76-32

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Administrative Secretary
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Petition of Charles W. Wood

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 8:00 p.m. on June 17, 1976, on the petition of Charles W. Wood, requesting permission to continue to use the basement of his dwelling at 140 Brook Street for clock repairing, as provided under Section XXIV-E of the Zoning By-law.

On May 12, 1976, the petitioner filed an application with this Board requesting a hearing and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

The following persons spoke in favor of the request at the hearing: Philip A. Wocker, 135 Brook Street, Susanne M. Carvalho, 139 Brook Street, Robert C. Kyser, Jr., 131 Brook Street, Caroline V. Smith, 70 Radcliffe Road and Gerard J. and Marie Isabel LaPierre, 144 Brook Street. All felt that there had been no problems in the neighborhood as a result of the petitioner's business being operated from his home and urged the Board to grant the permit for another year.

Henry J. Hajko, 134 Brook Street, stated that he had opposed the request a year ago, but accepted the Board's decision to grant a temporary permit for one year. In his opinion during the past year he felt that violations had occurred and that the petitioner displayed insincerety in requesting a renewal of the temporary permit granted to him a year ago. He further requested that the petitioner enumerate the specific places he had tried to relocate to and questioned to what extent he had gone to find another location for his business.

Statement of Facts

The house involved is located within a Single-residence District, a district in which the desired use of the property is not permitted unless special permission is granted by the Board of Appeal.

The petitioner seeks a renewal of a permit granted to him a year ago allowing him to operate a low-volume business of repairing clocks in the basement of his house.

The petitioner stated that for the past several months, he has been searching for space that would be suitable from the standpoint of location, facilities and cost, but has found nothing that fulfills all requirements. He pointed out that although the effective date of his permit was June 17, 1975, he was not able to get his business advertised until late August and the initial period has been rather slow. He further stated that he has tried to locate in a business district, but at this time is unable to carry the overhead that a separate repair shop would entail. He has also tried to locate in neighboring Towns, but has not as yet found a suitable location within his means.

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Decision

The Board feels from the evidence submitted, that there is a real need for a permit to be granted by this Board tp allow the petitioner adequate time to make arrangements to move his business to a location where it may be carried on without a special permit from this Board. However, in order that undue hardship will not result, the Board will grant a terminal permit until March 1, 1977.

It is not the intention of this Board to allow non-conforming uses to continue permanently on conditional and temporary permits granted and renewed on an annual basis.

Accordingly, the Board grants permission under the provisions of Section XXIV-E of the Zoning By-law, subject to the following conditions:

1. That no cars shall be parked at any time on Brook Street, which are there in connection with this special permit.

2. That the business of repairing clocks may be operated solely by the petitioner.

3. That no signs shall be displayed at any time.

4. That said permission shall expire on March 1, 1977, or sooner if there is a breach of any of the conditions above mentioned.

Francis L. Swift

F. Lester Fraser

William O. Newett

Filed with Town Clerk _____

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