



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2019-05

Petition of Wellesley Retail LLC  
999 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 10, 2019 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of Wellesley Retail LLC requesting extension of a variance that was originally granted in 1957 (ZBA 57-45) to transfer ownership of the property, pursuant to the provisions of M.G.L. Chapter 40A, Section 10 and Section XXV of the Zoning Bylaw, at 999 Worcester Street, in a Business District and a Single Residence District.

On December 6, 2018, the petitioner filed a request for 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 John Scribner, representing Wellesley Retail LLC, the Petitioner. He said that the property straddles a Business and a Single Residence District. He said that the original variance allowed parking in the residential district. He said that he came before the Board last year prior to purchasing the property because a change of ownership requires extension of the existing variance, which this Board granted. He said that they are now selling the property and the request before the Board is for an extension of the variance due to a transfer of ownership.

Mr. Scribner said that he met with the Planning Board and they have endorsed a rezoning of the residential portion of this property, which will be addressed at the next town meeting. A Board member confirmed that extension of the variance will become moot if the property is rezoned.

The Board confirmed that the property is being sold to HW Holdings, LLC.

The Board discussed extension of the variance. A Board member asked if there are 39 parking spaces. Mr. Scribner said that the area was re-striped and now has 41 parking spaces.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 999 Worcester Street, in a Business District and a Single Residence District, on a 29,420 square foot lot of which 20,959 square feet are in the Business District and 8,191 square feet are in a Single Residence District. The property is also located in a Water Supply Protection District. The property is currently owned by Wellesley Retail LLC but will transfer ownership to HW Holdings, LLC, a Massachusetts limited liability company.

The Petitioner is requesting extension of a variance that was originally granted in 1957 (ZBA 45) to transfer ownership of the property to Wellesley Retail, LLC, pursuant to the provisions of M.G.L. Chapter 40A, Section 10 and Section XXV of the Zoning Bylaw.

On January 9, 2019, the Planning Board reviewed the petition and recommended that the variance be extended with the same conditions as previously imposed.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that extension of a variance that was originally granted in 1957 (ZBA 57-45) to transfer ownership of the property to HW Holdings, LLC, pursuant to the provisions of M.G.L. Chapter 40A, Section 10 and Section XXV of the Zoning Bylaw may be granted.

Therefore, extension of a variance that was originally granted in 1957 (ZBA 57-45) to transfer ownership of the property to HW Holdings, LLC, pursuant to the provisions of M.G.L. Chapter 40A, Section 10 and Section XXV of the Zoning Bylaw is granted, subject to the following condition:

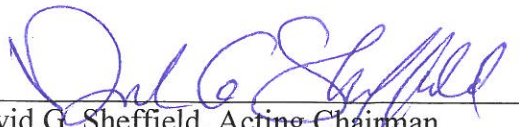
- Conditions imposed by the Board in its previous decisions (i.e. ZBA 57-45, ZBA 61-25, amended on March 28, 1962, and ZBA 98-6) are incorporated into this decision.

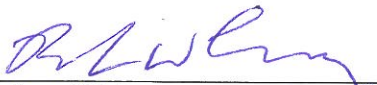
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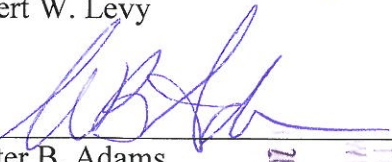
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
David G. Sheffield, Acting Chairman

  
Robert W. Levy

  
Walter B. Adams

ZBA 2019-05  
Applicant Wellesley Retail LLC  
Address 999 Worcester Street

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**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm