



## BOARD OF APPEAL

RICHARD O. ALDRICH  
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KATHARINE E. TOY, CLERK  
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 235-1664

Petition of Bernard Swartz

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 March 29, 1967, on the petition of Bernard Swartz, requesting a modification of the extension of a business use at 5 Overbrook Drive which was granted by the Board of Appeal on August 15, 1961. Said modification was requested for the purpose of constructing an addition  $14\frac{1}{2}'$  beyond the existing building and was requested under the provisions of Section XXIV E-2 of the Zoning By-law.

On March 9, 1967, the petitioner requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Henry D. White, attorney, represented the petitioner at the hearing.

Frieda Thompson, 35 Overbrook Drive and Harold Bolles, 3 Cedar Brook Road both opposed the granting of the request.

The Planning Board referred to its previous report covering a similar request made by the petitioner in 1965. In this report it expressed its concern that any proposed extension of the building would reduce the maneuverability space for cars entering the parking stalls and that the space for off-street loading might also be reduced. Unless the Board of Appeal were satisfied that this would not be the case, the Planning Board would be opposed to the request.

Statement of Facts

The property involved is on the easterly side of Overbrook Drive and is separated from the northerly line of Worcester Street by a parcel occupied by a Shell gasoline station. The southerly portion of the parcel is within a Business District and adjoins a fifty-foot strip now used for limited business purposes under a special permit granted by this Board in 1961. There is a two-story building, which was built in 1960, on that part of the property located within a Business District. The petitioner operates an auto parts business on the first floor of the building and the second is occupied by an art studio.

The petitioner now seeks permission to construct a two-story addition  $14\frac{1}{2}'$  x  $55'$  plus a loading platform  $4'$  x  $25'$ , on the northerly side of the existing building, which addition would lie entirely within the part of the property now used for limited business purposes under a special permit. The proposed addition is intended to provide additional storage space which the petitioner claims to need. It was stated that the petitioner's business has increased and become more competitive during the past five years resulting in a need for more storage space. It was stated that the petitioner must now purchase in larger quantities as most of the automobile parts are sold in quantity to garages rather than as individual items to customers. Consequently, there is now less traffic

and fewer cars entering and leaving the property. The petitioner has five employees who need parking spaces in the business and there are two in the art shop on the second floor. There is space for four customers' vehicles in front of the building and the petitioner claims it is unlikely that more than four would ever be there at any one time.

A plot plan was submitted drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated March 1, 1967. Said plan showed the existing building on the property as well as the proposed addition.

Decision

The Board has given careful consideration to all the facts in this case and has taken a view of the locus. It has also reviewed the previous requests made by the petitioner for permission to construct a similar addition within the area involved.

In 1959, the petitioner requested an extension of a business use of the property involved a distance of fifty feet into a more restricted district, namely, a Single-residence District. The request was denied by the Board for reasons stated in its decision.

In 1960 the petitioner built a sales and office building on the property involved and in 1961 again requested an extension of a business use a distance of fifty feet. A further request was made to construct an addition to the existing building, the addition to be similar to the one requested in this petition.

The Board granted the extension of fifty feet for the business use then being made of the premises, namely, the automobile parts business and art studio. It expressed the opinion that the public interest would be served by permitting off-street parking adjacent to a business legitimately conducted in a business zone, but denied permission to add to the existing building, on the ground that the appellant, having been aware of the zoning district limitations at this location, should have found a parcel zoned for business large enough to accommodate its needs.

In 1965, the petitioner again requested permission to construct an addition on the side of the building similar to the one which is the subject of this petition. A majority of the Board favored granting such permission but one member being opposed the request was held to be denied.

On the basis of the representations made on behalf of the petitioner at the public hearing, it appears to the Board that certain aspects of the petitioner's business applicable to this situation have changed during the almost two-year period since the petitioner's request was denied. It should further be noted that the proposed construction will extend but one-third of the distance back into the residential zone into which the Board granted a 50' extension five or six years ago. In the opinion of the Board the proposed addition to the petitioner's building is reasonably necessary at this time and the grant of the permission sought by the petitioner does not appear likely to cause a substantial reduction in the value of any property within the district or otherwise to injure the neighborhood. It was claimed on behalf of the petitioner that fewer customers would be coming to the building since the business has largely become one of bulk sales and deliveries of auto parts. Thus, less parking space will be required than the Board deemed necessary at the time of its previous decision. The petitioner claimed without contradiction and the plan indicates that there will be

sufficient parking space for those employed in the building who drive to work, and that there will be sufficient space for customer parking at the front of the building.

While the Board is of opinion that authorization for extension of business uses and operations into more restricted districts should be limited, in its opinion the requested addition in this case will not depreciate the value of surrounding properties and will allow the petitioner to meet more adequately the requirements of an already existing business to which he has devoted a substantial investment. While the property involved adjoins land zoned for residential purposes on the northerly side, it is pertinent that such residentially zoned land is owned by the petitioner, and that the parcel which is the subject of this petition is adjoined on its easterly side by another business establishment, and on its westerly side by a public way with a restaurant building on the opposite side of the street.

Accordingly, the requested permission is granted and the Building Inspector is authorized to issue a permit for the construction of an addition in accordance with the plan submitted and on file with this Board.

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TOWN CLERK'S OFFICE  
MAY 10 1955  
1955 JUN 30 AM 5:15

*Philip H. R. Cahill*  
Philip H. R. Cahill  
*Eana T. Lowell*  
Eana T. Lowell  
*F. Lester Fraser*  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

Address: 15 OVERBROOK DR

Permit Number: 14933

Date: 7/14/1964

back scan image



**SURVEY RECORD**

Permit No. 14933

Street: OVERBROOK DRIVE No. 15

Builder: CARROLL BROS INC

Address: 196 W CENTRAL ST NORTON

Owner: BERNARD SWARTZ

Address: 15 Overbrook Drive Woburn

Building dimensions: 20'5" x 12'4"

Distances:

Adjoining Bldgs.....

Center of street.....

Front Yard..... Rear Yard 11'

Side Yard..... Side Yard.....

Area of Lot: 19,493 sq ft

COMPLETE INSTRUCTIONS ON REVERSE OF DUPLICATE COPY

ORIGINAL



Date: 7/13/64

Signed By: *Mac Carthy*  
Mac CARTHY Registered Engineer or Surveyor  
ENGINEERING SERVICE  
Address: MATHEW, MASS

