

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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Petition of Charles W. Wood.

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 8:25 p.m. on May 15, 1975, on the petition of Charles W. Wood, requesting permission to use the basement of his dwelling at 140 Brook Street for clock repairing, as provided under Section XXIV-E of the Zoning By-law.

On April 8, 1975, the petitioner filed an application with this Board requesting a hearing and thereafter due notice of the hearing was given by mailing and publication.

Frederic G. Corneal, attorney for the petitioner, spoke in support of the request at the hearing.

Ann Booth, 11 Hawthorne Road, spoke in favor of the request. She stated as a member of the Friends, she would like to have the petitioner back in Wellesley and hoped the request would be granted.

Philip A. Wocker and Gerard J. Lapierre, 135 and 155 Brook Street, likewise spoke in favor of the request.

Letters favoring the request were received from: John M. P. Donovan and Argela L. Donovan, 143 Brook Street, Norman E. Hildreth, Jr., 3 Fuller Brook Road, Philip A. Wocker, St., 135 Brook Street, C. C. Rodis, 125 Brook Street, Susan Herrnstein, 126 Brook Street, Gerard J. Lapierre, 144 Brook Street, Robert C. Kyser, and Nancy A. Kyser, 131 Brook Street, John A. Tucker, 153 Brook Street and William R. Powers, 2nd, 2 Fuller Brook Road.

Henry J. Hajko, 134 Brook Street, opposed the granting of the request. In his opinion, such use of the property would create added traffic to a dangerous corner and would prove detrimental to the neighborhood. Such use of the property, he felt, could affect the natural flow of air due to the toxic materials which would likely be used in connection with the operation, and noise could result from devices which also would be used in the proposed operation.

Nicholas B. Soutter, attorney representing David Hills, who operates a clock shop in a business district in the Town, stated that he did not feel that a real need had been shown. In his opinion, the By-law involved, was designed to take care of an emergency case for a limited time, and that the petitioner's case does not appear to meet the criteria necessary. He further felt that there would be added traffic resulting from the proposed use of the property as well as added noise and interference with radios and televisions from the use of ultra sonic devices. He stated that his client's business is being operated on a marginal basis now and he felt that the petitioner should have to take a risk within a Business District and not be allowed to operate within a Residence District.

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Statement of Facts

The house involved is located within a Single-residence District, a district in which the desired use of the property is not permitted unless special permission is granted by the Board of Appeal.

The petitioner seeks permission to operate a low-volume business of repairing clocks in the basement of his house. It was stated that the petitioner and his family lived in the house involved from 1957 until 1970, when they moved to England. The petitioner had temporary employment there, but since the death of his wife recently, he desires to return to his home with his eleven-year old daughter.

The petitioner feels that it would be virtually impossible for him to find any type of suitable employment at this time here, and therefore, has trained to become a repairer of old clocks. He would like to try this for a period of not more than a year from his home and at that time open a shop in a business district, providing sufficient business is sustained. It is unlikely that this use of the property would generate any noticeable amount of additional traffic, it was stated, as the petitioner plans to make substantially all of the deliveries himself, to set up the clocks or hang them properly, and make certain that they are operating satisfactorily in the customers' homes. The operation involved, it was stated, is not the kind of activity to generate obnoxious smoke, noise, vibrations or fumes, or require the storage of dangerous chemicals, and therefore, should not be detrimental to the neighborhood.

Decision

The Board finds, from the evidence submitted, that there is a real need for the requested permission to be granted and that the non-conforming use of the property for a limited time will not reduce the value of any property within the district or otherwise injure the neighborhood. The petitioner has requested permission for a limited time in which to establish a clientele and if successful, he will relocate to a business district.

Accordingly, the request is granted under the provisions of Section XXIV-E of the Zoning By-law, subject to the following conditions:

1. That no cars shall be parked at any time on Brook Street, which are there in connection with this special permit.
2. That the business of repairing clocks may be operated solely by the petitioner.
3. That no signs shall be displayed at any time.
4. That said permission shall expire one year from this date or sooner if there is a breach of any of the conditions above mentioned.

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