

**ZONING BOARD OF APPEALS**

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ZBA 2009-17
Petition of St. Andrews Church
7 Denton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 2, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ST. ANDREW'S CHURCH 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 the premises at 7 DENTON ROAD as a two-family dwelling, which is a use not allowed by right in a Single Residence District.

On March 16, 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 Henry Thayer, Esq., who said that he was representing St. Andrew's Church (the "Petitioner"). He said that present with him was the Associate Rector, Edith Dolankowski, and Pamela Hendrickson, Warden.

Mr. Thayer said that renewal of the Special Permit is for the same house that had been permitted previously. He displayed a picture of the house.

Mr. Thayer said that there have been no complaints about the tenants.

Mr. Thayer said that the Church received comments from Mr. and Mrs. Williams of 9 Denton Road. He said that they were concerned about noise from an attic fan. The Williams suggested that the fan, as well the window air conditioner be moved to the other side of the house. Mr. Thayer said that the Williams were concerned about the condition of the yard. He said that there is a gouge where water stands and attracts mosquitoes. There was debris that has since been cleaned up. The hedges are in need of trimming. He said that the Church will address all of the Williams' concerns.

Mr. Thayer said that there are two rental units. He said that the Church tries to get tenants who have some sort of service or Church connection. He said that the tenants have always been quiet. He said that there are no college students living there. He said that the rental units are on Church property.

Ms. Hendrickson said that the tenants sign annual leases.

The Board said that it has to make a finding that there is an economic need for the two-family in a Single Residence District. Mr. Thayer said that the heating plant is breaking down at the Church. He said that the Church is trying to raise money for that. He said that although it is a large parish, there is not a lot of discretionary cash. He said that they have to raise \$1.5 million dollars to replace the heating and electrical systems in the Church.

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 7 Denton Road, in a Single Residence District, on a parcel of land owned by and including St. Andrew's Church at 79 Denton Road. The subject dwelling is located 10 feet from the Parish House of the Church.

The house, constructed prior to 1900, was purchased by the Church in 1947, and used to house clergy or rented as a single-family dwelling. In 1984, a Special Permit was granted for the use of the house as a two-family dwelling, and has been renewed annually or biennially since that date.

The petitioner is requesting renewal of the Special Permit pursuant to Section II A 8 (a) of the Zoning Bylaw to continue to use the premises as a two-family dwelling.

On March 30, 2009, the Planning Board reviewed the petition and recommended renewal on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. St. Andrew's Church is requesting renewal of a Special Permit to allow the dwelling at 7 Denton Road, on property owned by the Church, to continue to be used as a two-family dwelling, which is a use not allowed by right in a Single Residence District.

It is the opinion of this Authority that use of the subject dwelling as a two-family residence 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, to allow the premises at 7 Denton Road to continue to be used as a two-family dwelling, subject to the following conditions:

1. All parking related to the premises shall be on the premises, and no vehicles related to the premises shall be parked on Denton Road.
2. Tenant leases shall be signed for a period of not less than one year.
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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm