

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 Earl W. Morrill

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 8:30 p.m. on November 19, 1970, on the petition of Earl W. Morrill requesting permission to install kitchen facilities to be used by his mother in the dwelling owned by him at 93 Washington Street. Said request was made under the provisions of Section XXIV-E of the Zoning By-law.

The petitioner spoke in support of the request at the hearing.

On October 5, 1970, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located within a Single-residence District, a district in which the proposed non-conforming use is not permitted unless a special permit is granted by this Board.

It was stated at the hearing that the petitioner's mother who is a widow and a diabetic, is coming to live with the petitioner's family, and permission is sought to install separate light housekeeping facilities on the second floor. It was pointed out that because of the mother's special diet, it would be more desirable for her to prepare her meals separately than to eat all her meals with the petitioner's family. The house has twelve rooms with two stairways leading from the second floor to the first floor. It was alleged that undue hardship will result unless relief can be granted by this Board, and that the proposed non-conforming use of the property will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

Decision

Section II of the Zoning By-law provides that, "In Single Residence Districts, no new building or structure shall be constructed or used...and no building or structure or part thereof shall be altered, enlarged, reconstructed or used..." unless permission is granted by this Board for one of several specified uses, as provided in Section XXIV.

We find that a real need exists for the proposed use and that the proposed non-conforming use will not substantially reduce the value of any property within the District or otherwise injure the neighborhood.

Accordingly, the requested permit for the non-conforming use is granted subject to the following conditions:

1. That said permit shall remain valid only so long as the petitioner or his immediate family and his mother occupy the premises.
2. That said permit shall expire one year from this date.
3. That when this permit expires under the term of the first condition or by its terms and is not renewed the kitchen facilities on the second floor to be installed pursuant to this permit shall be removed.



Richard O. Aldrich



F. Lester Fraser



Edward T. Kilmain

Filed with Town Clerk _____