



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-66

Petition of Erika C. M. Hampe
18 Maugus Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 4, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street on the petition of ERIKA C. M. HAMPE requesting a Special Permit to allow the premises located at 18 MAUGUS AVENUE to continue to be used as a lodging house for eight lodgers and/or a Special Permit to allow an increase to ten lodgers, said premises being in a Single Residence District. Said request is pursuant to Section II 8 (a) and Section XXV of the Zoning Bylaw.

On November 13, 1986 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was not present at the hearing nor was she represented by an agent. A letter, dated December 4, 1986, had been presented to the ZBA prior to the hearing written by Edward C. Donlon, attorney representing Mrs. Hampe, stating that Mrs. Hampe had decided to withdraw the request for an increase in lodgers, that she would not be appearing at the hearing, and that there had been no changes in the operation since year's petition.

Present at the hearing and opposed to the Special Permit request was Sara Johnson, 30 Eaton Court, abutter to Mrs. Hampe. She presented a letter to the ZBA from Nina Lavin, 10 Maugus Ave. Donald Campbell, 38 Maugus Avenue, had a question concerning the petition.

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 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 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.

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In the Board of Appeals decision of October 15, ¹⁹⁷⁵ ~~1987~~ (ZBA 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 77-34) reinstated the decision of October 15, 1975, after which the Hampes 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 (see ZBA 83-57, ZBA 84-56, ZBA 85-68).

Mrs. Hampe's application of November 13, 1986 requested an increase to 10 lodgers. A letter of December 4, 1986 from Edward C. Donlon, attorney representing her, stated that she had decided to withdraw the request for an increase and to limit the scope of the request to a renewal of the special permit. The letter also stated that Mrs. Hampe would not be appearing at the public hearing nor would she be represented thereat since nothing had changed since last year.

A petition in support of the application was received, signed by 63 persons. A letter dated November 26, 1986 was received from Francis and Virginia Murphy in support of the request.

The Planning Board reviewed the petition at its regular meeting of November 18, 1986 and, in a letter of November 25, 1986, stated it had voted no objection to continuation of the lodging house use for 8 lodgers. It also stated that the Board voted to oppose the increase from 8 lodgers to 10 lodgers based on the belief that conditions have not changed in a manner which would warrant an increase.

Decision

This Authority has made a careful study of the evidence presented and has reviewed the history of the use of the property in question.

It is the opinion of this Authority that the continued use of the twenty room dwelling as a lodging house under Mrs. Hampe's supervision for eight roomers will not reduce the value of the property within the area; that the use does not disturb or disrupt the neighborhood and; that the use will allow the petitioner to have a reasonable income from the property. It is the belief of this Board that the property in question cannot be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district due to the size of the building and the number of rooms therein.

Accordingly, a Special Permit is granted to Erika C. M. Hampe for the premises at 18 Maugus Avenue subject to the following conditions:

1. That no more than eight (8) lodgers may occupy the dwelling at any one time.

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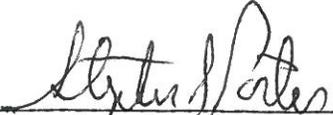
Petition of Erika C. M. Hampe
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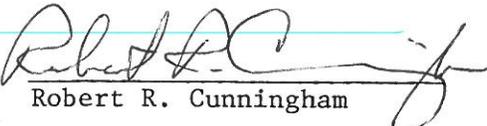
2. That off-street parking shall be provided on the property.
3. That all applicable laws and ordinances and State and local building and fire codes and regulations shall be fully complied with.
4. That this Special Permit shall expire one year from the date of this decision.

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

mam


Stephen S. Porter, Chairman


Robert R. Cunningham


William E. Polletta

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