

65-19

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Regan and Stapleton, Inc.  
(Kermit R. Stevens, Trs.)

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 May 20, 1965, on the petition of Regan & Stapleton, Inc., requesting permission to extend a proposed use of the premises owned by Kermit R. Stevens, Trs., Stevens Realty Trust, and located on the north side of Worcester Street, between numbers 951 and 971, and the buildings and structures proposed to be erected on said premises, a distance of not more than fifty feet across the zoning boundary line between the Business District and the Single-Residence District (said boundary line running across said premises from east to west approximately 142 feet north of and substantially parallel to said Worcester Street) for the purpose of conducting a retail automobile sales and service business. Said extension was requested under the provisions of Section XXIV E-2 of the Zoning By-law.

The petitioner was represented at the hearing by Philip H. R. Cahill.

The Planning Board offered no objection to the request in its report.

A letter was submitted from Warren M. McNamara, Realtor which stated that in his opinion the proposed extension of the business zone for the petitioner's operations will in no way have a harmful effect on the surrounding neighborhood.

On April 24, 1965, the petitioner filed a request with this Board for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located on the northerly side of Worcester Street, Route 9, and is located partly within a Business Zone and partly within a Single-residence Zone.

The petitioner has an agreement to purchase the property involved and seeks an extension of a business use across the boundary of the Business Zone into the Residence Zone a distance of fifty feet, in order to provide facilities adequate in size to conduct a retail automobile sales and service business. The petitioner who has the Lincoln-Mercury Dealership Agency, has been in business in Wellesley for the past three years at a different location. Gulf Oil Corporation recently purchased from the petitioner's landlord the property presently occupied by the petitioner, and has given notice to the petitioner to vacate within the next few months. It is proposed to construct an all steel building with brick and baked enamel exterior which will be approximately 15,600 square feet in area. It is to be located approximately fifty feet from Worcester Street, approximately twelve feet from the

westerly lot side line, approximately five feet from the easterly lot side line and approximately three feet from the northerly extremity of the proposed extension of the business use on the rear. A plot plan drawn by Gleason Engineering Company, dated May 21, 1965, was submitted which showed the lot involved with the existing Business Zone line and the proposed fifty-foot extension, as well as the proposed location of the building. The plan showed that the lot presently has 33,073 square feet in the Business Zone and that if the requested extension is granted, there would be an additional 9,853 square feet available for business use.

The petitioner testified that the fifty-foot extension is needed in order to provide room for the proposed building, the required space for parking and the display of automobiles in connection with the petitioner's business. Space is needed not only for automobiles which are for sale in connection with the business, but also for customers visiting the establishment. The premises are located between two business properties. The only residence in the neighborhood is at some distance and it is separated from the property by an aqueduct.

#### Decision

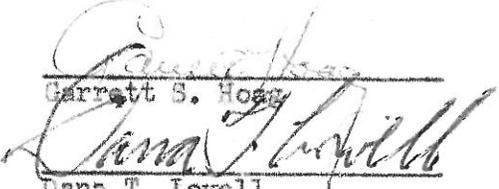
Section XXIV E-2 of the Zoning By-Law provides that this Board may give permission in a specific case for the extension of a use across a district boundary line not more than fifty feet into a district where such a use across the boundary line is reasonably necessary and will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

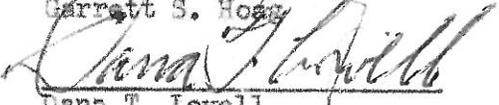
The Board has given the matter careful consideration and has taken several views of the locus. The property is located on Route 9, a heavily traveled highway and is between a restaurant and a doughnut shop. Across the street are several business establishments, including an automobile agency, a boat agency and a motel.

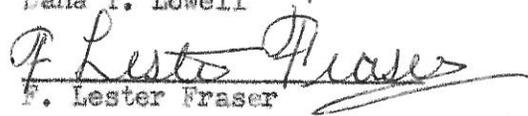
The petitioner could construct a smaller building with less parking space within the portion of the premises which is within the existing Business Zone, but it is the opinion of this Board that it will be advantageous to the Town as well as to the petitioner to extend the business use fifty feet. One residence within sight of the premises is at a considerable distance and separated from the premises by an aqueduct. We, therefore, think that its value would not be reduced nor would that of any other property in the district. Nor would the proposed extension otherwise injure the neighborhood. The Board also finds that such extension is reasonably necessary if the petitioners are to locate their business on the premises.

Accordingly, the requested permission is granted and the specific business use above-mentioned is extended a distance of fifty feet as shown on the plan submitted and on file with this Board subject to the following conditions:

1. That a solid row of evergreens, eight feet high shall be planted and maintained live, along the entire line of the Business Zone as extended.
2. That no door shall be installed at the rear of the building which would allow passage of vehicles.
3. That a performance bond running to the Town shall be provided in the amount of \$2,500. with surety and in form satisfactory to Town Counsel which shall be posted with the Treasurer of the Town of Wellesley before commencement of work. Said bond shall be conditioned on the completion of the work in accordance herewith within one year from the filing hereof with the Town Clerk.
4. That in the event of the breach of any condition hereof the extension of use granted may be terminated by this Board without notice or hearing.

  
Garrett S. Hogg

  
Dana T. Lowell

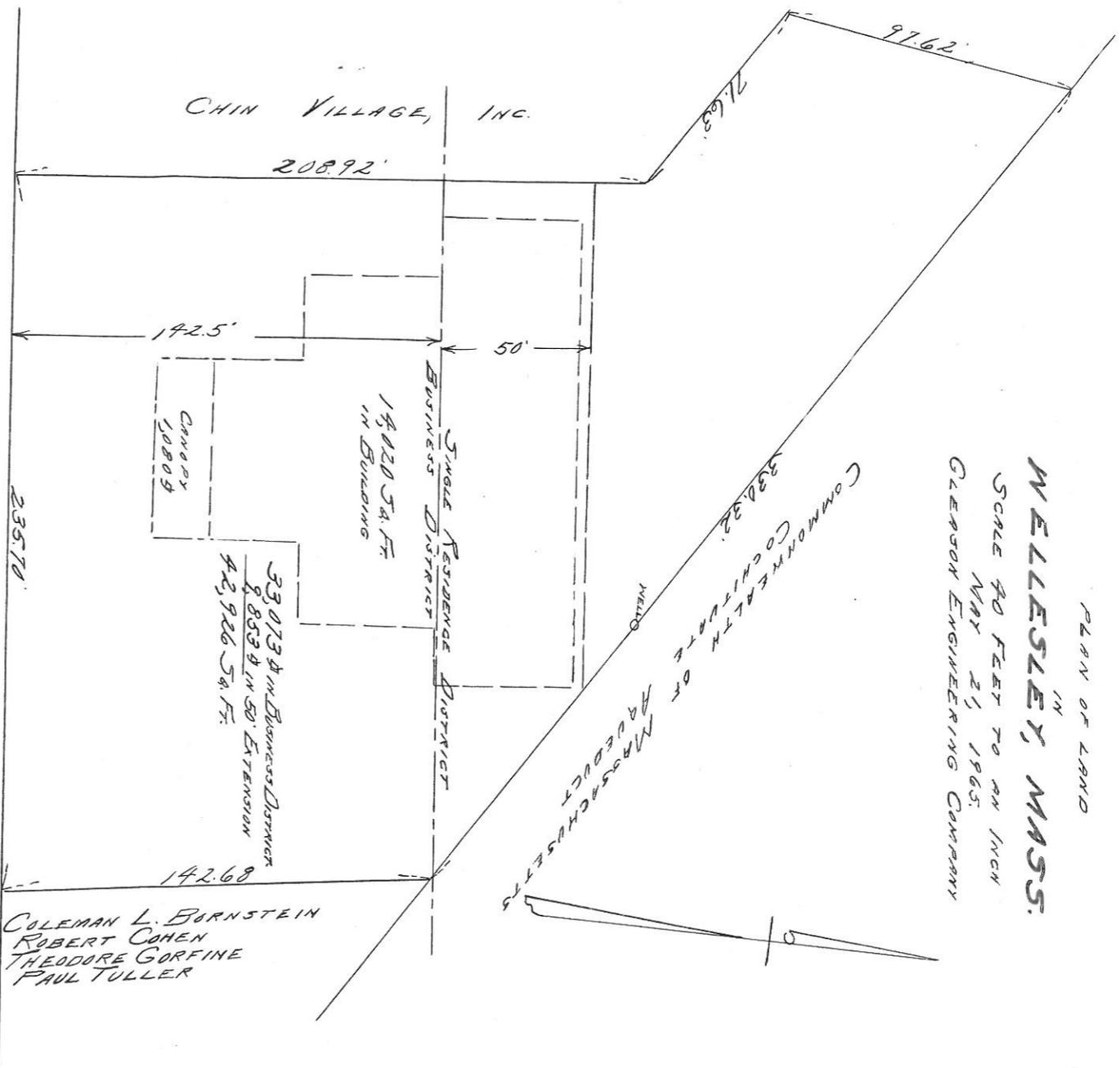
  
F. Lester Fraser

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

PLAN OF LAND  
IN  
WELLESLEY, MASS.

SCALE 40 FEET TO AN INCH  
MAY 21, 1965  
GERBOY ENGINEERING COMPANY

COMMONWEALTH OF MASSACHUSETTS  
COMMISSIONER OF REVENUE AND TAXES  
330.32  
WELLS



CHIN VILLAGE, INC.

208.92'

97.62'

216.83'

142.5'

50'

SINGLE RESIDENCE DISTRICT  
BUSINESS DISTRICT

14,020 SQ. FT.  
IN BUILDING

GARAGE  
1,080 SQ. FT.

33,073 SQ. FT. IN BUSINESS DISTRICT  
2,853 SQ. FT. IN 50' EXTENSION  
42,926 SQ. FT.

235.70'

142.68'

COLEMAN L. BORNSTEIN  
ROBERT COHEN  
THEODORE GORFINE  
PAUL TULLER

WORCESTER STREET