

65-25

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 Bernard Swartz

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 8:05 p.m. on July 21, 1965, on the petition of Bernard Swartz, requesting a modification of the extension of a business use at 5 Overbrook Drive which was granted by the Board of Appeal on August 15, 1961. Said modification was requested for the purpose of constructing an addition 14½' beyond the existing building and was requested under the provisions of Section XXIV, E-2 of the Zoning By-law.

The petitioner was represented at the hearing by Henry D. White.

Robert A. Aronson, 21 Lawrence Road, spoke in favor of granting the request.

The Planning Board in its report stated its concern for the need of off-street parking facilities in the area and felt that the proposed extension of the building would reduce the maneuverability space for cars entering the parking stalls.

On June 15, 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 on the easterly side of Overbrook Drive and separated from the northerly line of Worcester Street by a parcel occupied by a Shell gasoline station. The southerly part of the parcel is within a Business District and it adjoins a fifty-foot strip which is used for limited business purposes under a special permit granted by this Board in 1961. There is a two-story building, which was built in 1960, on that part of the property located within a Business District. The petitioner operates an auto parts business on the first floor and the second floor is occupied by an art studio. The petitioner now seeks permission to construct an addition 14½' x 55' on the northerly side of said building which would lie entirely within that part of the property being used for limited business purposes under a special permit. The proposed addition is intended to provide additional space which the petitioner alleges is urgently needed. He alleges that it would not be feasible to utilize the second floor, now being used as an art studio, because of the size of the auto parts and the accessibility to the loading platform on the first floor. While the petitioner admitted that some loss of parking space would result from the proposed construction, he stated that arrangements had been made to permit the employees to park their cars in the parking lot across the street where there is, according to the petitioner, always space during the day. He also stated that approval has been obtained from the Public Works Department to cap the drain running under the property.

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Decision

The Board has given careful consideration to all the facts in this case and has taken a view of the locus.

In 1961, this Board granted to the petitioner an extension of a business use fifty feet in a northerly direction to be used only for parking and loading and unloading in connection with the auto parts business and the art studio on the second floor. The Board at that time denied the petitioner permission to construct an addition to the existing building.

Messrs. Lowell and Fraser now feel that due to the expansion of the petitioner's business, permission should be granted for the proposed addition. In their opinion, there is a real need and the proposed addition will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

Mr. Hoag, however, does not agree. After viewing the site on several occasions and at varying times, it is his opinion that all the existing parking area is needed by the petitioner in connection with his business as he alleged it would be when the extension was granted in 1961. The use of the parking lot across the street is not, in his opinion, a satisfactory solution to the problem. There is no assurance that that space or the parking arrangement will always be available. Mr. Hoag thinks that the 1961 decision providing the parking space and denying a permit to build on it was sound, and sees no reason to change it. When the petitioner built his building in 1960, he was aware of the limited amount of business-zoned property available at the location and should have foreseen at that time that any expansion of his business would be limited in the future unless he moved to a location having adequate space.

Accordingly, the requested modification is denied and the case is dismissed.

*Garrett S. Hoag*  
Garrett S. Hoag

*Dana T. Lowell*  
Dana T. Lowell

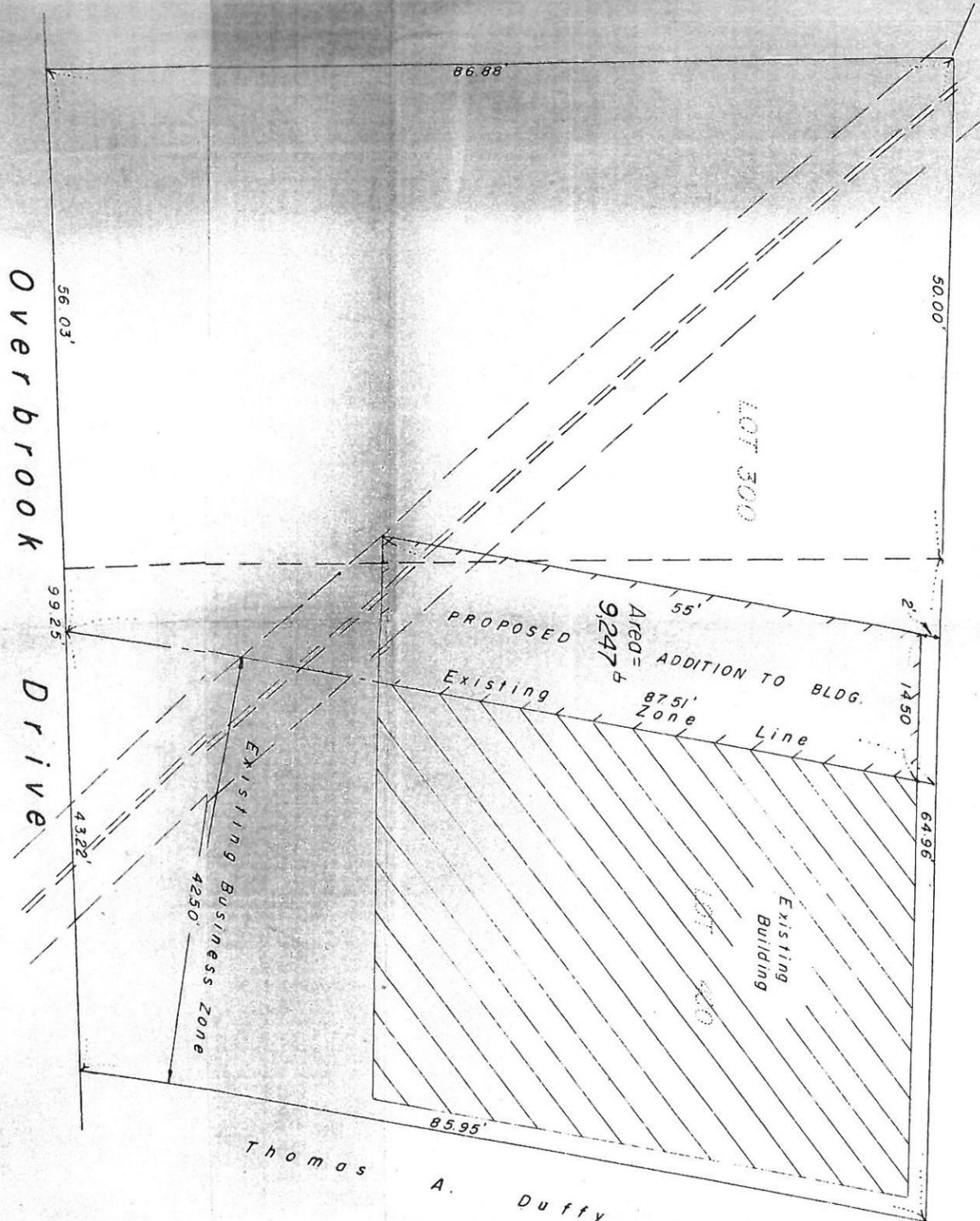
*F. Lester Fraser*  
F. Lester Fraser

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

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Bernard Swartz

Jeffery H & Jan P. Chin



Thomas A. Duffy

Plan of Land in Wellesley, Mass.  
(Showing Proposed Lots & Zoning Changes)

Owned by: Bernard Swartz.

Scale: 1" = 10' June 30, 1965

Plan by: MacCarthy Engineering Service Inc. Natick, Mass.

