

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 489-7450

WALTER B. ADAMS
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24 JUN 20 PH12:23

RECEIVED
OWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2024-13

Petition of Italo American Educational Club, Inc.
75 Pleasant Street/80B Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 1, 2024, at 7:30 pm, on the petition of Italo American Educational Club, Inc. requesting a Special Permit pursuant to the provisions of Section 2.1 A.8.j and Section 6.3 of the Zoning Bylaw to use a portion of the premises for a non-accessory use for off-street parking spaces in its existing lot at 75 Pleasant Street/80B Oak Street, in a 10,000 square foot Single Residence District, which is a use not allowed by right.

On December 27, 2023, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

February 1, 2024

Present at the public hearing were David Himmelberger, Esq., Jimmi Bazzari, President, and Ralph Tortorella, Director of the Italo American Educational Club, Inc.

Mr. Himmelberger said that the request is for a special permit to park 40 vehicles in the lower parking lot, pursuant to Section 2.1 A 8j of the Zoning Bylaw, which allows for non-accessory off-street parking. He said that there are no noxious uses, the intensity of use will not be significant or adversely affect the character of the neighborhood.

Mr. Himmelberger said that 40 cars from the Mazda Dealership are currently parked in the lower lot. He said that the Club was not aware that a special permit was required to rent the parking spaces.

Mr. Himmelberger said that the parking area is inset of a fence that is inset from the property line. He said that there is extensive screening for the house to the north on Oak Street and for the house to the left, south of the driveway area. He said that there is more than ample parking in the upper parking lot for the Club and events.

The Board discussed Zoning Bylaw definitions of storage of automobiles versus non-accessory parking. Board members discussed concerns about overnight parking and conflicts with Club events. The Board said that graphic information that shows what the site looks like, where the parking spaces and maneuvering aisles are located, circulation on the lot, and how the cars will come in and come out should be submitted.

February 15, 2024

Mr. Himmelberger said that the Building Inspector said that the cars should be removed from the lot, pending further relief from the Zoning Board. He said that the Board may not have jurisdiction to grant the relief requested because a Town Bylaw limits the number of unregistered vehicles to one per lot.

Mr. Himmelberger said that his client would like to amend their application to allow for 20 vehicles to be parked daily, with no overnight parking, for construction worker parking. He said that his client does not contemplate parking any type of construction vehicles such as a cement mixer or a dump truck on the lot. The Chairman said that details of how the plan will work should be submitted to the Board.

March 14, 2024

Mr. Himmelberger said that the vehicles from the Mazda dealership were removed from the lot by the end of February. He said that the current request is to park 20 personal vehicles for local contractors doing work in town, excluding heavy equipment, flatbeds, or bulldozers. He discussed routes of operation. He said that the use can be accommodated under Section 2.1 A 8j of the Zoning Bylaw for non-accessory parking.

Board members asked about the number of attendees at Club events, programs during the day, and the number of employees. Mr. Tortorella said that the Club is not open during the week until 4 pm, except for use by half a dozen senior citizens to play cards.

The Board discussed possible dual use of the existing, paved, upper parking lot at 75 Pleasant Street. The Board asked that the Applicant submit documentation of the layout of the parking lot and provide the minimum information necessary for the Board to make findings under Section 2.1 A 8j and Section 6.3 of the Zoning Bylaw.

June 6, 2024

Mr. Himmelberger said that the Applicant is seeking 20 spaces, Monday through Saturday, between 6:30 am and 7 pm for contractor parking in dedicated parking spaces 6 to 10, 11 to 15, 34 to 38 and 39 to 43, at the far end of the existing, paved, upper parking lot at 75 Pleasant Street. He said that the existing parking lot is striped. He said that under the special permit provision of Section 2.1 A 8j, the proposed use otherwise meets the criteria and the special permit use standards in Section 6.3 of the Zoning Bylaw.

Mr. Himmelberger said that this will not be a change in use, as parking will remain parking. He said that the only change will be who will be using it. He said that this is a pre-existing parking lot that has existed for decades without incident. He asked that the Board allow the parking lot configuration to remain unchanged.

Statement of Facts

The subject property is located at 75 Pleasant Street/80B Oak Street, in a 10,000 square foot Single Residence District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section 2.1 A 8.j and Section 6.3 of the Zoning Bylaw to use a portion of the premises for a non-accessory use for off-street parking spaces in its existing, paved, upper parking lot at 75 Pleasant Street, in a 10,000 square foot Single Residence District, which is a use not allowed by right.

Letter to Zoning Board of Appeals, from Jimmi Bazzari, Special Permit Attachment, and Aerial Photographs of 80B Oak Street and 75 Pleasant Street, and Existing Parking Site Plan, SP1, dated 6/4/24, prepared by Mark Lewis Design Services, were submitted.

On December 5, 2023, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

Decision

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

A Special Permit is required pursuant to Section 2.1 A 8 J of the Zoning Bylaw, as the requested use of the parking lot for non-accessory off-street parking for 20 personal vehicles for local contractors in the existing, paved, upper parking lot is not a use allowed by right in a Residential District.

It is the opinion of this Authority that the non-accessory use parking shall not cause significant disturbance or disruption of any residential neighborhood, shall not detract from the use of the parking lot for the accessory use, or reduce landscaping or screening areas.

It is the opinion of this Authority that the non-accessory use parking meets the Special Use Permit Standards in Section 6.3 of the Zoning Bylaw.

Therefore, a Special Permit is granted for non-accessory off-street parking for 20 personal vehicles for local contractors doing work in town, excluding heavy equipment, flatbeds, or bulldozers, in the existing, paved, upper parking lot at 75 Pleasant Street, in accordance with Plan SP1, Existing Parking Site Plan, dated 6/4/24.

RECEIVED
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WELLESLEY MA 02481
2024 JUN 20 PM 12:23

ZBA 2024-13

Petition of Italo American Educational Club, Inc.
75 Pleasant Street/80B Oak Street

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.

J. Randolph Becker (Am.)

J. Randolph Becker, Chairman

David G. Sheffield (Am.)

David G. Sheffield

Peter Covo (Am.)

Peter Covo

ZBA 2024-13
Applicant Italo American Educational Club, Inc.
Address 75 Pleasant Street/80B Oak Street

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.

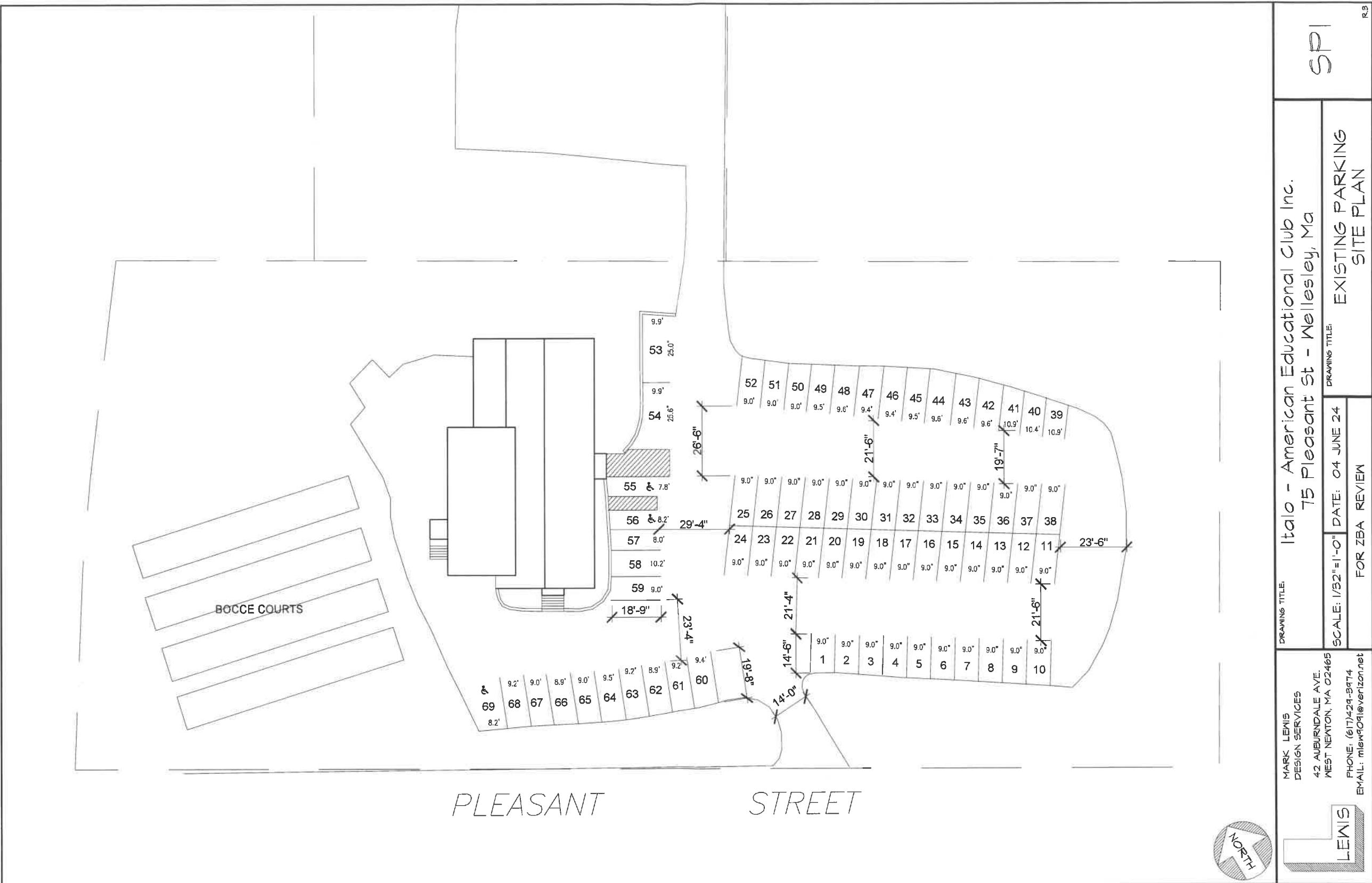
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2024 JUN 20 PM 12:23



Bk 41881 Pg 217 #43940
07-12-2024 @ 09:48a

HAND TO LAND COURT

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS 888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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Property Address: 75 Pleasant St, 80B Oak St
Certificates of Title 20952, 32448
Book 2232, page 104