

TOWN OF WELLESLEY


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BOARD OF APPEAL

DEC 8 11 32 AM '73

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 RICHARD O. ALDRICH
 F. LESTER FRASER
 WILLIAM O. HEWETT
Petition of Wellesley Hills Square Associates

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 8:35 p.m. on November 29, 1973, on the petition of Wellesley Hills Square Associates, to sell Christmas trees in the parking lot, owned by the Maugus Club Corporation, at 40 Abbott Road, from December 8, 1973, through December 24, 1973, as provided under Section XXIV-E of the Zoning By-law.

On November 7, 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.

Hobart B. Emerson, Jr., 21 Shaw Road, represented the petitioner at the hearing.

The following persons spoke in opposition to the granting of the request: Dorothy B. Wahlstrom, 39 Abbott Road, Betty K. Paltrineri, 16 Bemis Road, Allen N. Hooker, 44 Abbott Road, A. F. MacDonald, 26 Seaward Road, and Gerald J. Rutledge, 7 Bemis Road. All felt that the proposed use of the property would aggravate the present traffic condition on both Abbott Road and Seaward Road, and would create a danger for the children in the neighborhood as well as those attending the Alice Phillips School. It was further felt that if such use were permitted, it would establish a precedent for other commercial uses to be allowed on the property involved.

John M. Kilcoyne, President of the Maugus Club, 16 Wingate Road, stated that it was his understanding that there was a condition imposed by the Club that the petitioner would have to have the approval of all the abutters. This, he stated, was a very major consideration of the Club.

Statement of Facts

The property involved is located within a Single-residence District. There is a club house on the property involved which has a large parking area adjacent to the building which is used in connection with the operation of the Club.

The petitioner seeks permission to sell Christmas trees from the parking lot during the specified time mentioned above. It was stated that the Association has sold Christmas trees for the past several years at a different location within the Town, but that location was not available this year. The Association has its headquarters on the third floor of the Maugus Club, and the remuneration received from the sale of the Christmas trees will be used to maintain and improve the quarters in the Club as well as for benevolent purposes.

Decision

Under Section XXIV-E of the Zoning By-law, the Board of Appeal may grant temporary and conditional permits for non-conforming uses in any district in the

Town for a period of not more than one year at a time when it finds that after a public hearing a real need exists, and that the proposed non-conforming use will not substantially reduce the value of any property within the district.

After hearing all the evidence presented, the Board cannot find that a real need exists for the proposed use of the property, and that such use will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

In its opinion, such use of the property would create added traffic in a congested area and could result in substantial problems both to the Town as well as to the Associates, if in case of inclement weather, the snow plows were not able to clear the area.

Accordingly, the permission is denied and the request dismissed.

Theodore C. Merlo
Theodore C. Merlo
F. Lester Fraser
F. Lester Fraser
William O. Hewett
William O. Hewett

Filed with Town Clerk _____

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