

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 MAR 19 A 8:19

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ZBA 2002-13  
Petition of Jane Peele Greene Family Trust  
Nathanael B. Greene, Trustee  
37 Pond Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 28, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the JANE PEELE GREENE FAMILY TRUST, NATHANAEL B. GREENE, TRUSTEE requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to allow the premises at 37 POND ROAD, in a 40,000 square foot Single Residence District to continue to be used as a two-family dwelling, a use not allowed by right in a Single Residence District.

On February 11, 2002, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

At the hearing, Ellen Gordon, Executive Secretary, read into the record a letter received from Mr. Greene stating that his 89 year old mother, Jane Peele Greene, was unable to travel from New Hampshire to attend the hearing; and, due to a prior planned trip to Canada, he also would be unable to attend. Mr. Greene authorized the Executive Secretary to act on his behalf at the hearing.

Mr. Greene wrote that there had been no changes in the conditions on which the Special Permit had been granted, and requested renewal under the same terms and conditions.

The Board noted that the Planning Board had no objection to the renewal of the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Pond Road, in a 40,000 square foot Single Residence District, on a 7.96 acre lot. The house, built in 1875, has been in the family since the original construction. The house contains thirty-five rooms, and cannot be used economically as a single family dwelling. The ownership of the property has been assumed by the Jane Peele Greene Family Trust. Mrs. Greene currently lives in Peterborough, New Hampshire, but her son, Nathanael B. Greene, a trustee of the Family Trust, occupies one-half of the premises. The second apartment has been occupied by the same tenant for many years.

The petitioner requests renewal of the Special Permit to continue the use of the premises as a two-family dwelling. Special Permits for this use have been granted regularly since 1973.

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On February 26, 2002, the Planning Board reviewed the petition and recommended renewal on the same terms and conditions as are currently in effect.

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Decision

This Authority has made a careful study of the information submitted. It is the opinion of this Authority that the continued use of the premises as a two-family dwelling, with the trustee in residence, shall not substantially reduce the value of any property within the neighborhood and shall not be injurious or offensive to the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, pursuant to the provisions of Section II A 8 (a) of the Zoning Bylaw, to continue to allow the use of the premises at 37 Pond Road as a two-family dwelling, subject to the following conditions:

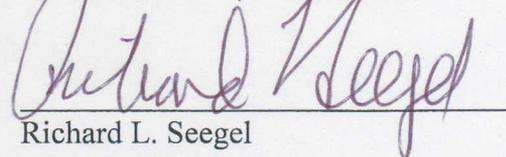
1. Said dwelling shall not be occupied by more than two families at any time; and one of the families in residence shall be that of Nathanael B. Greene, Trustee of the Jane Peele Greene Family Trust.
2. All applicable state and local laws and regulations shall be complied with by the petitioner, Nathanael B. Greene, and the tenant(s).
3. This Special Permit shall expire two years 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 FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



Richard L. Seegel



J. Randolph Becker