

68-34

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
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 8:10 p.m. on August 8, 1968, on the petition of Bernard Swartz requesting a further modification of the extension of a business use at 5 Overbrook Drive which was granted by the Board of Appeal on August 15, 1961. The proposed modification was requested for the purpose of constructing a three-car garage with storage space above which is to be placed on the easterly end of the existing parking lot and on the northerly side of the existing building. Said request was made under the provisions of Section XXIV E-2 of the Zoning By-law.

On July 17, 1968, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioner at the hearing.

Stephen J. Harkins, 26 Overbrook Drive, stated that he was not opposed to the granting of the request providing certain restrictions were imposed such as keeping trucks enclosed in the garage and the garage not used as a truck depot or repair shop.

Frieda Thompson, 35 Overbrook Drive, also stated that she was not opposed to the granting of the request, but felt there should be a restriction on the type of storage space above the garage.

Harold Bolles, 3 Cedar Brook Road, stated that he would not be opposed if the use of the garage is for no other purpose other than storage of cars.

Statement of Facts

The property involved is on the easterly side of Overbrook Drive and is separated from the northerly line of Worcester Street by a parcel occupied by a Shell gasoline station. The southerly portion of the parcel is within a Business District and adjoins a fifty-foot strip now 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 of the building and the second floor is occupied by an art studio. In 1967, this Board granted permission to the petitioner to construct a two-story addition 14 1/2' x 55' plus a loading platform 4' x 25', on the northerly side of the existing building, which addition when built would lie entirely within the part of the property used for limited business purposes under a special permit.

It was stated at the hearing that the addition for which permission was granted in 1967, has not been built, as a proposal came up before the

Town Meeting in March of this year to rezone the area and to extend the Business "A" Zone back 150'. This, however, failed to pass at the Town Meeting.

The petitioner now seeks permission to construct a three-car garage with storage space above on the part of the property that the Board granted an extension for parking. It is proposed to garage three trucks which are now parked in the yard. The petitioner now has seven parking spaces which are used by employees, and it is intended to remove these cars to a new area a short distance away which the petitioner has recently acquired. The proposed changes should make a more attractive operation as loading and unloading would be done within the garage rather than outside and only transient cars will be using the parking space.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated May 31, 1968, which showed the existing building as well as the proposed addition and three-car garage. A front elevation of the existing building and the proposed addition and garage was also submitted.

Decision

The Board has made a careful study of all the facts in this case and has reviewed the previous requests of the petitioner relative to this property. The proposal of constructing a garage to house the petitioner's trucks and the removal of all employee's cars to a different location, appears to this Board to be an improvement and should not reduce the value of any property within the district or otherwise injure the neighborhood. Three trucks are now parked on the property with all deliveries being made on an outside loading platform. This operation would now be performed within the proposed garage and should be less offensive to the area. The storage space above is to be used solely for the storage of auto parts sold in connection with the petitioner's business which should not create any noise or additional business activities.

It is, therefore, the unanimous opinion of this Board that the requested permission may be granted and the Inspector of Buildings is authorized to issue a permit for the proposed garage as shown on the plan submitted and on file with this Board, subject to the following conditions:

1. That the proposed three-car garage with storage space above shall be constructed in accordance with the plan submitted and on file with this Board.
2. That said garage shall be used solely for the housing of the petitioner's trucks and/or motor vehicles and no repairs are to be performed there.
3. That no business of any nature shall be conducted within the proposed garage unless and until special permission is granted by this Board
4. That the space above the proposed garage shall be used solely for the storage of auto parts and related merchandise sold at retail by the petitioner on the premises.

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- 5. That all employees' cars shall be parked at another location and the spaces available, upon completion of the garage, shall be used solely by persons doing business with the petitioner and any tenant of the premises.
- 6. That with the exception of the modification of the plan submitted, all conditions shall remain in force imposed in the decision of the Board of Appeal filed with the Town Clerk on August 15, 1961.

Richard G. Aldrich
 Richard G. Aldrich
Dana T. Lowell
 Dana T. Lowell
F. Lester Fraser
 F. Lester Fraser

Filed with Town Clerk _____

1600 SEP 13 AM 11:55
 WELLESLEY MASS.
 TOWN OF WELLESLEY OFFICE
 WELLESLEY

Bernard Swartz

86.88'

Zone Line for Parking

LOT 399

Proposed Addition

Proposed Addition To Building

Existing

Existing Loading Platform

LOT 400

Existing Building

Shell Gas Station

Chin's Village

