



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-87

Petition of Warren Cross, Jr./Cross Enterprises, Inc.  
10 Prescott Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of WARREN CROSS, JR./CROSS ENTERPRISES, INC. requesting a Special Permit pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw to allow 600 square feet of the premises located at 10 PRESCOTT STREET, in a Business District, to be used for the sale of used motor vehicles, a use not allowed by right in a Business District.

On November 2, 1993, the petitioner requested a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Roy Cramer, attorney representing Warren Cross, Jr., who was also present. Mr. Cramer explained that Mr. Cross is the principal of Cross Enterprises, Inc., which runs Classic Shine. Mr. Cross leases the 4,500 square foot building, and would like to sublet 600 square feet of this space to his W.K. Corporation for the purpose of buying and selling used motor vehicles. None of the vehicles would be stored outside, nor would any repair of the vehicles be done on the premises. There would be no truck delivery of the used cars.

Mr. Cramer stated that the business focus would be on the sale of the "high end" of the automobile market. At any given time, there would be no more than 2 or 3 vehicles on the site. The hours of operation would be the same as those of Classic Shine, except on Saturdays, which would be by appointment only. There will be no signage. The proposed use will be nonintensive and nonintrusive. There are no residences on the street, and the immediate right side abutter has no problem with the proposed use.

Mr. Cramer said that if the Board granted the Special Permit, Mr. Cross would then request a Class Two license from the Board of Selectmen.

The Board questioned how the vehicles would enter the building, and if there would be any structural division of the interior space. Mr. Cramer responded that the existing overhead door would serve as an entrance. The cars would go through the Classic Shine area, to the allotted space. There will be no structural partitioning of the space, but the sublease will reflect the 600 square feet to be used for the requested purpose.

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The Board expressed concern that, as there was no partitioned space, the use could be extended into the area now used by Classic Shine. Mr. Cramer said that the Board could restrict the space to 600 square feet, and the number of vehicles to no more than three at any given time.

No other persons present had any comment on the petition

#### Statement of Facts

The subject property is located at 10 Prescott Street, in a Business District, and is owned by Cliff Associates. Cross Enterprises, Inc. leases the 4,500 square foot building for the purpose of operating the "Classic Shine Auto Fitness Center".

The petitioner is requesting a Special Permit pursuant to the provisions of Section XI of the Zoning Bylaw to use 600 square feet of the subject premises for the purchase and sale of used motor vehicles, a use which is not allowed by right in a Business District. Cross Enterprises, Inc. would sublet this space to W.K. Corporation for this purpose.

The proposed use will involve storage of no more than three used cars at any one time within the confines of the building. Repairs to these vehicles will not be made on site, nor will there be any truck delivery of the vehicles to the site. The hours of operation will be the same as those of Classic Shine, except on Saturdays when customers will be seen by appointment only. Only one salesperson will be at the premises at any given time. Traffic will not be increased as there will rarely be more than one customer vehicle on the site at any given time.

A Plan of Land dated March 3, 1986, drawn by D.M. Schiavone, Registered Land Surveyor; a sketch of the interior of the premises; and a letter from Cliff Associates expressing support for the proposed use, were submitted.

On November 9, 1993, the Planning Board reviewed the petition and voted to recommend approval of the Special Permit on an annual renewal basis.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The requested use of the premises for the purpose of the sale of motor vehicles is not a use allowed by right in a Business District pursuant to the provisions of Section XI of the Zoning Bylaw.

It is the opinion of this Authority that the conditions enumerated in Section XXV-D of the Zoning Bylaw have been met as the vehicular circulation resulting from the requested use

DEC 3 8 39 AM '93  
TOWN ENGINEERING OFFICE  
100 W. MAIN ST. #101  
MILWAUKEE, WI 53233

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will not create additional traffic congestion; no new driveways are required; no vehicle queuing lanes will be necessary; the requested use will be contained within the premises; pedestrian safety will not be affected; the requested use is not a noxious one; and the intensity of use is minimal.

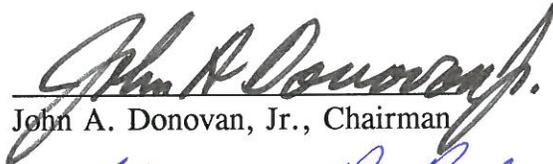
It is the opinion of this Authority that the proposed use of the premises for the sale of used motor vehicles is in harmony with the intent and purpose of the Zoning Bylaw and will not be detrimental to the surrounding neighborhood.

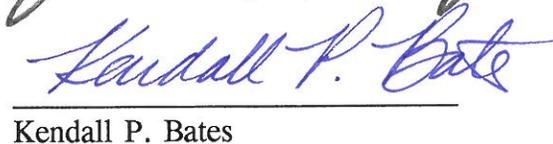
Therefore, a Special Permit is hereby granted to the petitioner to use six hundred (600) square feet of the premises at 10 Prescott Street, in a Business District, for the purpose of sale of used motor vehicles, subject to the following conditions:

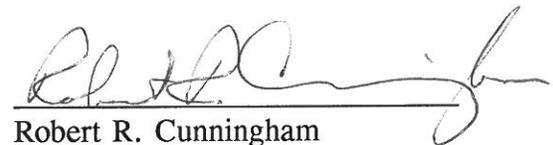
1. The premises cannot be used for the sale of used motor vehicles until the petitioner has been granted a Class Two license by the Board of Selectmen.
2. The hours of operation of the W.K. Corporation shall be limited to between 7 a.m. and 5 p.m. on Monday through Friday throughout the year, and on Saturday by appointment only throughout the year.
3. The use of the premises for the sale of used motor vehicles shall be limited to six hundred (600) square feet shown on the submitted floor plan.
4. There shall be no more than three (3) motor vehicles stored on the premises for the purpose of resale at any given time; and these vehicles shall be stored within the 600 square feet designated for this purpose.
5. There shall be no repair or servicing operations done on the premises in conjunction with the use of the premises for the sale of used motor vehicles.
6. This Special Permit shall expire one year from the date of this decision.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF THIS DECISION IN THE OFFICE  
OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

DEC 3 8 29 AM '93  
TOWN CLERK'S OFFICE  
WELLS RIVER, MA 02150