TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

84-29
Petition of St. Andrews Episcopal Church

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, July 12,1984 at 8 p.m. on the petition of ST. ANDREWS EPISCOPAL CHURCH requesting a Special Permit which will allow the premises located at 7 DENTON ROAD, adjacent to St. Andrews Church, to be used as a two-family dwelling, said premises being located in a Single Residence District. Said request is pursuant to Sections II 8 (a),II 8 (c), and XXV of the Zoning Bylaw.

On May 7, 1984, the petitioner filed a request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication. The case was originally scheduled and advertised for a public hearing on June 7, 1984 but,due to a typographical error in the date of the hearing in the legal notice, the case was withdrawn and re-scheduled and re-advertised for the July 12, 1984 public hearing.

Presenting the case was Robert Hehre, Treasurer of St. Andrews Episcopal Church, who stated that the church wishes to convert the one-family dwelling to a two-family dwelling, to be used for rental to associate clergy or elderly parishioners. Extensive renovations would be done to the interior but no exterior changes would be made. One apartment would be on the first floor, one on the second. Mr. Hehre stated that the house presently has seven bedrooms, suitable only for large families, that the church cannot sell the property because of its location 10 feet from the church, and that they wish to restore and renovate the house for use by two families, not to exceed five adults. It is their expectation that the proposed use would allow the church to keep better control of the condition of the house, and to bring in more rental income. The church is aware that a Special Permit would be valid for one year and would serve as a control by the town over the property. Three cars could be accommodated on the property, all parking would be off the street. Janet Giele, 32 Denton Road, stated that the church is trying to have more control of the property and to be more responsible in regards to its condition.

Present in favor of the petition: William Tripp, 14 Inverness Road, a church member and attorney; Julio Digiando, 40 Denton Road; John Adams, Senior Warden, St. Andrews.

Opposed to the petition were: William A. Holodnak, 6 Denton Road, who presented a petition in opposition, signed by 31 neighbors and a letter of opposition from Charlotte Ann Tuton, 9 Denton Road. Also present and opposed were Rebecca O'Sullivan, 14 Denton Road, John B. Marsh, 16 Denton Road, Enid Wilson, 61 Denton Road, Thomas Lelon, 11 Denton Road, Carolyn Marsh, 16 Denton Road. Opposition included concern that a decision

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to allow a two-family dwelling would be precedent setting, that it would change the character of the neighborhood and be inconsistent with the nature and history of the neighborhood, that traffic and noise would increase.

## Statement of Facts

The property in question is located at 7 Denton Road, situated on a parcel of land owned by and including St. Andrews Episcopal Church at 79 Denton Road, in a Single Residence District. The dwelling at 7 Denton Road is located 10 feet from the church building.

The house was constructed prior to 1900, purchased for St. Andrews Church in 1947, used principally to house clergy, but is presently being rented as a one-family unit to parishioners. Between the time of original construction and 1947 the house was altered to make it suitable for two-family living. At present the first floor contains a living room, dining room-parlor, kitchen, 2 bedrooms and a bath. The second floor contains 5 bedrooms, bath and the one-time kitchen.

The petitioner proposes to convert the house into a two-family dwelling to house associate clergy and /or rent to elderly parishioners. Extensive renovations are proposed in the interior and the exterior would be painted. It is expected that the conversion to two units would more than double the rental income. All parking would be off the street.

The Planning Board, in a letter of May 31, 1984, stated it has no objection to the granting of a Special Permit for the proposed two-family use. The Planning Board stated that the following conditions should be considered:

"1. That a plan be submitted to the Planning Board showing the merger of the three lots under church ownership, this plan to be filed at the Registry of Deeds subsequent to Planning Board endorsement;

2. If the property is to be "income" property for the church, then an annual payment in lieu of taxes should be made to the Town."

Stephen A. Black, Fire Chief, recommended the following in a letter of July 9, 1984: "Hard wired smoke detectors be installed as would be required under the Massachusetts State Building Code (Sec. 1216.3.22) for new construction of the same use."

A petition was presented to the Board of Appeals opposing the request, signed by 31 neighbors, who feel that the proposed use would be inconsistent with the nature and history of the neighborhood. Said petition is on file at the Board of Appeals office.

Charlotte Ann Tuton, 9 Denton Road, opposed the request in three letters on file at the Board of Appeals office, dated June 29, July 12, and July 18, 1984. Mr. and Mrs. Nathaniel W. Kettendorf, 605 Washington Street, objected to the petition in a letter of July 17, 1984. Renee Bennett O'Sullivan, M.D., 14 Denton Road, objected in a letter of July 17, 1984.

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A Plan of Land, by Gleason Engineering Co., dated 1/15/64 was submitted with the application. Upon request by this Authority, on August 17, 1984, a Plan of Land was submitted drawn by Alexander Crucioli, Registered Land Surveyor of Acres-Engineers Surveyors, Inc., Chelsea, dated July 21, 1981.

## Decision

This Authority has made a careful study of the evidence presented.

St. Andrews Episcopal Church is requesting a Special Permit to convert the single family residence on the church property at 7 Denton Road to a two-family dwelling.

It is the opinion of this Authority that the dwelling, situated on a parcel of land owned by and including St. Andrews Episcopal Church and in fact only 10 feet from the church building, creates a unique and unusual situation for the church. The structure at 7 Denton Road, built prior to 1900, was in existence when the Zoning Bylaw took effect. It is impractical to assume that the church could sell the dwelling. The dwelling is no longer useful or in demand as a one-family residence for clergy. If the church could restrict the use of the dwelling to clergy, a special permit would not be necessary even for two-family use. The church proposes to use the dwelling as a two-family rental unit, to allow more flexibility in obtaining tenants and to allow a greater financial return on the dwelling to the church. This unique situation cannot be viewed as precedent-setting for the neighborhood. The church, as an owner, is unique. The Board of Appeals frowns upon two-family dwellings in Single Residence Districts that are not owner occupied. The owner of 7 Denton Road, St. Andrews Church, has indicated to this Board that it feels a responsibility to maintain the property and monitor the tenants.

This Authority finds, pursuant to Section II 8 (a), that the dwelling at 7 Denton Road, in existence when the Zoning Bylaw took effect, can no longer be used or adapted at a reasonable expense and with a fair financial return as a one-family dwelling.

A Special Permit is hereby granted under Section II 8 (a) and Section XXV of the Zoning Bylaw to St. Andrews Church for the use of 7 Denton Road as a two-family dwelling, subject to the conditions as follows:

1. That this Special Permit is granted for a period of one year from the date of this decision.

2. That a new plot plan by a Registered Land Surveyor shall be submitted to this Authority showing all property owned by St. Andrews Church combined into one lot, indicating certification by the Planning Board and duly recorded at the Registry of Deeds, prior to this Special Permit becoming effective.

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3. That all applicable State and local laws and ordinances and building regulations shall be complied with.

4. That all recommendations of the Fire Chief shall be implemented, including that hard wired smoke detectors be installed as would be required under Mass. State Building Code (Section .1212.3.22) for new construction of the same use.

5. That all parking related to said premises shall be off-street.

Stephen S. Porter, Chairman

Robert R. Cunningham

William E. Polletta

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

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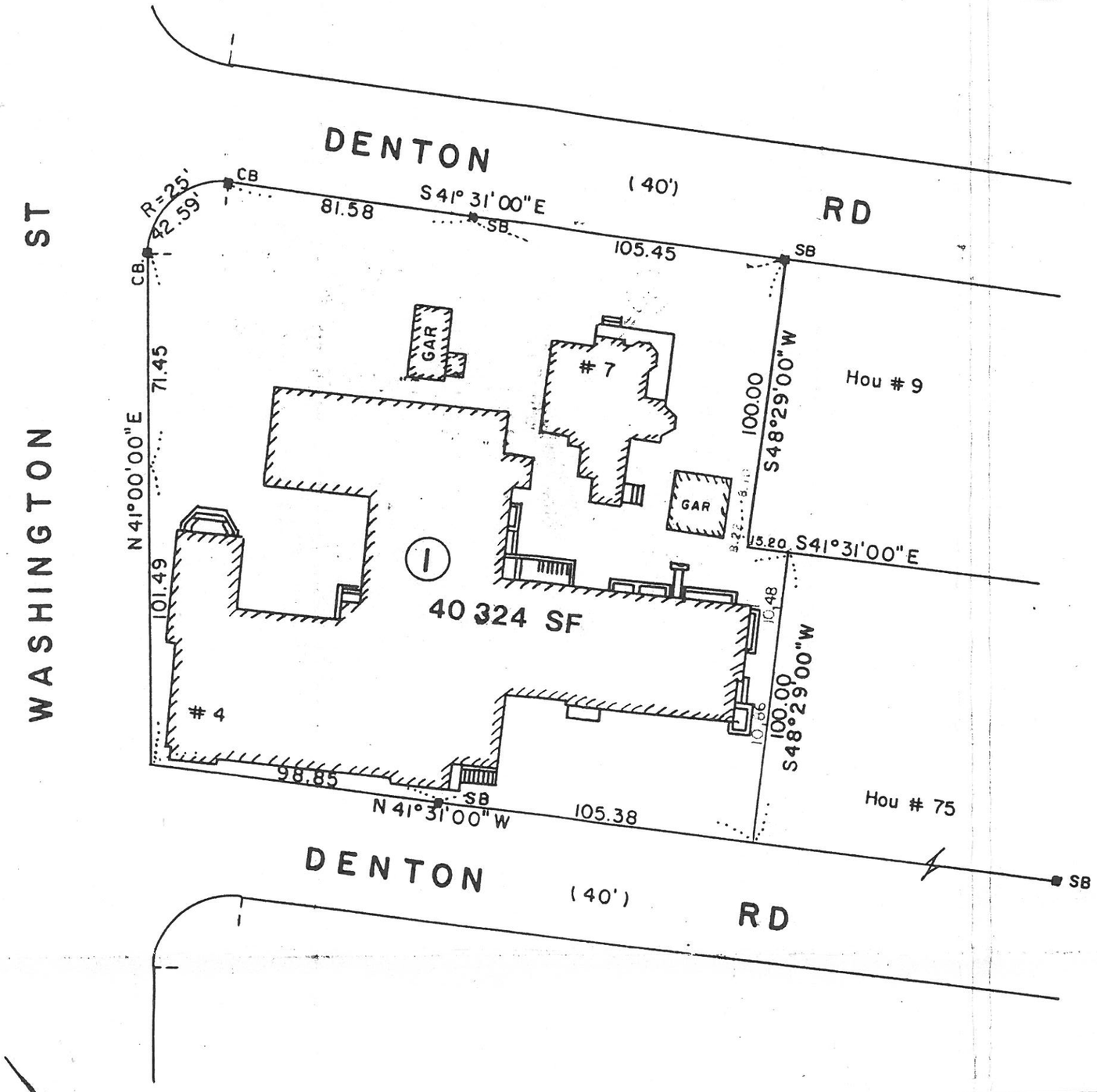


For Registry Use

1215 - 1984
Bk 6519 p 1

Planning Board Approval Not Required Under The Sub-Division Control Law.

G.M.O.
E.S.H. Jr.
P.H.M.

PBC-84-17

WELLESLEY PLANNING BOARD

Date Oct. 9, 1984

I Hereby Certify That I Have Conformed With The Rules And Regulations Of The Registry Of Deeds In Preparing This Plan.

REV 9/10/84
Alexander Crucioli 8/3/81
Registered Land Surveyor Date

PLAN OF LAND
IN
# WELLESLEY—MASS
Belonging To
ST. ANDREW'S EPISCOPAL CHURCH, WELLESLEY.

Scale: 1" = 40' JULY 21, 1981.
REVISED SEPT. 10, 1984
SURVEYOR Alexander Crucioli
ACRES-ENGINEERS, SURVEYORS, INC
57 Winthrop Rd
Chelsea, Mass.

GRAPHIC SCALE
0 40 120