



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF APPEAL

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Petition of the Town of Wellesley

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 8:20 p.m. on August 28, 1975, on the petition of the Town of Wellesley, requesting permission to continue to allow a private contractor to park sixteen school buses and one field office trailer on Town of Wellesley property at 455 Worcester Street, between the Highway Department Building and the parking area adjacent to the Electric Sub-station. Said request was made under the provisions of Section XXIV-B of the Zoning By-law.

On August 6, 1975, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Leo J. Hession, Town Counsel, represented the School Committee at the hearing.

Richard W. Barrick, General Manager of the Wellesley Falls Bus Lines, Inc., submitted a number of alleged violations against the Metropolitan Coach Service, Inc., the company busing the school children throughout Wellesley. He stated that during the past two years, there has been a misunderstanding as to the interpretation of a school-related trip and a charter trip, and suggested that a definite definition be made of a "charter" trip. He further stated that competitive bus companies cannot bid for charter trips with private groups in this area as long as Metropolitan Coach has the advantage of using buses parked on Town land. He further felt that there should be no exceptions made.

Thomas F. Lyndon, Assistant to the Superintendent of the School Department, stated that he had checked into the alleged violations of the bus company relative to condition No. 7, in the Board's decision which restricts the buses to be used solely for the transportation of Wellesley School children, and felt that there has been a misunderstanding on the part of the bus company as to the allowable uses of a school-related trip.

Warren Himmelberger, 387 Linden Street, stated that he felt the run made by the bus down Linden Street should be made on Washington Street.

Dexter Bolles, 32 Thomas Road, stated that he was concerned about the bus violations, and questioned if the School Committee asks to use the bus, if the restrictions will be adhered to 100%.

Statement of Facts

The property involved is located within a Single Residence District, a district in which the requested use of the property is not permitted under Section II of the Zoning By-law unless a variance is granted by the Board of Appeal

The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requested that the permit granted a year ago be renewed for another year. It is proposed to continue the operation in the same manner as last season, it was stated, with sixteen buses transporting the school children and one field office trailer on the property. Mr. Hession, Counsel for the Town, stated that in 1973, a number of the abutting property owners objected to the proposed use of the property, but to his knowledge, there have been no objections from the abutters during the past year as the use being disturbing to the neighborhood. He further pointed out the advantage to the Town of having the buses parked on its property. He did point out that there has been a misunderstanding as to the interpretation of condition No. 7, of the Board of Appeal decision which restricts the use of the buses solely for the transportation of Wellesley School children. From a purely technical point of view, he stated, there were a few possible violations, but he felt that the spirit of the condition was in no way violated. He explained that the Metropolitan Coach Service, Inc. furnished, free of charge, buses to the Wellesley Celebrations Committee for use in the annual Veterans Day parade and on another occasion a bus was made available, also free of charge, to the Director of Public Works for the purposes of transporting interested people to view prospective park land acquisition areas.

Decision

It is the opinion of the Board that the continued use of the property involved will provide for a need which still exists in the Town, and that the continued use for another year, if conducted properly, will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious or offensive to the neighborhood.

Accordingly, the requested permission is granted subject to the following conditions:

1. That not more than sixteen buses and one field office trailer shall be parked at any one time at the location involved, and as shown on the plan submitted and on file with this Board.
2. That said buses shall be in operation only during the hours stipulated and on file with this Board.
3. That all buses and drivers' personal vehicles shall use Route 9 to enter and exit and at no time shall the Woodlawn Avenue exit be used for any purpose.
4. That no repairs or maintenances shall be performed at the location involved except for the repair of a flat tire or similar minor emergency repair.
5. That all vehicles going west of the locus shall exit back of the Fire Station, and that all vehicles going east shall cross Route 9 at the customary crossing.
6. That the proposed operation shall be conducted in accordance with the requirements of the local and State Police Departments, the Wellesley Fire Department and all other concerned local and State agencies.
7. That the buses shall be used solely for the transportation of Wellesley School children.

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8. That if there is a violation of any one of the above-mentioned conditions, there shall be a fine imposed of one thousand dollars, (\$1,000.) to be paid to the Treasurer of the Town of Wellesley, for each violation.
9. That said permit shall expire one year from this date or sooner in the event of a breach of any of the above-mentioned conditions.

F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

Stanley J. Hod
Stanley J. Hod

Filed with Town Clerk _____

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