



GARRETT S. HOAG  
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DANA T. LOWELL

BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of Theresa and Eugene P. Travers

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on January 23, 1963 on the petition of Theresa and Eugene P. Travers requesting permission to convert the dwelling located at 11-13 Bow Street from its present non-conforming use as a two-family dwelling into four apartments as provided under Section 7-C of the Zoning By-law.

Gus Sturgis, brother of Theresa Travers, represented the petitioners at the hearing.

Jean G. Bowen, 24 Crescent Street, opposed the granting of the request both as a neighbor and as a member of the Board of Selectmen. She pointed out that work had been performed in the house involved without permits and in violation of the Building Code and Plumbing Code. The Board of Selectmen feel that the granting of a permit for four apartments would prove detrimental not only to the neighborhood but also to the Town of Wellesley, such a change should be made through a vote at Town Meeting.

Edward T. Kilmain, 81 Prospect Street, opposed the granting of the request both as a neighbor and as a representative of approximately thirty other neighbors. He pointed out that the house has been in existence for over sixty years and has always been a two-family dwelling. At the Town Meeting held in 1954, the area involved was changed from a General Residence District to a Single Residence District. With very few exceptions the entire neighborhood is one of single-family dwellings; there is no need for the proposed non-conforming use of the dwelling and to allow it to be converted into four apartments, in his opinion, would prove detrimental to the neighborhood.

The following nearby neighbors also spoke in opposition to the granting of the request: Daniel P. O'Connor, 1 Bow Street, Edmund T. Rice, 75 Prospect Street, Frederick J. DeLouchry, 8 Fairbanks Avenue, and Bartolo S. Impallaria, 8 Bow Street.

Howard T. Evans, Building Inspector, stated that he had made several visits to the property involved starting early last October and had warned Eugene P. Travers that the house could not be occupied by more than two families unless a special permit was obtained from the Board of Appeal. However, when he visited the house in early January, he found that rough plumbing had been installed up to the second floor, a refrigerator and kitchen cabinets were on the second floor as well as a sink which had not been connected. All of this appeared to be in preparation for an additional apartment on the second floor.

George J. Cononi, Plumbing Inspector referred to correspondence he had had with the Board of Selectmen relative to the matter and read the conditions under which the plumbing permit was issued, the final condition being that plumbing work, suitable for no more than one-family occupation of

No. 13, may be completed and fixtures installed, all in accordance with Code requirements and subject to the approval of the Plumbing Inspector.

A petition signed by twenty-five nearby property owners opposing the granting of the request was submitted.

The Planning Board opposed the request in its report.

#### Statement of Facts

On January 7, 1963, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The house involved is a non-conforming duplex residence, located on an 8,000 square-foot lot within a single-residence district requiring a minimum lot area of 10,000 square feet on Bow Street, a public way which is only thirty feet in width. The petitioners seek permission to convert the house into four apartments of three rooms each, two on the first floor and two on the second floor. The property which was purchased by the petitioners in October 1962, was in poor condition at that time and it was necessary to make major repairs which included new plumbing, new electrical systems, new heating systems, new cement platforms, new iron columns and rails, new chimneys as well as interior and exterior painting. As a result of this a substantial amount of money was spent to improve the property and petitioner alleges that it did not appear feasible, from an income expense viewpoint, to rent it as a two-family dwelling. Work has been completed at #11 and the petitioners desire to do similar work at #13 when the tenant's lease expires in May. It was alleged that the house was in a dilapidated condition when it was purchased and that by repairing it so thoroughly, it immediately upgraded the neighborhood and enhanced property values.

#### Decision

After careful study of the evidence submitted and a view of the locus, the Board is unable to find either that a real need exists for the proposed non-conforming use of the property or that such use would not substantially reduce the value of any property within the district or otherwise injure the neighborhood, the criteria set forth in Section 7-C of the Zoning By-law for granting permits of the type requested.

The property was purchased by the petitioners very recently with full knowledge that the house was located within a single-residence district. In spite of this, they proceeded to install plumbing without permits, apparently in preparation for the proposed conversion of two apartments on one side of the house. The plumbing was performed in violation of the Plumbing Code and by an unlicensed man. The owner has refused to divulge to the Town the plumber's name but did have the violations corrected by a licensed plumber in accordance with the Code. This Board, however, cannot condone such complete disrespect for the laws of the Town.

With few exceptions the dwellings in the neighborhood are occupied as single-family dwellings, even though the area was zoned as a General Residence District for some years. The house which is a duplex dwelling containing six rooms on each side plus an attic, in the opinion of this Board, is not excessively large for two family occupancy.

The Board, therefore, finds no basis whatsoever for granting the requested permit and that such use of the property would be detrimental to the value of surrounding property and contrary to the intent and purpose of the Zoning By-law.

Accordingly, the requested permission is denied and the petition dismissed.

*R. W. Aldrich*  
Richard O. Aldrich

*F. Lester Fraser*  
F. Lester Fraser

*Dana T. Lowell*  
Dana T. Lowell

Filed with Town Clerk \_\_\_\_\_

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