



BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Leslie T. Haskins, Inc.

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 8:45 p.m. on May 10, 1973, on the appeal of Leslie T. Haskins, Inc., from the refusal of the Inspector of Buildings to issue a permit for the construction of a one-story addition on the easterly side of the building at 463 Washington Street. The reason for such refusal was that said addition would violate Section 311.6, Location of Buildings, of the BOCA Basic Building Code of Wellesley, which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street, and Section XIX of the Zoning By-law which requires that there shall be provided for all such buildings or structures a front yard not less than thirty feet in depth. Said appeal was made under the provisions of Section 127.2 of the BOCA Building Code of Wellesley and Section XIX of the Zoning By-law.

On April 11, 1973, the appellant filed an appeal from the refusal of the Inspector of Buildings to issue a permit for the proposed construction. Thereafter due notice of the appeal was given by mailing and publication.

Alvan L. Haskins, Treasurer of the Company, spoke in support of the appeal.

Statement of Facts

The building involved which was built in 1945, is located within a Business District. It is a one-story building approximately 50' x 60' and is used as an automobile body shop and paint shop.

It was stated at the hearing that it is imperative to change the heating system in the paint shop, and it is proposed to construct a one-story addition on the easterly side of the building 8'8" x 16' to provide a boiler room. The only other location, it was stated, that might be possible, is the front of the building where it would block one of the automobile entrances; the building abuts railroad property in the rear and within a few feet of the property line on the westerly side. It was further stated that if the boiler was placed inside the building a very definite safety hazard would exist. The petitioner feels that the proposed location is the only place for the proposed addition and if relief is not granted a severe hardship will be imposed.

A plot plan was submitted drawn by Robert Charles Engineering Assoc., Inc., Boston, Mass., dated March 27, 1973, which showed the existing building on the lot as well as the proposed addition. Said plan showed the addition to be located on the northeasterly side of the building, approximately two feet from Kingsbury Street rather than the required thirty feet and 27' from the center of the street rather than the required forty feet.

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Decision

The Board has made a careful study of all the facts in this case and has taken several views of the locus. In its opinion a real need exists for the proposed addition which, if built, will provide a boiler room for the appellant's automobile paint and body shop. After a review of the plan submitted at the hearing, the Board requested that a revised plan be submitted with the chimney to be constructed at the present body shop wall. Subsequently, a new drawing No. A-2, was submitted, dated August 7, 1973, drawn by Robert Charles Eng. Assoc., Inc., Boston, Mass. A revised plot plan was also submitted which was dated March 27, 1973, Revised July 3, 1973, drawn by Robert Charles Engineering Assoc., Inc., which showed in addition to the location of the building on the lot, the location of the existing fence and sidewalk on the westerly side of Kingsbury Street adjacent to the proposed boiler room addition.

While the Board is cognizant of the appellant's need for the proposed boiler room which the addition will provide, however, the possible pollution and annoyance to pedestrians on Kingsbury Street, has given this Board concern. For this reason it has made every effort to allow the boiler room to be constructed with a minimum of detriment to the public. After a thorough investigation, it has been found that there is no other possible location for the proposed addition. The existing building extends approximately to the property line on the westerly side and the northerly side, with the automobile entrances on the southerly side. As pointed out by the appellant, the proposed single chimney will replace four metal stacks which have been used previously to service four separate gas heaters. The present heating system has been found hazardous and must be replaced; therefore, it is the opinion of this Board, that the proposed boiler room, which the requested addition will provide, is the best solution to the appellant's problem.

The Board finds that the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the front yard restrictions of that Section. The lot is small, irregular in shape, with a width of approximately seventy feet where the building is located across the northerly side of the lot. The building was built in 1945, and the lot was held of record on April 1, 1939, under a separate and distinct ownership from adjacent lots. It is, therefore, the opinion of this Board that compliance with the by-law is impracticable because of the depth and shape of the lot. It is the further belief of this Board that manifest injustice would result to the appellant if the requested variance is not granted and that the provisions of the BOCA Basic Building Code, Section 311.6, Location of Buildings, did not contemplate the circumstances of this specific case.

Accordingly, the requested exception and variance are granted, subject to the following conditions, and the Inspector of Buildings is authorized to issue a permit for the proposed addition in accordance with the revised plans submitted and on file with this Board:

1. The appellant by accepting and acting under the permission herein granted agrees for itself, its successors and assigns that if at any time the proposed addition to the building in question is taken by eminent domain by the Town for the widening of Kingsbury Street, or reconstruction of the bridge or for any other purpose, any claim for damages by appellant, its successors and assigns, shall be limited to the land underlying said proposed addition and shall not include any direct or consequential damages in respect of said addition.

2. The permission herein granted is without prejudice to the Town's right to order abatement of any future nuisance within the contemplation of Sections XVI A and C of the Zoning By-Law.
3. That the Board reserves the right to require that the stack height be increased if it appears to be necessary or appropriate.

Richard C. Aldrich
Richard C. Aldrich

F. Lester Fraser
F. Lester Fraser

Stanley J. God
Stanley J. God

Filed with Town Clerk _____

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RECEIVED
TOWN CLERK'S OFFICE

N/F PENN CENTRAL R.R.

N 45° 27' 00" E
80.43'

LESLIE T. HASKINS
BODY & PAINT SHOP

PROPOSED BOILER
ROOM ADDITION

16'-0"

27.00'

8'-8"

10.66'

W KINGSBURY STREET

50.00'

108.19'
S 28° 00' 35" E

KINGSBURY STREET

RAD. 77.20'

ARC= 81.35'

N/F JOHN C. FERIOLO

N 42° 02' 00" W
157.09'

WASHINGTON STREET



PLAN OF LAND
LESLIE T. HASKINS
WELLESLEY, MASS.

ROBERT CHARLES ENGINEERING ASSOC. INC.
BOSTON, MASS.

SCALE 1" = 20'

MARCH 27, 1973