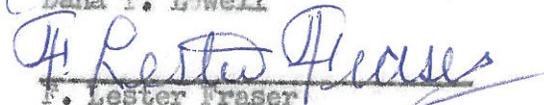
It is the opinion of this Board that the proposed use of the land involved is reasonably necessary and that a literal enforcement of the provisions of the By-law would, because of the conditions cited, involve substantial hardship to the petitioner. The Board feels that the relief requested can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law. For a number of years the area involved has been used as a parking area in connection with Dana Hall Schools, former owner of the property, and it is the opinion of this Board that the new ownership increases very substantially the need for off-street parking and such use of the property should alleviate to some extent the increased traffic congestion which will occur in the area as a result of the new building.

Accordingly, the requested permission is granted and the land involved may be used for off-street parking purposes in connection with the business to be performed in the building now under construction on the portion of the land within the Business District, subject to the following conditions:

1. That the land in the Educational District to which the petition refers and which is shown on the plan submitted and on file with this Board, may be used for the off-street parking of motor vehicles in connection with business to be conducted within the building on the portion of land in the Business District and is to be restricted to such use.
2. That all healthy existing trees shall remain and all trees removed shall be replaced to the satisfaction of this Board, now and in the future.
3. That all curb cuts and curbing shall be installed as designated by the Board of Public Works, along Cameron Street, Spring Street and Grove Street.
4. By its acceptance of the benefits of this variance, Petitioner shall be deemed to have agreed for itself its successors and assigns that they will furnish and install and maintain at their sole expense such natural or man-made screening of such parking area as the Board of Appeal shall from time to time request.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

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