77-45

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Petition of The Town of Wellesley

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:35 p.m. on September 8, 1977, on the petition of the Town of Wellesley, requesting permission to continue to allow a private contractor to park sixteen school buses and one field office trailer on Town of Wellesley property at 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 Section SXIV-D of the Zoning By-law.

On August 22, 1977, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert S. Robinson, Town Counsel, represented the petitioner at the hearing.

Donna L. Muzzy, 50 Woodlawn Avenue, opposed the request because, she stated, the buses are using the exit on Woodlawn Avenue almost every day which adds to the heavy traffic on Woodlawn Avenue.

A letter favoring the request was received from Helen W. and Clifford L. McIntyre, 43 Colburn Road.

Statement of Facts

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

The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requests that the permit granted a year ago by the Board of Appeal be renewed for another year, with one change. Attorney Robinson stated that presently there are fifteen buses being parked on the property and it is the petitioner's request that three additional buses be allowed or eighteen, rather than sixteen as allowed a year ago. This increased number, he stated, will enable the School Committee to provide the buses necessary to transport the children to and from school. He further stated that the buses would enter and exit from Worcester Street, and not from Woodlawn Avenue, as stipulated in the Board's previous decision, and the use of the buses would be confined to the transportation of Wellesley School children only.

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Decision

It is the opinion of the Board that the continued use of the property involved will provide for a need which still exists in the Town, and

that the continued use for another year, if conducted properly, will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious or offensive to the neighborhood. It is the further opinion of the Board that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

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

1. That not more than eighteen 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, Worcester Street, 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 the buses shall be used solely for the transportation of Wellesley School children.

8. That this Board shall reserve the right to limit the number of drivers' personal vehicles on the premises, if it becomes necessary during the coming year.

9. 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.

Henry H Thayer
Henry H. Thayer

William O. Hewett
William O. Hewett

William F. Cullinane
William F. Cullinane

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