



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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85-74

Petition of Erika C. M. Hampe  
18 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 12, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, on the petition of ERIKA C.M. HAMPE requesting a Special Permit to allow an increase in the number of lodgers at her premises at 18 MAUGUS AVENUE to a total of ten (10) lodgers. Said location is in a Single Residence District. Said request is pursuant to Section II 8 (a) and Section XXV of the Zoning Bylaws.

On November 22, 1985 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Charles Hampe, who stated that he would speak for his mother who had laryngitis. He stated that Mrs. Hampe's taxes have tripled, that the house has always been used as a rooming house by the Hampes, who at one time had eight children and 12 roomers. Presently there are just Mrs. Hampe and eight tenants. However, 12 rooms are available for roomers. He stated that there has been a decrease in traffic from prior years because Mrs. Hampe is the only family member there and has one car. All parking is off the street. He stated that the house is large and not suitable for one family. Mrs. Hampe now hires maintenance and cleaning help which increases the cost of operation of the house.

Opposed to the request. Walter Greeley, 17 Maugus Avenue, President of the Wellesley Hills Neighborhood Association, who presented a petition signed by 41 neighbors opposed to the request. Also opposed were Richard and Barbara Rubinstein, 15 Maugus Avenue and Sara Johnson, 30 Eaton Court.

Statement of Facts

The property in question is located at 18 Maugus Avenue, containing 20,610 square feet of land, in a Single Residence District. The house involved is a three-story wooden structure over a hundred years old, containing twenty rooms and eight and a half baths. In 1925, the effective date of the Zoning Bylaw in the Town of Wellesley, it was occupied by a family who had two or three lodgers and also served meals to Babson Institute students. This use continued for several years; from 1938 to 1942 the house was unoccupied. In 1942 the property was sold and operated as a lodging house with apartments until 1967 when it was sold to Mr. and Mrs. Hampe, who occupied

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it with their eight children. In 1975, Mr. and Mrs. Hampe requested Board of Appeals permission to use the house involved as a combination lodging and apartment house. In the Board of Appeals decision of October 15, 1975 (ZBA Case 75-28), the Board granted permission for the dwelling to be used as a lodging house for not more than five roomers with only one kitchen on the first floor. The petitioner appealed the decision to the Norfolk District Court, which court affirmed that part of the Board's decision denying the use of the property as an apartment house and remanded the case back to the Board of Appeals. A ZBA decision of September 20, 1977 (ZBA Case 77-34) reinstated the decision of October 15, 1975, after which the Hampses filed an appeal which was subsequently withdrawn. Mrs. Hampe became the sole owner of the property and in 1982 and yearly thereafter the Board of Appeals has granted special permits to allow no more than eight lodgers subject to certain conditions, the last decision being on December 10, 1985 when a special permit was granted for a period of one year to allow eight lodgers.

Mrs. Hampe is now petitioning for an increase in lodgers from eight to ten. She has stated that she is the only family member living at the house, that all of her children reside elsewhere. This has caused a decrease in cars and persons associated with the property. Operation costs of the house have increased due to tax increases and the necessity of hiring household help. She claims that she needs more revenue to maintain the house.

The Planning Board, at its meeting of December 10, 1985, voted unanimously to oppose the request to increase the number of lodgers to ten.

#### Decision

This Authority has made a careful study of the evidence presented. This Board granted a renewal of a special permit to Mrs. Hampe on December 10, 1985 to allow the continuation of eight lodgers at the premises. This Board is of the opinion that the 20 room dwelling at 18 Maugus Avenue does not lend itself to single family living and that eight lodgers seem a reasonable number to occupy the dwelling.

However, this Board is of the opinion that the use of the premises for ten lodgers would constitute an excessive use of the dwelling and would be disruptive to the neighborhood in terms of the traffic and activity generated.

Therefore, the special permit requested to allow ten lodgers at 18 Maugus Avenue is hereby denied and the case is dismissed.

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.

cc: Planning Board  
 Inspector of Buildings

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

  
 William E. Polletta

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