

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-15

Petition of Mitchell & Tess Parker
130 Washington Street

Petition of MITCHELL AND TESS PARKER 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 them to continue to use a portion of their premises at 130 WASHINGTON STREET, in a Single Residence District, as a two-family dwelling, a use not allowed by right in a Single Residence District.

On March 19, 2007, the petitioners 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 Tess Parker (the "Petitioner"), who said that they would like to continue to rent the apartment at 130 Washington Street.

The Board asked if there is a family living in the apartment currently. Ms. Parker said that there is no one living in the apartment now.

The Board said that there appears to be sufficient space for off-street parking. Ms. Parker said that it is their policy to rent to a single person with a single vehicle.

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

Statement of Facts

The subject property is located at 130 Washington Street, in a Single Residence District. The Victorian house was built in 1865 and is recognized as an historical landmark by the Wellesley Historical Society. The first Special Permit for the use of the home as a two-family dwelling was granted in 1954 to Ralph and Sandra Donabed, and was renewed biennially until 2000, when the Parkers purchased the dwelling. A Special Permit for one year was granted to the Parkers in September 2000. A Special Permit for two years was granted to the Parkers in October 2002 and December 2004.

The house consists of 17 rooms, of which 12 on the first and second floors are occupied by the Parkers. The five rooms on the third floor are rented as an apartment, which has a separate entrance. Rental income from this apartment is used to make improvements and defray maintenance costs.

On March 27, 2007, the Planning Board reviewed the petition and had no objection to renewing the Special Permit under the same terms and conditions.

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 the continued use of the premises as a two-family dwelling will not substantially reduce the value of any property within the district, and will not disturb or disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the continued use of the premises at 130 Washington Street as a two-family dwelling, subject to the following conditions:

1. The house shall be occupied by the Parker family for the duration of the Special Permit.
2. The apartment shall be occupied by not more than one additional family, or not more than two unrelated persons.
3. The lease for the five room rental apartment shall be for a minimum of one year.
4. All applicable State and local laws and codes shall be complied with by the petitioners and their tenants.
5. Facilities for off-street parking shall be provided for the tenants of the property.
6. This Special Permit shall expire two years from the date time-stamped on this decision.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm