

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-45
Petition of Hunnewell Land Trust
891 Washington Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, July 10, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of HUNNEWELL LAND TRUST 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 accessory garage apartment at 891 WASHINGTON STREET, to continue to be used as a separate dwelling unit, which is a use not allowed by right in a Single Residence District.

On June 24, 2008, 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 Frank Hunnewell, who said that he is a trustee of the Hunnewell Land Trust (the "Petitioner"). He said that a Special Permit was granted in 1987 for use of the garage with the attached two-story apartment after the use had been discontinued for more than two years. The Special Permit has been renewed every three years since 1987.

Mr. Hunnewell said that the tenant who lived in the apartment three years ago passed away and there is a new tenant living there now.

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 891 Washington Street, on a 5.629 acre lot on the corner of Washington Street and Pond Road, in a Single Residence District. A two-family dwelling, two detached garages, and a barn are located on the premises. The garage closest to the house was constructed in the early 1900's and is used as a three-car garage, which has an attached two-story apartment. In June 1987, the Board of Appeals granted a Special Permit (ZBA 87-48) for the premises to be used as a separate dwelling unit, as the use had been discontinued for more than a two-year period. The Special Permit was renewed every three years since that time.

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 requested Special Permit can be granted pursuant to Section II A 8 (a) of the Zoning Bylaw to allow a garage apartment at 891 Washington Street to continue to be used as a separate dwelling unit, as said use shall neither be detrimental to the neighborhood nor in derogation of the intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. All applicable State and local laws and regulations shall be complied with by both the petitioner and the tenant.
2. This Special Permit shall expire three years from the date time stamped on 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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm