69-1

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Ethel M. Anderson

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 30, 1969, on the petition of Ethel M. Anderson, requesting permission to convert the dwelling located at 156 Walnut Street into a two-family dwelling as provided under Section II 8A of the Zoning By-law.

On January 2, 1969, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Daniel S. Fram, attorney, represented the petitioner at the hearing and explained in detail the petitioner's need for the proposed use of the property.

Francis J. Daly, 289 Walnut Street, stated that presently there are cars parked on the easement adjacent to the house involved as well as on Walnut Street in front of the house. He pointed out that the easement is the only access to the dwelling in the rear and if the permit is granted, some arrangement should be made for the cars parked there incidental to the occupants of the dwelling involved. He also stated that there are six other two-family dwellings within the neighborhood.

Statement of Facts

The house involved, which was built over fifty years ago, is located on a lot containing 10,250 square feet, within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a three-story frame dwelling containing nine rooms, three rooms and bath on the first floor, three rooms and bath on the second floor and three rooms and bath on the third floor. This property has apparently been used for some time as a two or three family house.

The petitioner recently purchased the property with the understanding that it was legally only a one-family dwelling although it was being occupied by three families. It is her desire to convert it into a two-family dwelling, renovating and improving the house in the process. Petitioner stated that she has expended approximately $10,000. in repairing and renovating the property. She desires to occupy the first and second floors and to rent the three-room apartment now set up on the third floor. The reason for the request is that the house as it stands is too large and too difficult to remain as a single-family house. There is a one-car garage on the premises and a parking area in back of the premises for another car. The costs of renovating and maintaining the property and keeping it in good repair allegedly would far exceed its value as a one-family house.

Decision

The Board has made a careful study of all the facts in this case and has taken several views of the locus.

On August 11, 1947, the Board of Selectmen, who at that time alone were authorized by the Zoning By-law to permit a change of use within a residential district, denied the then owner of the subject property permission to convert it into a two-family dwelling. However, it appears from the records that for some time it has been used as a two or three family dwelling without any authorization.

Although this Board does not condone the illegal use of the property in the past, it does feel that the house can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence. The house has been occupied by two and three families for many years and the proposed use of the property will not alter the circumstances in this case sufficiently to result in depreciation of surrounding properties. In fact, subject to conditions stipulated below, it should better the situation. The neighborhood involved has changed somewhat since 1947, when permission was denied for the house to be converted into a two-family dwelling, which makes the house less desirable for single-family occupancy. There appear to be a number of two-family dwellings in the immediate area and traffic on Walnut Street has increased considerably due in part to the recent construction of an industrial park and four or five business buildings on Walnut Street within a short distance.

For these reasons, it is the unanimous opinion of the Board 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 not more than two families shall occupy the dwelling involved at any time.

2. That a second means of egress shall be provided from the third-floor apartment.

3. That off-street parking spaces for at least two cars shall be provided; and shall be used by the petitioner and her tenant.

4. That no cars at any time shall be parked in the space between the house and Walnut Street or so as to obstruct any passageway or public sidewalk by the occupants of the premises or their invitees.

5. That all applicable state and local laws, ordinances and regulations in respect to the premises and the use thereof shall be complied with by petitioner and her tenant.

Decision (Continued)

6. That said permit shall expire one year from this date with the understanding that the Board will at that time, on due application therefor, give consideration to renewal of said permit for an indefinite period.

Richard O. Aldrich

Richard O. Aldrich

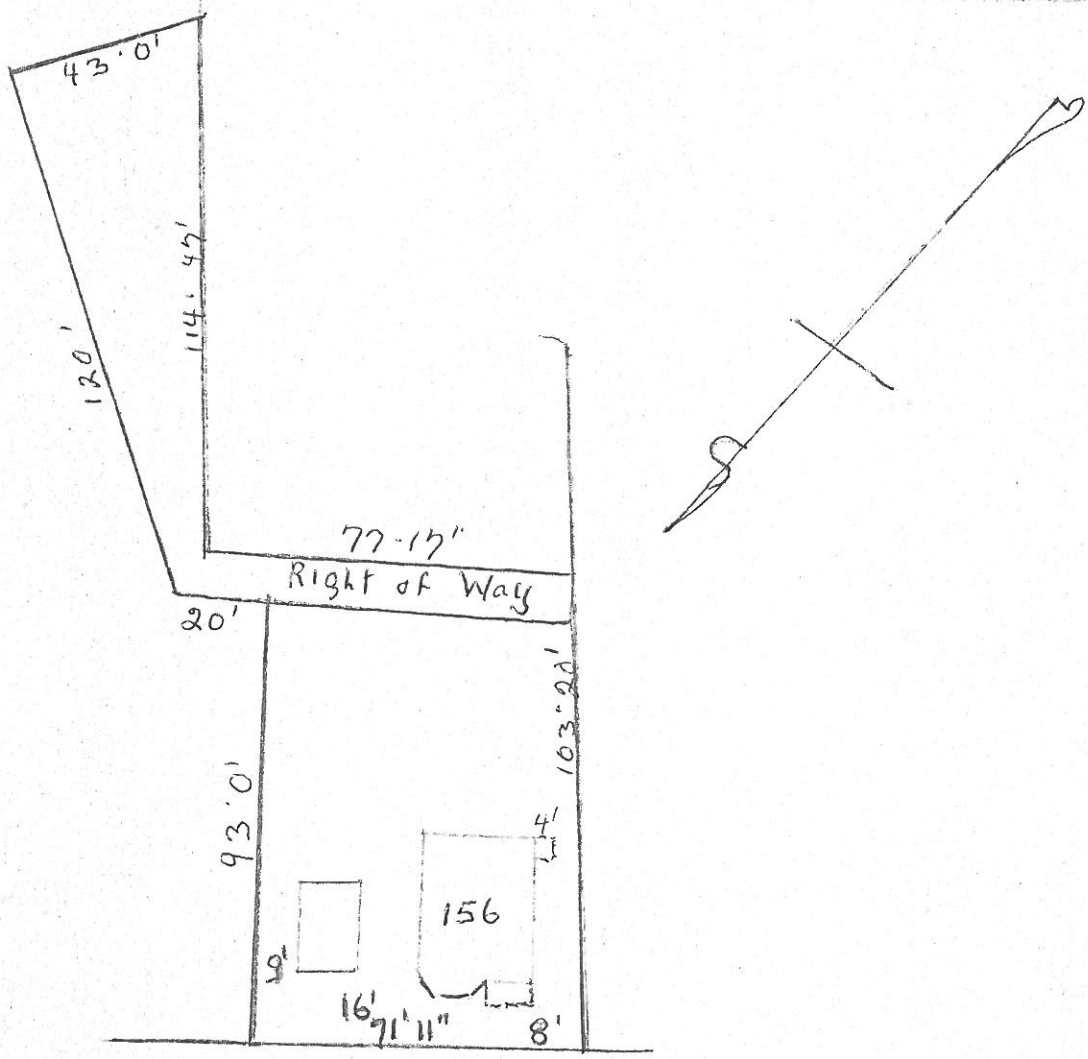
Dana T. Lowell

Dana T. Lowell

F. Lester Fraser

F. Lester Fraser

Filed with Town Clerk _____



WALNUT STREET

COMPILED PLOT PLAN

OF LAND IN

WELLESLEY, MASS.

APPLICANT - ETHEL M ANDERSON.