

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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William O. Hewett

Petition of the Town of Wellesley

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 July 26, 1973, on the petition of the Town of Wellesley, requesting a variance from the terms of Section II of the Zoning By-law which will allow a private contractor to park sixteen school buses and one field office trailer on Town of Wellesley property, 455 Worcester Street, between the Highway Department Building and the parking area adjacent to the Electric Substation. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On July 9, 1973, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Leo J. Hession, Town Counsel, represented the petitioner at the hearing.

Benjamin R. Goodman, Treasurer of Metropolitan Coach Service, Inc., the contracting company under lease to service the Town, answered questions relative to the proposed operation.

Robert S. Hoffman, member of the Transportation Advisory Committee for the Town and Thomas F. Lyndon, Assistant to the Superintendent of Schools, both spoke in favor of the request.

Alan A. Winslow, 50 Woodlawn Avenue, questioned whether the buses would use Woodlawn Avenue as access to the parking area.

The following persons spoke in opposition to the granting of the request: Arthur K. Wells, 71 Kingsbury Street, John R. Riley, 29 Colburn Road, Harold E. Wight and Frances Wight, 25 Colburn Road, Joan Riley, 29 Colburn Road, Thomas E. Melican, 3 Colburn Road, who also spoke for Laura L. Rocktaschel, 7 Colburn Road, Livia Atsales, 21 Colburn Road, Lynn Winslow, 50 Woodlawn Avenue, Annie Oke, 89 Manor Avenue, and George Durik, 11 Colburn Road. All felt that they are now subjected to considerable noise from the operation of the Public Works equipment at the same location and with the addition of sixteen buses, the situation will be greatly aggravated; they also felt that the addition of sixteen buses entering onto Route 9, will increase the present traffic problem in that area and that the operation will prove detrimental to their properties. They also questioned the possibility of alternate sites.

Richard Barrick, General Manager of the Wellesley Falls Bus Lines, the firm which has handled the bussing of school children in Wellesley for the past twenty-eight years, pointed out that it would be necessary to run the buses from one hour to an hour and one half every morning in the cold weather

and forty-five minutes to one hour in the warm weather.

Charles Oke, 89 Manor Avenue, driver of one of the school buses for the Wellesley Fells Bus Lines, asked that the request not be granted.

A letter opposing the request was received from Mary S. Adams, 47 Colburn Road.

Statement of Facts

The property involved is located within a Single-residence District, a district in which the proposed use of the property is not permitted under Section II of the Zoning By-law unless a variance is granted by the Board of Appeal.

The petitioner seeks a variance which will allow a private contractor to park sixteen buses and one field office trailer on Town owned property. It was stated at the hearing by Town Counsel, Leo J. Hession, that for many years the Town has not been able to avail itself of competitive bidding for bus service, which would result in savings to the Town, because of the added cost of getting the buses in and out of Wellesley. This year, however, as a result of the School Administration and the Transportation Committee finding satisfactory parking facilities for the buses within the Town, ten bids were received rather than one or two as in the past. These bids were made on the assumption that the buses could be parked within the Town of Wellesley. As a result of this approach, the School Committee has signed a lease with a private contractor to bus the children of Wellesley for the coming year and to park the buses and field office trailer on the site involved. If permission is not granted, the contractor will have to provide his own parking facilities at a greater expense to the Town.

Attorney Hession further pointed out that there are a number of advantages to the Town to use the location involved for the proposed operation. It is near to the geographical center of operations, thereby reducing driver time and mileage expense to contractor and Town; because of its central location, a replacement bus can get into service faster when a bus breaks down; 24-hour watchman services will be available at the Department of Public Works, thereby reducing vandalism and possible temporary loss of service.

It was stated further by Attorney Hession that the sixteen buses and one field trailer would be parked at the location involved during the school year and that the drivers' personal vehicles would be parked at the Department of Public Works' adjoining parking area while buses are on runs. Some or all buses will be in service from approximately 7:00 a.m. to 8:45 a.m. and 2:15 p.m. to 5:00 p.m. on days school is in session. A few buses will be in operation other hours and days when making field and athletic trips. Buses and drivers' personal vehicles will use Route 9 exit and will not use the Woodlawn Avenue exit. There will be no repair or maintenance work carried out on the location, but it will be performed at a garage in Cambridge. It was pointed out that all of the sixteen buses which will be leased in the contract, are brand new buses which should lessen the repairs required. They will be on gasoline engines which are less noisy than diesel engines and will take only approximately five minutes to warm up in the fall and spring and approximately twenty minutes in the cold weather. The location is approximately 600 to 700 feet from the nearest residence, therefore the operation should not be disturbing to the surrounding neighborhood.

Attorney Hession further pointed out that the location involved has been used by the Department of Public Works for many years for the storage of its trucks and equipment which is a similar use to the one requested. He felt that the substantial hardship required to be found under Chapter 40A, Section 15, of the General Laws is met. If the variance is not granted, the Town will have to enter into a new contract which will include the buses parked outside of the Town with a substantial financial increase in cost to the Town.

Decision

The Board has made a careful study of all the facts in this case, and has taken a view of the locus. In its opinion there is a real need for the proposed operation and according to the report of the Transportation Committee, which made an intensive study of the other possibilities, there appears to be no alternative site within the Town with comparable economic advantages to the Town. The location involved is one which has been used by the Town for a similar use for many years; it is a considerable distance from the nearest residence and subject to all possible controls imposed relative to noise, odors and smoke; the proposed use, it is felt, will not prove detrimental to surrounding properties. The argument made at the hearing that other desirable alternatives were available were not supported by the facts.

The Board, therefore, unanimously finds under the provisions of Chapter 40A, Section 15, of the General Laws, that because of special conditions affecting the land in question but not affecting generally the zoning district, a literal enforcement of Section II of the Zoning By-law would involve substantial hardship to the Town and that the requested variance can be granted subject to the conditions imposed, without substantially derogating from the intent and purpose of said section and without substantial detriment to the public good.

Accordingly, the requested variance is granted subject to the following conditions:

1. That not more than sixteen buses and one field office trailer shall be parked at any one time at the location involved, and as shown on the plan submitted and on file with this Board.
2. That said buses shall be in operation only during the hours stipulated and on file with this Board.
3. That all buses and drivers' personal vehicles shall use Route 9 to enter and exit and at no time shall the Woodlawn Avenue exit be used for any purpose.
4. That no repairs or maintenances shall be performed at the location involved except for the repair of a flat tire or similar minor emergency repair.
5. That all vehicles going west of the locus shall exit back of the Fire Station, and that all vehicles going east shall cross Route 9 at the customary crossing.
6. That the proposed operation shall be conducted in accordance with the requirements of the local and State Police Departments, the Wellesley Fire Department and all other concerned local and State agencies.

7. That said permit shall expire one year from this date or sooner in the event of a breach of any of the above-mentioned conditions.

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TOWN CLERK'S OFFICE
MAY 13 1954

Theodore C. Merlo

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F. Lester Fraser

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Filed with Town Clerk _____