



## 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 8:15 p.m. on August 8, 1968, on the petition of Bernard Swartz requesting an extension of a business use at Lots 4 and 5 Edgemoor Avenue, adjoining the rear of 1005 Worcester Street. Said extension would run for a distance of fifty feet in a northerly direction in a more restricted district and would be for the purpose of business parking of motor vehicles only. Said petition 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 the parking lot is properly screened and the area is used for employees' parking area and not a truck depot.

Frieda Thompson, 35 Overbrook Drive, also stated that she was not opposed to the granting of the request, providing the use of the area is controlled and restricted.

Statement of Facts

The property involved is on the easterly side of Edgemoor Avenue adjoining the rear of the Mobil gasoline station at 1005 Worcester Street. The petitioner owns the parcel, including Lots 4, 5, 6, and 7, which is partly in the Business District and partly in the Single-residence District. He seeks permission to extend his business use a distance of fifty feet into the residential district to provide space for off-street parking of cars for his employees as well as cars incidental to his business, which is conducted at #5 Overbrook Drive. There is space for only seven cars within the existing Business District and with the proposed extension of the business use, provision can be made for twenty-one cars.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated May 31, 1968, which showed the property involved and indicated the zone line as well as the proposed extension. It also showed the proposed layout of the parking spaces, indicating space for twenty-one cars.

Decision

It is the opinion of this Board that the proposed extension of the business use is needed and will alleviate to some extent the traffic congestion at the petitioner's business on Overbrook Drive. The petitioner

proposes to park his employees' cars on the property involved and thus remove them from his limited space on Overbrook Drive. The property is across from a business establishment on Edgemoor Avenue, adjoining a gasoline station on the south and abutting the Town of Natick line on the west, with vacant residential property on the north.

While this Board is reluctant to extend a business use into a residential district, in specific cases where it feels that the proposed use will not substantially reduce the value of any property within the district, or otherwise injure the neighborhood, it can do so. In this instance, the Board feels that the proposed extension for limited business use is in the public interest in respect of safety and provision of additional off-street parking space and that, subject to conditions imposed herewith, such use of the property will not be contrary to the intent and purpose of the Zoning By-law.

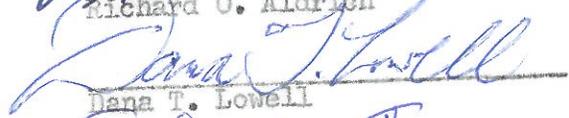
Accordingly, permission is granted to extend the business use a distance of fifty feet from the business zone boundary line in a northerly direction in accordance with the plan submitted and on file with this Board, subject to the following conditions:

1. That a six-foot split sapling or other fence, satisfactory to this Board shall be erected along the entire line abutting the Single-residence District to which the use is extended, from Edgemoor Avenue to the lot line shown on the plan; that a solid hedge of evergreens at least six feet tall shall be planted along the northerly side of the fence; and that such fence and evergreen hedge shall be maintained to the satisfaction of the Inspector of Buildings and this Board for the life of the extension hereby granted.
2. That the land in the Single-residence District to which the business use is hereby extended shall be used only for parking of motor vehicles of petitioner's employees, tenants and customers of the business carried on at 5 Overbrook Drive, that no trucks shall be parked thereon, and that no sign or structure other than the fence referred to in condition (1) above be placed on said land without permission from this Board.
3. That a solid curbing shall be installed along the easterly line of the parking area adjacent to Edgemoor Avenue except for an opening of not more than twenty-five (25') feet onto Edgemoor Avenue.
4. That a performance bond running to the Town shall be provided in the amount of \$5,000. with surety and in form satisfactory to Town Counsel which shall be posted with the Town Treasurer of Wellesley conditioned on the completion of the work in accordance herewith within six (6) months from the filing hereof with the Town Clerk.

RECORDED  
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5. That in the event of the breach of any condition hereof the extension of use granted may be terminated by this Board.

  
Richard O. Aldrich

  
Dana T. Lowell

  
F. Lester Fraser

Filed with Town Clerk 9/17/68

COPIED BY THE TOWN CLERK

William E. & Evelyn M. Bremner

Sigurd A. & Joan A. Swanson

Rob  
Gwer

TOWN  
LINE

163.72'

LOT 4

LOT 5

LOT 6

Mobil Oil Corporation

81.36'

7 SPACES

7 SPACES

ZONE

LINE

50'

7 SPACES

Proposed Zone Line for Parking

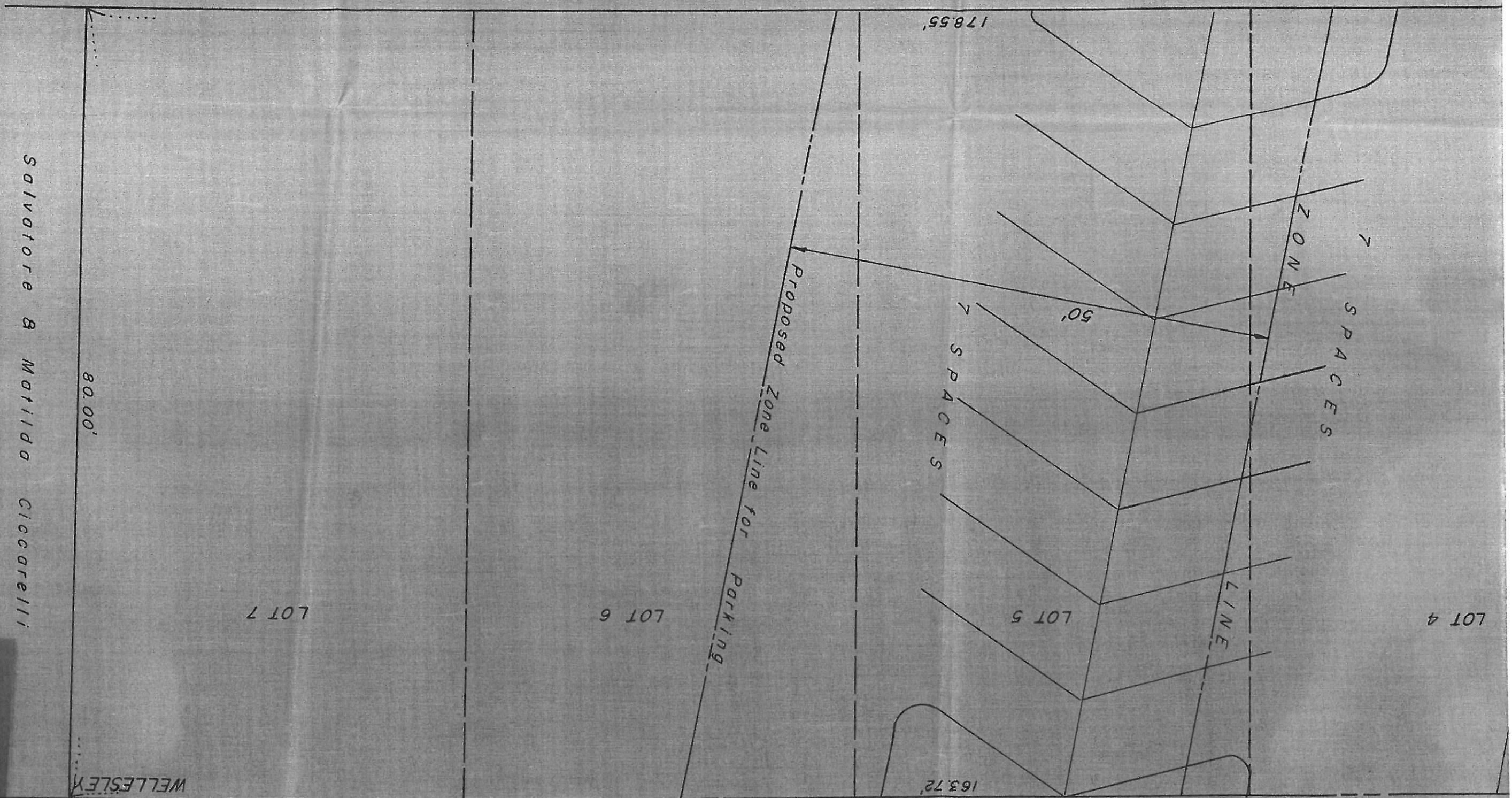
178.55'

Edgemoor

Ave.

Edgemoor

Ave.

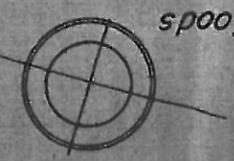


Bremner

Sigurd A. Bjoan A. Swanson

Robert E. & Gwendolyn C. Woods

NATICK WELLESLEY



68-35  
 Swartz, Bernard  
 Lots 4 and 5 Edgemoor Ave.

Salvatore & Matilda Cioccarelli

80.00'

LOT 7

LOT 6

LOT 5

LOT 4

7 SPACES

7 SPACES

Proposed Zone Line for Parking

178.55'

50'

163.72'