

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-26  
Petition of Nancy Erne  
599 Washington Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of NANCY ERNE requesting renewal of a Special Permit pursuant to the provisions of Section IIIA and Section XXV of the Zoning Bylaw to allow her premises at 599 WASHINGTON STREET to continue to be used as a two-family dwelling, which is a use not allowed by right in a Town House District.

On April 19, 2011 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 Nancy Erne (the "Petitioner"), who said that her family has owned the house since 1872. The Board confirmed that the house is being used as a two-family and the request is to be able to continue that use.

The Board said that it wanted to continue with the condition that Ms. Erne must be the owner-occupant.

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 599 Washington Street, in a Town House District, and is part of Wiswall Condominiums containing 56,697 square feet of land at the corner of Wiswall Circle and Washington Street.

In 1981, the Board of Appeals granted Site Plan Approval to David Wiswall et al for 14 dwelling units, known as Wiswall Condominiums, at Wiswall Circle and 599 Washington Street. The decision (ZBA 81-19) also granted a Special Permit allowing the conversion of a single family dwelling at 599 Washington Street to a two-family use. Nancy Erne is the present owner of the property. Ms. Erne occupies one of the dwelling units. Since 1981, Special Permits for the use of the premises have been consistently granted. Ms. Erne is now requesting renewal of the Special Permit.

On April 26, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be renewed without conditions.

Decision

This Authority has made a careful study of the application submitted and the information presented at the hearing. It is the opinion of this Authority that a Special Permit to allow the premises at 599 Washington Street, in a Town House District, to continue to be used as a two-family dwelling can be granted, as the use will not be injurious to the neighborhood or to the public good, and will be in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore a Special Permit is hereby granted to Nancy Erne, as voted unanimously by this Authority at the Public Hearing, to continue to use the premises as a two-family dwelling, subject to the following conditions:

1. Nancy Erne shall be the owner occupant of one of the two dwelling units for the duration of the Special Permit.
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.

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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