TOWN OF WELLESLEY MASSACHUSETTS 77-4

BOARD OF APPEAL

MAY 20 1 52 PM '77

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Petition of Henry J. and Mary E. Burke

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the petition of Henry J. Burke and Mary E. Burke, requesting a permit which will allow them to continue to conduct a Funeral Home within their dwelling at 56 Washington Street, pursuant to the provisions of Chapter 40A, Section 15, of the General Laws.

On January 26, 1977, the petitioners filed with this Board their written request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

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

Statement of Facts

The property involved is a large old seventeen-room house located on the southeast corner of the intersection of Crescent Street and Washington Street in a Single Residence District. On the east, it is adjacent to a large antique establishment, directly across Washington Street, a heavily traveled through highway, is a block of three stores, and across Crescent Street is a non-conforming three-family dwelling, operating under a special permit granted by this Board. Before the petitioner was granted a special permit originally, authorizing the use for which he now seeks a renewal, the unsuitability of the property for a single residence was reflected in its dilapidated condition. The petitioners have renovated and restored it to a respectable condition which has enhanced the entire neighborhood. It was pointed out at the hearing that further improvements have been made to the property during the past few years and that it is in very fine condition. There are thirty-six parking spaces as required at the rear of the building.

Decision

It is the opinion of this Board that owing to the size of the house, its location adjacent to and across the street from business property, and its location on a heavily traveled throughway, conditions affecting the premises involved but not affecting generally the zoning district in which it is located, a literal enforcement of limitations imposed on property within a Single Residence District would involve a substantial financial hardship to the petitioners, and that the requested relief may be granted without detriment to the public good and without derogating from the intent or purpose of the Zoning By-Law.

A permit to continue to use this property as a Funeral Home was granted by this Board in 1971, for a period of five years, subject to compliance with certain conditions. The Board has not been informed of any violation of the conditions imposed in the permit nor has any complaint been called to its attention.

The Board, therefore, grants the requested permission under the provisions of Chapter 40A, Section 15, of the General Laws, but subject to the following conditions:

1. That a parking area shall be maintained at the rear and side of the dwelling as shown on the plan on file.

2. That cars enter and leave from Crescent Street when using the parking area in the rear.

3. That the Inspector of Buildings shall make an inspection of the premises annually and make a report of his findings.

4. That said permit shall be contingent upon compliance with all laws, rules and regulations now or hereafter applicable to Funeral Homes, to all rules and regulations now or hereafter made by this Board and unless sooner terminated, shall continue as long as the building is occupied as a Funeral Home.

Francis L. Swift

F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____

MAY 20 1 25 PM '77