



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-77

Petition of Warren Cross, Jr./Cross Enterprises, Inc.
10 Prescott Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 30, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of WARREN CROSS, JR./CROSS ENTERPRISES, INC. requesting renewal of a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to continue to allow 600 square feet of the premises located at 10 PRESCOTT STREET, in a Business District to be used for the sale of used motor vehicles, a use not allowed by right in a Business District.

On November 13, 1995, the petitioner filed a request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Warren Cross, who said that he would like to renew the Special Permit, although he was not yet begun to sell cars at the premises. There would be no more than three cars in the showroom at any one time, and the cars would be shown to customers only by appointment.

Mr. Cross said that now that the Odessa Auction is open in the General Motors building in Framingham, he intends to start the business officially.

No other person had any comment on the petition

Statement of Facts

The subject property is located at 10 Prescott Street, in a Business District, and is owned by Cliff Associates. Cross Enterprises, Inc. leases the 4,500 square foot building for the purpose of operating the "Classic Shine Auto Fitness Center".

The petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section XI of the Zoning Bylaw to use 600 square feet of the premises for the purchase and sale of used motor vehicles, a use not allowed by right in a Business District. Cross Enterprises, Inc. sublets this space to W.K Corporation for this purpose.

The proposed use will involve storage within the confines of the building of no more than three used cars at any one time. Repairs to these vehicles will not be made on site, nor will

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there be any truck delivery of the vehicles to the site. The hours of operation will be same as those of Classic Shine, except on Saturdays, when customers will be seen by appointment only. The owner will be the only employee.

A Class Two license was issued by the Board of Selectmen, which will expire on December 31, 1995.

On November 21, 1995, the Planning Board reviewed the petition and recommended that the special permit be renewed for a two-year rather than a one-year period.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The requested use of the premises for the sale of used motor vehicles is not a use allowed by right in a Business District.

It is the opinion of this Authority that the proposed use of the premises is in harmony with the intent and purpose of the Zoning Bylaw, and will not be detrimental to the surrounding neighborhood.

It is the unanimous decision of this Authority to grant the Special Permit to allow the petitioner to use six hundred square feet of the premises at 10 Prescott Street, in a Business District, for the sale of used motor vehicles, subject to the following conditions:

1. The Class Two license issued by the Board of Selectmen must be renewed prior to December 31, 1995.
2. The hours of operation of the W.K. Corporation shall be limited to between 7 a.m. and 5 p.m. on Monday through Friday throughout the year, and on Saturday by appointment only throughout the year.
3. The use of the premises for the sale of used motor vehicles shall be limited to six hundred square feet.
4. There shall be no more than three used motor vehicles stored on the premises for the purposed of resale at any given time; and these vehicles shall be stored within the 600 square feet designated for this purpose.
5. There shall be no repair or servicing operations done on the premises in conjunction with the use of the premises for the sale of used motor vehicles.

6. This Special Permit shall expire one year from the date of this decision.

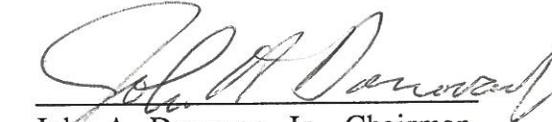
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10 Prescott Street

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert A. Bastille

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