74-26

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Petition of the Town of Wellesley

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 8:25 p.m. on August 22, 1974, 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, 455 Worcester Street, between the Highway Department Building and the parking area adjacent to the Electric Sub-station. Said request was made under the provisions of Section XXIV-E of the Zoning By-law.

On July 30, 1974, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Leo J. Hession, Town Counsel, represented the School Committee at the hearing.

A letter was received from Everett R. Kennedy, Secretary to the Board of Public Works, advising that the Board approved the continued use of the land under the same conditions that were stated for the year 1973-74.

A letter of approval was received from Helen W. McIntyre, 43 Colburn Road.

Alfred Morin, Attorney, 1141 Great Plain Ave., Needham, represented the Wellesley Fells Bus Line, Inc. at the hearing. He alleged that one of the conditions agreed upon between the School Committee and the contractor operating the school buses, had been violated during the past year. He pointed out that while there was to be a condition restricting the use of the buses to the Wellesley School Committee, on several occasions during the past year, they were chartered by outside organizations. He felt this was unfair to his client and requested that the Board impose such a condition in its decision if the request is granted.

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 the Board of Appeal.

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The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requested that the permit granted by this Board a year ago be renewed for another year. Attorney Hession stated that it is proposed to continue the operation in the same manner as last season, with sixteen buses transporting the school children and one field office trailer on the property. The continued use is sought, he stated, in an effort to reduce expenses relative to transportation of pupils. He further stated that he had checked with the School Department and had been assured that except for the buses

being parked in the wrong location on one occasion, no complaints had been received. He urged the Board to grant the permit and gave assurance that, if granted, the use will be exercised in conformity with any terms or conditions imposed.

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.

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

1. That not more than sixteen 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 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 said permit shall expire one year from this date or sooner in the event of a breach of any of the above-mentioned conditions.

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Henry H. Thayer

William O. Hewett

Franklin P. Parker

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