



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-33

Petition of John Hynes

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, September 16, 1982 at 8 pm. on the petition of John Hynes, requesting a Special Permit under Section II 8 (a) of the Zoning Bylaw which will allow him to continue to use the premises at 637 Washington Street, known as Elms House, as a lodging house, said property being in a Single Residence District. Said request is made pursuant to Section XXV of the Zoning Bylaw.

On August 27, 1982, the petitioner filed his request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was John Hynes, who stated that he has owned the house for two years, and is seeking a Special Permit to continue to use it as a lodging house. He purchased the property from Alma Worley, who has life tenancy and continues to live on the first floor. Mrs. Worley used the dwelling as a lodging house from 1958 until she sold it to Mr. Hynes. Mr. Hynes stated that the second floor is rented to six lodgers and his sister, and he occupies the third floor. He stated that income from lodgers is necessary for financial assistance in meeting heating and maintenance costs. The tenants use a kitchen on the first floor for breakfasts only. Parking is provided on the property, with seven spaces on Lovewell Lane, two on Washington Street.

Other than the petitioner, no one was present either favoring or opposing the petition.

Statement of Facts

The property involved is located within a Single Residence District and has been operated as a lodging house since 1958 by Alma D. Worley. Mr. Hynes purchased the property two years ago and wishes to continue to operate it in the same manner. Ms. Worley still occupies the first floor with life tenancy, six tenants and Mr. Hynes' sister occupy the second floor, and Mr. Hynes occupies the third floor. Kitchen facilities on the first floor are available for limited use by the lodgers.

The Planning Board, in a letter dated September 16, 1982, stated it "has no objection to the continuation of this use on an annual basis on the same terms and conditions as are presently in effect."

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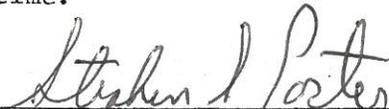
Decision

For a number of years, Mrs. Worley, the previous owner, had requested and obtained a variance to operate a rooming house, her reasons being associated with the financial hardship of maintenance costs of a large home. The revenues from roomers gave her an opportunity to continue living in her house.

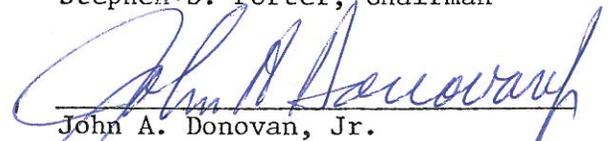
Mrs. Worley sold the property in 1980 to Mr. Hynes, who resides at the house on the third floor. Mr. Hynes, who does have other employment, appears to be operating the lodging house as a commercial investment. The Board is concerned that this change constitutes a basic change in the character of a house in a Single Residence District. Because of the fact, though, that Mrs. Worley has life tenancy and will continue to live at 637 Washington Street, the Board will grant a special permit for one year.

Accordingly, the requested special permit is granted under the provisions of Section II 8 (a) and Section XXV of the Zoning Bylaw for a period of one year from the filing date of this decision, subject to the following conditions:

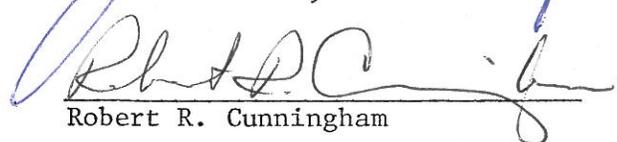
1. That all applicable State and local laws and ordinances and building and fire code regulations shall be fully complied with.
2. That not more than six (6) lodgers (exclusive of the petitioner and his immediate family and staff) shall occupy the house at any one time.
3. That lodgers will be allowed to use kitchen facilities on the first floor for breakfasts.
4. That no cars shall be parked on either Washington Street or Lovewell Road by guests occupying the house involved at any time.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 Robert R. Cunningham

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