

TOWN OF WELLESLEY



MASSACHUSETTS

63-4

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

BOARD OF APPEAL

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

Petition of Louise C. Keller
(Wellesley College)

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 8:15 p.m. on January 23, 1963 on the petition of Louise C. Keller requesting permission to structurally alter and use the house owned by Wellesley College located at 18 Belair Road as a two-family dwelling as provided under Section 2 B 7 and Section 7-B of the Zoning By-law.

Kenneth W. Bergen, attorney, represented the petitioner at the hearing.

Robert J. Schneider, Business Manager of Wellesley College, stated that the College purchased the property involved in 1948 for the purpose of housing its faculty and staff members. At the time it was purchased the house was being occupied by the owner and four other people living separately. This multi-family use continued by the College until 1958 when it was called to the attention of the College that such use of the property was in violation of the Zoning By-law. The College at that time petitioned the Board of Appeal for permission to continue the non-conforming use of the premises, but such permission was denied. The College, however, at that time expressed its belief that it could continue its use as a two-family dwelling under a permit granted to the former owner of the property in 1927. It now has entered into an agreement to sell the property to the petitioner who has agreed to buy subject to this Board's granting the requested permit.

Mary C. Ditano, 17 Belair Road, spoke in opposition to the granting of the request. She pointed out that the property is in a dilapidated condition and has depreciated properties in the entire neighborhood.

The following nearby neighbors also spoke in opposition to the granting of the request: George T. Strezetelski, 23 Belair Road, Mary E. Rich, 8 Belair Road, Catherine B. and Edmund T. Rice, 24 Belair Road and Barbara L. Hosner, 32 Dover Road. All felt that the proposed use of the property would prove detrimental to the neighborhood. A parking problem would be created as the house has no garage and to provide off-street parking sufficient for the possible number of cars which might be involved would require a large black-topped area which would not be in keeping with the neighborhood.

Letters opposing the granting of the request were received from the following: Sallie L. Ewing, 4 Birch Road; W. Bradford Patterson, M. D., 16 Midland Road, and Daniel D. Ewing Jr., 4 Birch Road.

Letters favoring the petition were received from the following: Don and Judith Russell, 15 Belair Road; Hugh B. and Lucy W. Killough, 22 Belair Road; Ruth and Robert Burtt, 5 Belair Road and Jonathan and Cecily Gill, 44 Dover Road.

The Planning Board opposed the request in its report.

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

Statement of Facts

The house involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It has nineteen rooms and five baths on three floors and is approximately sixty years old.

The petitioner who has a purchase and sales agreement to purchase the property seeks permission to use it as a two-family dwelling and to make certain alterations to the house and to repair and improve its appearance in general. It is the intention of the petitioner to occupy the first and third floors and to rent an apartment on the second floor. In order to enlarge the kitchen on the first floor and to provide space to install modern appliances, it will be necessary to construct an addition approximately fifteen feet beyond the present rear of the house. It is planned to remove the unsightly and unsafe veranda which surrounds the front portion of the house, to restore siding to the front of the house and to install a more attractive entrance. A driveway will be installed to permit parking of cars off the street. Interior alterations will be made in order to improve the size of the rooms and to provide a full-sized kitchen on the second floor.

It was alleged at the hearing that the house is no longer suitable for a one-family residence. A permit was issued by the Board of Selectmen in 1927 for the house to be used as a two-family dwelling, but due to the death of the owner it was never exercised. It has, however, been used as a rooming house for approximately thirty years. The proposed use would not be significantly different from its prior use as a rooming house and it is the feeling of the petitioner because of its size and age and present physical condition, it cannot be reconverted and used at a reasonable expense as a single-family residence. With the proposed improvements made, it should enhance the entire neighborhood.

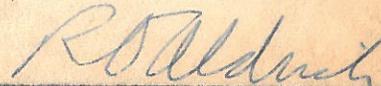
Conclusion

The Board has reviewed the evidence submitted and taken a view of the locus. It is familiar with the property as it denied the owner permission to convert the house into five apartments in 1958. In the opinion of this Board, the house, which contains nineteen rooms and five baths, can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district. It appears to this Board that for many years the house has been occupied lawfully or unlawfully as a multi-family dwelling and the proposed use as a two-family dwelling probably will actually reduce its occupancy. The petitioner proposes to alter and improve the property in a manner which should enhance the neighborhood and requiring literal compliance with Section 7 B of the Zoning By-law in respect to the proposed alterations will work an unnecessary hardship. In the Board's opinion the proposed use will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious or offensive to the neighborhood.

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Accordingly, a permit is hereby granted under Sections 2 B 7 and 7-B of the Zoning By-law for the use of the house involved for not more than two families and to construct an addition as outlined above subject to the following conditions:

1. That the house shall be occupied by not more than two families.
2. That all requirements requested by the Inspector of Buildings and the Chief Engineer of the Fire Department with respect to safety of the occupants of the house shall be complied with.
3. That a two-car garage of a type of construction acceptable to the Board shall be built on the premises and shall be regularly used to accommodate the automobiles, if any, of occupants of the house. Said garage and a paved driveway affording off-street parking space sufficient for occupants' automobiles not garaged shall be completed within 15 months (90 days in the case of the driveway) following petitioner's occupancy of the premises or the vesting of title in petitioner or her nominee, whichever date is earlier. The paving for off-street parking need not be of a permanent type prior to expiration of the 15 months.
4. That no motor vehicles other than non-commercial type passenger automobiles shall be garaged or parked on or about the premises.
5. That use of the premises shall be in strict compliance with the Zoning By-law and the Building Code and, without limiting the generality of the foregoing, shall not include any activity, professional or otherwise, which regularly or customarily involves the parking of invitees' motor vehicles in the vicinity of the premises.
6. That the proposed alteration, addition and exterior renovation (which shall include painting) of the house shall be completed substantially in accordance with plans to be approved by the Board and in a workmanlike fashion within 15 months following petitioner's occupancy of the premises or the vesting of title in petitioner or her nominee, whichever date is earlier.
7. That this permission may be voided by this Board at any time if any of the foregoing conditions shall fail or cease to be satisfied after notice to the owner of said premises and any first mortgagees of record hereafter acquiring its interest as such and reasonable opportunity to correct the situation giving rise to use notice.


Richard O. Aldrich


Lester Fraser


Dana T. Lowell

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