TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2003-19
Petition of Erika C.M. Truscheit Realty Trust
Frederick Hampe, Trustee
18 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 13, 2003 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ERIKA C.M. HAMPE REALTY TRUST, FREDERICK HAMPE, 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 18 MAUGUS AVENUE, in a Single Residence District, to continue to be used as a lodging house for not more than 8 lodgers at any one time, a use not allowed by right in a Single Residence District.

On January 24, 2003, 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 Frederick Hampe, Trustee, who requested renewal of the Special Permit, which was first issued 35 years ago, to continue to use the premises as a lodging house. He said he maintains the house in good condition, while maintaining friendly relations with the neighbors.

The Board asked if there was sufficient parking on the premises for both the tenants' and the Hampe vehicles. Mr. Hampe said that there was.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 18 Maugus Avenue, on a 20,610 square foot lot, in a Single Residence District. The house is a three-story wooden structure over 100 years old, and contains 20 rooms and eight and one-half baths. Since the Hampes purchases the property in 1975, the use and number of lodgers has been in litigation twice. In 1993, the Appeals Court signified that no more than 8 lodgers would be allowed, and that the Special Permit be issued for as reasonably a long term basis as permitted by the Zoning Bylaw.

In 1994, the Board of Appeals heard the Hampe petition on remand from the Appeals Court, and granted a Special Permit for 8 lodgers for 3 years with conditions (See ZBA 94-5 for complete history.) In 1997, the petitioner requested that the number of lodgers be increased from 8 to 10. The Board denied the increased number, but again granted the Special Permit for 8 lodgers for a 3 year period.

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Several years ago, the house was put into a realty trust. The house is no longer the primary residence of Erika Hampe, but it is the primary residence of Frederick Hampe, her son and trustee of the realty trust. Mr. Hampe is now requesting renewal of the Special Permit under the same conditions.

On January 28, 2003, the Planning Board reviewed the petition and recommended renewal of the Special Permit under the same terms and conditions as are currently in effect.

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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, under the trusteeship of Frederick Hampe, the use of the twenty room dwelling as a lodging house for no more than eight lodgers at any one time shall not reduce the value of the property in the area; and that the use of the property does not disturb or disrupt the customary character of the neighborhood, and will allow the petitioner to secure a reasonable income from the property.

It is the opinion of this Authority that the subject property can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in a Single Residence District due to the number of rooms and the size of the dwelling.

Therefore, a Special Permit is granted to the Erika C.M. Hampe Realty Trust, Frederick Hampe, Trustee, as voted unanimously at the Public Hearing, for the use of the premises at 18 Maugus Avenue as a lodging house for no more than eight lodgers at any one time, subject to the following conditions:

1. Frederick Hampe, Trustee, shall maintain his primary residence at 18 Maugus Avenue for the duration of this Special Permit.

2. Off-street parking shall be provided for all vehicles of lodgers in residence.

3. No more than eight lodgers shall occupy the dwelling at any one time.

4. All applicable State and local laws and regulations, including state and local building and fire codes shall be complied with.

5. This Special Permit shall expire three 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.

Richard L. Seegel, Chairman

David G. Sheffield

J. Randolph Becker

Cc: Planning Board
Inspector of Buildings