

TOWN OF WELLESLEY



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BOARD OF APPEAL 1967 MAY 1 AM 11:08

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DANA T. LOWELL
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235-1664

Petition of Carmen J. and Laura M. Surro

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 8:10 p.m. on February 23, 1967, on the petition of Carmen J. and Laura M. Surro requesting an amendment of this Board's decision of September 12, 1957, as amended July 5, 1961, so that the parcel of land at the rear of 999 Worcester Street, which is located in a residentially zoned area, may be used for off-street parking purposes in connection with the business of a new car agency proposed to be conducted on that portion of the lot zoned for business use. Said request is made under the provisions of Section XI, subsections 10 and 11, and Section XXIV E-2 of the Zoning By-law.

On January 24, 1966, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Paul R. Collanton, attorney, represented the petitioners at the hearing.

Joseph H. Harkins, 26 Overbrook Drive, spoke in opposition to the granting of the request. In his opinion the conduct of an automobile agency, with the sale of motorcycles, as well as the operation of a body shop, would create excessive noise within the nearby residential area and prove detrimental to surrounding properties. He felt that the restaurant business which has been conducted at the location involved for the past

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several years, has not proved objectionable and that the cars being parked in connection with that business have not caused any great disturbance to the neighborhood. However, the proposed use of the property would be objectionable. He further felt that the cars as well as the motorcycles would be tested on Edgemoor Avenue and the conduct of a body shop would prove disturbing.

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A number of nearby property owners registered their objections. All agreed with Mr. Harkins and felt that the proposed use of the property would prove detrimental to surrounding properties.

The Planning Board offered no objection in its report to allowing the land involved to be used for parking in connection with an automobile agency.

Statement of Facts

The property involved, which contains an area of 29,420 square feet, is located on the northerly side of Worcester Street between Overbrook Drive and Edgemoor Avenue. The front portion of the property, varying in depth from approximately 100' to 150' is located within a Business District and the balance is within a Single-residence District with a special permit granted by the Board of Appeal allowing it to be used for off-street parking in connection with a restaurant business.

In their petition, the petitioners seek permission to use the land involved for off-street parking in connection with the business of a new car agency and request that the Board amend its decision of September 12, 1957 as amended July 5, 1961, to allow this use.

A plot plan drawn by MacCarthy Engineer Service, Inc., Natick, Mass., dated January 26, 1967, was submitted which showed the existing building on the business zoned portion of the property as well as a proposed addition extending into the residentially zoned portion. The proposed addition is the subject of a separate petition to this Board.

Decision

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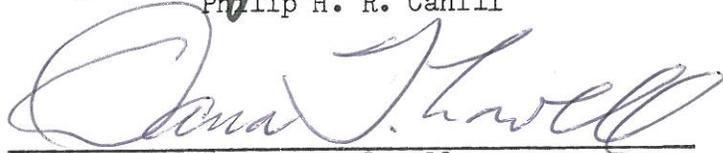
It is the opinion of this Board that the proposed use of the land involved is reasonably necessary and will not substantially reduce the value of any property within the district or otherwise injure the neighborhood. For several years the petitioner has used the area involved as a parking lot in connection with his restaurant business under a special permit granted by this Board. It is the opinion of this Board that the proposed change in the business use of the building on the property would not alter the need for off-street parking, and such use of the property should alleviate to some extent the traffic congestion in the area.

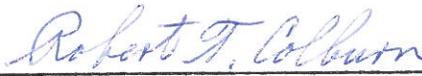
Accordingly, the requested amendment of this Board's decision of September 12, 1957, as amended July 5, 1961, relative to the parcel of land involved, is granted and said land may be used for off-street parking purposes while the business of a new car agency is being conducted on that portion of the lot which is zoned for business use, subject to the following conditions:

1. That the land in the single-residence district, to which the petition refers and which is more particularly shown on the plan filed by the petitioner and hereinbefore referred to, may be used, to an extent not exceeding a depth of 50 feet northerly of the existing business zone, for the off-street parking of motor vehicles in connection with the business proposed to be conducted on the property by the petitioners, viz., retail automobile sales, provided, however, that the term "off-street parking" as used herein shall not be deemed to include the storage of automobiles held for sale or for service or repairs, nor the display, operation or testing of automobiles held for sale or service; and

2. That in the event of the breach of any condition hereof or of the Board's decision filed with the Town Clerk on September 12, 1957, as amended by the further decision of July 5, 1961, relative to the property involved, the extension of use granted may be terminated by this Board without notice or hearing.


Philip H. R. Cahill


Dana T. Lowell


Robert T. Colburn

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