

66-29

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Elsa Richardson Proctor

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 June 30, 1966, upon the petition of Elsa Richardson Proctor requesting permission, under the provisions of Section II 8 (a) of the Zoning By-law and Chapter 40A, Section 15, of the General Laws, to convert the dwelling at #5 Bemis Road into a two-family dwelling.

On June 7, 1966, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

At the hearing, Henry D. White, attorney, represented the petitioner.

Statement of Facts

The house involved is located within a single-residence district, requiring a minimum lot area of 10,000 square feet. Within said zone no building may be altered or used by more than one family unless permission is obtained from this Board permitting it to be used as a residence for two families. In addition, this Board may, "in specific cases where it finds that a real need exists" and makes findings specified in Section XXIV of the Zoning By-law, grant temporary and conditional permits for non-conforming....uses.... for a period of not more than one year at a time." Under this Section in 1956, the Board granted permission to the petitioner to use the house involved for a non-conforming use, namely, a three-apartment house and limited dress-making to be done by the petitioner. This permit was subject to certain conditions and was renewed annually under the same conditions until 1960 when the requested renewal was denied because of evidence that the petitioner ceased to occupy the premises and violated one of the conditions imposed. Since that time the petitioner has returned to the premises and allegedly has been renting rooms and two apartments without the permission of this Board.

She now has entered into an agreement to sell the property providing permission is obtained from this Board to convert it into a two-family dwelling.

It was pointed out at the hearing that several other properties on the street are being occupied by more than two families, one under a permit granted by the Board of Appeal and the others as non-conforming uses in effect prior to the adoption of the Zoning By-law.

The house which contains eleven rooms, four on the first floor, four on the second floor and three on the third floor, in the opinion of the petitioner, can no longer be used or adapted at a reasonable expense and with a fair financial return as a one-family dwelling, nor has the petitioner been successful in selling the property as a one-family dwelling.

RECEIVED  
TOWN OFFICE  
WELLESLEY, MASS.

Decision

The Board feels that substantial hardship will result to the petitioner if this permit is not granted and that the dwelling involved 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, namely a single-family dwelling. The house has apparently been used illegally for the past several years as an apartment house and it is the feeling of this Board, subject to the following conditions, that the proposed use of the property involved will not substantially reduce the value of any property within the district and will not be injurious, obnoxious or offensive to the neighborhood.

The Board, therefore, grants the desired permission pursuant to Section II 8 (a) of the Zoning By-law, subject to the following conditions:

1. That a second means of egress shall be provided from the third floor, satisfactory to the Building Inspector and Board of Appeal before the permit shall become effective.
2. That such conversion and use of subject premises shall be in compliance with all applicable provisions of law.
3. That said permit shall become effective only upon conveyance of said property to a person or persons other than the present owner and conveyance to take place not later than ninety days following the recording of this permit.

Richard O. Aldrich  
Richard O. Aldrich

F. Lester Fraser  
F. Lester Fraser

Edward T. Kilmain  
Edward T. Kilmain

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

1988 SEP 8 AM 4:52

RECEIVED  
TOWN CLERK'S OFFICE  
MELTERRA HOUSE