



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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FEB 13 8 26 AM '96

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ZBA 96-5

Petition of Kostas & Europia Tsiroyannis (Mayfair Cleaners)
51 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 18, 1996 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 KOSTAS AND EUROPIEA TSIROYANNIS (MAYFAIR CLEANERS) requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw than an expansion of a pre-existing nonconforming use of a pre-existing nonconforming structure by expansion of a retail dry cleaning sales and onsite tailoring business from premises confined to 51 WASHINGTON STREET to include 55 and 57 WASHINGTON STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. The expansion of the nonconforming use will include onsite dry cleaning using chemical solvents, a use requiring a Special Permit in a Business District.

On January 2, 1996, the petitioners 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 Dennis Brown, attorney for Kostas and Europia Tsiroyannis, who were also present. Mr. Charles Campbell, Regional Sales Manager of H.W. Little Co., Inc., which sells laundry and dry cleaning equipment, was present to answer any technical questions.

Mr. Brown described the chemical solvent used, which is stringently regulated on state and federal levels, and the dry cleaning process. The chemical is stored in a closed container, and removed from the premises in a closed container. No vapor is emitted. Neither the Fire Department nor the Board of Health have any objections.

The Board commented that the Planning Board had recommended denial of the petition as a dry cleaning establishment using chemicals is not allowed in a residential district. There is no provision in the Zoning Bylaw for such a use in a Single Residence District.

Mr. Brown responded that the petition is for the expansion of a pre-existing nonconforming use. The use of chemicals does not change the use. The Board disagreed stating that the present use is essentially a retail operation, which would change to a processing operation of a manufacturing nature. It would be a dangerous precedent to allow this change in a residential area.

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Mr. Brown explained that the store block currently houses Mayfair Cleaners, a beauty parlor and a vacant store, which had been occupied by an ice cream shop for about a year, but has been unoccupied for a long time. The Board stated that apparently the pre-existing use has been for retail operations, not for a processing operation involving chemicals.

Mr. Brown explained that this would not be a factory operation. The total amount of solvent used for an entire year is only 100 gallons. The only increase in traffic would be from two additional employees. The petitioners do not envision an increase in the volume of clothes to be processed. The reason for the expansion is to simplify their operation. The Tsiroyannis have a dry cleaning operation in Canton. The clothes are taken from Wellesley to Canton to be cleaned and then returned to Wellesley to be picked up by customers. The addition of the dry cleaning machine in Wellesley would eliminate this round trip process.

Mr. Brown stated that the business is currently open from 7 a.m. to 6:30 p.m. The dry cleaning machinery would be run from 7 a.m. to 1 p.m. The rest of the business will be run until closing. The machine is a nonvented one, so there are no emissions.

Edmund Shean, 1 Orchard Street, submitted a plan showing the locus and the abutting properties, which are all residential. He expressed concern about possible future enlargement of the property, the possibility of chemical spills, and was of the opinion that any expansion of Mayfair Cleaners would be detrimental to the residential neighborhood.

Joan Chapman, 12 Glen Road, expressed concern about lifestyle in a residential area that has a nonconforming use, legal considerations as to disclosure, traffic concerns and economic significance in the effect on property values.

Larry Benoit, 59 Washington Street, the left side abutter, said that he is concerned that the addition of the dry cleaning equipment, if not a change in use, is at least a change in the character of the operation, and would be detrimental to property values. He felt that any product that is so highly regulated that it requires a Special Permit to be used in a Business District, does not belong in a residential district, regardless of how innocuous the chemical may be.

Mary Benoit, 59 Washington Street, said she was concerned with the possibility of accidents with the use of a highly regulated chemical, and a potential increase in traffic.

Robert Cox, 70 Washington Street, expressed opposition to the petition.

Mr. Brown responded to each of the neighborhood concerns.

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The Board stated that neighborhoods are fragile places in which it is important to maintain a balance, either between single and two-family dwellings in the Waban Street neighborhood, or between residential and business in this neighborhood. In the opinion of the Board, the addition of a processing plant would create a different situation than three small retail stores which are more akin to a residential area. The Board must take care to protect the interests of those who reside in the neighborhood to ensure that the business not only is not harmful, but is beneficial to the neighborhood. The balance between business and residential in this neighborhood must be maintained, and in the opinion of the Board, the change of use would be detrimental in that it would negatively alter that balance.

Statement of Facts

The subject nonconforming property is located at 51-57 Washington Street, in a Single Residence District, and was constructed prior to 1925. The store block is composed of three stores, and is owned by Margaret Ennis and Ellen Kane. Cameo Fashions, a beauty salon, has occupied the premises at 55 Washington Street since 1968. The petitioners have leased the premises at 51 Washington Street since 1983 for a retail dry cleaning business with tailoring services. All dry cleaning has been conducted off site.

The petitioners are requesting a finding that the expansion of their business into 55 and 57 Washington Street, and the expansion of use of the premises by the addition of a dry cleaning machine, which uses chemical solvents, would not be substantially more detrimental to the neighborhood than the existing nonconforming use. A dry cleaning establishment where chemical solvents are used is a Special Permit use in a Business District.

The submission materials included the following: a letter from Dennis Brown with information on the history, hours of operation, employees, parking, chemical solvent, chemical properties of the cleaning solvent, and waste disposal; Town Plan showing subject premises; photographs; a floor plan dated 11/1/95, drawn by Bob Kramer, White Conveyor Company, Inc.; a brochure describing the fluormatic dry cleaning machine; Environmental Protection Agency 40 CFR Parts 9 and 63 of the National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Final Rule and Fact Sheet; EPA's New Regulation Controlling Emissions from Dry Cleaners;

A letter dated December 28, 1995, was received from Captain Steve Harunk, Wellesley Fire Department, stating that the Wellesley Fire Department Office of Fire Prevention had no objection to the operation of a dry cleaning business at 51-57 Washington Street.

A letter dated January 17, 1996, was received from William Murphy, Environmental Health Specialist, Wellesley Health Department, stating that all concerns had been addressed by the petitioners.

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On January 9, 1996, the Planning Board reviewed the petition and voted to recommend denial of the petition based on the fact that the dry-cleaning using chemicals on the premises is a new activity not allowed in the residential district, and that there is no provisions in the Zoning Bylaw for such an operation.

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WELLESLEY, MA 02181

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The petitioners are requesting a Finding that the expansion of their retail dry cleaning and tailoring business from the premises at 51 Washington Street to include the premises at 55 and 57 Washington Street; and the expansion of the use of the premises to include dry cleaning by means of chemical solvents, will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

The Board is of the opinion that the request is not for an expansion of an existing nonconforming use, but for a change of use from one of a totally retail nature to one of a processing nature by means of machinery only allowed by Special Permit in a Business District.

The Board is of the opinion, as expressed in the Public Hearing, that the composition of the neighborhood is fragile, and that the balance between business and residential must be carefully maintained. To date, the premises at 51-57 Washington Street have been occupied by small retail businesses. The proposed expansion of the petitioners' business and the change of use of the premises would not only intensify the existing nonconformity, but create additional nonconformity, which would negatively alter this delicate balance.

It is the opinion of the Board that a dry cleaning establishment, which uses chemical solvents, should more properly be located in a Business District in which the use could be allowed with the grant of a Special Permit.

It is the Finding of this Authority, by a unanimous vote taken at the Public Hearing, that the proposed request would be substantially more detrimental to the neighborhood. Therefore, the request is denied and this petition is hereby dismissed.

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.


John A. Donovan, Jr., Chairman

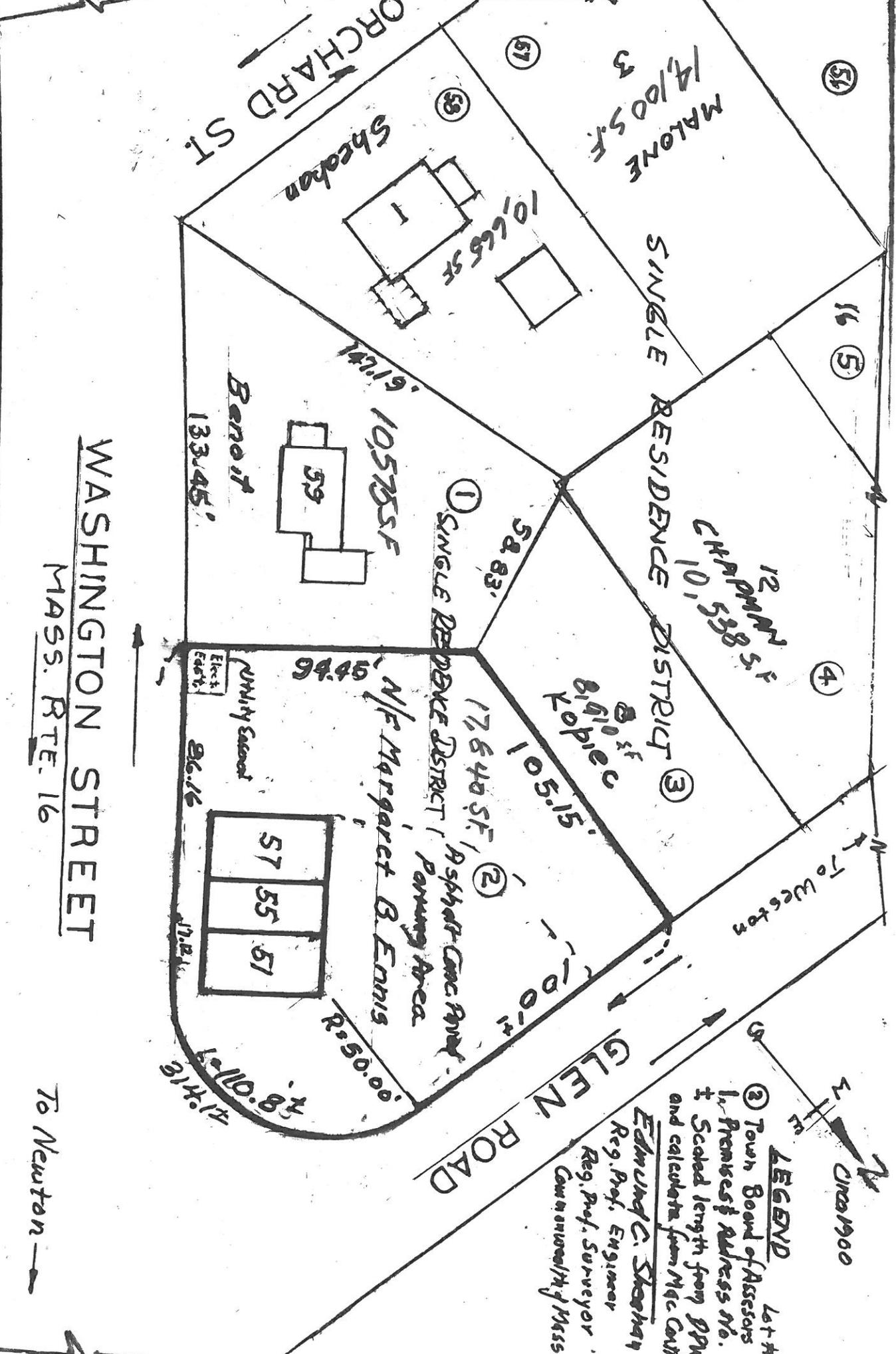

Kendall P. Bates


Robert A. Bastille

cc: Planning Board
Inspector of Buildings

PLAN OF LAND
WELLESLEY, MASSACHUSETTS
 Scale: 1" = 40'
 January 18, 1996

References: Wellesley DPW Engr. Dept. Plans File 1992
 Crescent St
 Notes:
 1. Premise # 51 Mayfair Cleaners Business
 2. Premise # 55 Conoco Fashions Business
 3. Premise # 57 Wellstar Farms Ice Cream Business
 4. This drawing only for describing for Public Hearing Jan 18, 96



LEGEND
 Lot #
 ② Town Board of Assessors
 1. Premises Address No.
 † Scaled length from DPW and calculate from Met. Conty
 Edmund C. Sheehan
 Reg. Prof. Engineer
 Reg. Prof. Surveyor
 Commonwealth of Mass.

To Newton →