

**ZONING BOARD OF APPEALS**

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ZBA 2009-07

Petition of Truscheit Realty Trust,  
Fredrick Hampe, Trustee  
18 Maugus Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of FREDRICK HAMPE, TRUSTEE, ERIKA C.M. TRUSCHEIT REALTY 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 premises at 18 MAUGUS AVENUE to continue to be used as a lodging house for not more than 8 lodgers at any one time, which is a use not allowed by right in a Single Residence District.

On February 17, 2009 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 Fredrick Hampe (the "Petitioner"), who said that he was requesting renewal of a Special Permit for three years. He said that he has always tried to be a good neighbor and there have not been any problems that he is aware of.

The Board confirmed that Mr. Hampe still lives at 18 Maugus Avenue.

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 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 purchased 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 three-year period.

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 Fredrick Hampe, her son and trustee of the realty trust. Mr. Hampe is now requesting renewal of the Special Permit under the same 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, under the trusteeship of Fredrick 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 nor 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. Truscheit Realty Trust, Fredrick 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. Fredrick 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.

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm