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ZONING BOARD OF APPEALS

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of Charles River Counseling Center, Inc.

Pursuant to due notice the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on January 18, 1979, on the petition of Charles River Counseling Center, requesting permission to operate an outpatient psychiatric clinic at the Charles River Hospital, 203 Grove Street. Said request was made under the provisions of Section XVII, Non-conforming Uses and Structures, and Section XXV of the Zoning By-law.

On December 28, 1978, the petitioner filed its request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Stanley M. Goldstein, Manager of the Community Care Center, Inc. represented the petitioner at the hearing and spoke in support of the request.

Frederick W. Haffenreffer, 244 Grove Street, expressed his concern about the operation of the clinic in the area and felt that the single-family homes should be protected.

Barbara Whitcomb, 260 Grove Street, expressed her concern about the parking conditions and felt that provision for more parking space is required under the current by-laws.

Scott Mohr, member of the Wellesley Monthly Meeting of Friends, stated that he was not opposed to the granting of the request.

A letter was also received from Anne C. Booth, in which she stated that the Wellesley Monthly Meeting of Friends wished to register its support to the petition.

A letter was received from Frances D. Fergusson, 107 Dover Road, in which she expressed concern about the possible increase in traffic which may result from the growth and diversification of the Hospital's services. She urged the Board to give careful scrutiny before granting the petition.

A letter was received from Frederick J. Thacher, General Director of the Charles River Hospital and Executive Director of the Charles River Counseling Center, in which he stated that due to a prior out of town commitment, he was unable to attend the hearing. He explained that he initiated the process which prompted the Charles River Counseling Center to open the outpatient department of the hospital which is a vital element in the provision of quality mental health care. He further stated, "It is important to note that outpatient services have been provided on the grounds of the hospital since before 1946. We do not anticipate a substantial increase in traffic and will not require any additional parking facilities."

The property involved is located within a single-residence District requiring a minimum lot area of 40,000 square feet. It contains approximately 11 acres on which there are several small buildings and one main building. Prior to the enactment of the Zoning By-law in 1925, Wiswall Sanatorium owned and operated its mental hospital in these buildings. During the past fifteen years, its ownership has changed, but it has continued to be operated as a hospital which treats mental patients, under a non-conforming use.

The petitioner now seeks a special permit to operate an out-patient counseling center at the hospital. It was stated at the hearing that as far as it can be determined, out-patient services have been provided at the hospital since at least the mid-1940's and probably earlier, but it cannot document the provision of these services in March of 1925, when the Zoning By-laws became effective.

It is the opinion of the petitioner that the use proposed will have no adverse effects on the area, as they have been in operation for many years. No additional parking facilities will be required and no traffic problems should be created.

The Center will provide out-patient psychiatric, psychological and counseling services to the residents of Wellesley and surrounding towns. The services will be provided by experienced professionals including psychiatrists, psychologists, and psychiatric social workers. It is estimated that there will be about eleven visits per day.

Clinic staff will continue to offer seminars on mental health and related issues to community residents, school and other town personnel, and it is felt that the granting of the request will provide the Town of Wellesley with an additional health resource which will be most beneficial.

#### Decision

This is a petition seeking a special permit to operate an out-patient psychiatric clinic at the Charles River Hospital. The Hospital has been operating at the location involved for approximately seventy-five years and since 1925 as a non-conforming use.

Section XVII. Non-conforming uses and structures provides in part,

"Except as hereinafter provided, this Zoning By-law or amendment hereto shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit granted before the first publication of notice of the public hearing on such Zoning By-law or amendment thereto as required by Section XXVI., but shall apply to any change or substantial extension of such use, to a building or special permit granted after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure. Pre-existing non-conforming

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structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Permit Granting Authority that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood."

The present owner of the premises is the Charles River Hospital, formerly known as the Wiswall Sanatorium. The Wiswall Sanatorium was an institution established for the in-house care and treatment of patients with psychiatric and mental ailments or disorders. It was in existence prior to 1925, and occupied and used the property and premises at 203 Grove Street when the Zoning By-law was adopted in 1925. The property and use is located in a single-residence district. The use, therefore, is non-conforming, and by virtue of its continued operation, this use may continue by the Charles River Hospital.

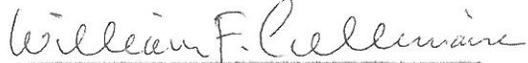
Although the office of General Director of the Hospital and the office of Executive Director of the petitioner are the same, the petitioner is a separate and distinct entity from the Charles River Hospital.

The responsibility to operate the non-conforming use and the requested extension of this non-conforming use rests solely in the Charles River Hospital, and it is the Hospital that is the legal person to whom an extension of the non-conforming use may be granted.

The request of the petition therefore is denied.

  
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Francis L. Swift

  
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William O. Hewett

  
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William F. Cullinane

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