TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-48
Petition of Hunnewell Land Trust (Walter Hunnewell, Trustee)
891 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall at 525 Washington St., Wellesley on the petition of HUNNEWELL LAND TRUST (WALTER HUNNEWELL, TRUSTEE), requesting a Special Permit or a variance pursuant to the provisions of Section XVII, Section II 8 (a) and Section XXV of the Zoning Bylaw which will allow the petitioner to re-establish the legal non-conforming use of an accessory garage apartment at 891 WASHINGTON STREET. The petitioner proposes to alter and update the former dwelling unit. Said property is located in a Single Residence District and contains approximately 5 acres of land.

On June 3, 1987 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 Arnold Hunnewell, representing Hunnewell Land Trust. He stated that the house on the property is a two-family dwelling and that the garage has a two-story apartment which was used for chauffer of Mrs. Sargent's until she died in 1937. The property was sold to the Hunnewells in 1979. They wish to continue the same use, to renovate and modernize it with no increase in liveable space. They are requesting a finding, a Special Permit or a variance to allow the use. Photos were presented to the Board. Mr. Hunnewell said that the apartment was never abandoned. Mr. Porter asked him if a Special Permit for three years would be acceptable and Mr. Hunnewell answered that it would be.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 891 Washington Street, containing 5.629 acres of land on the corner of Washington Street and Pond Road, in a Single Residence District. A two-family house exists on the lot as do three detached garages and a shed. The garage closest to the house was constructed in the early 1900's and is used as a three car garage and has an attached two-story apartment with a living room and kitchen on the first floor and a bedroom and bath on the second floor. It was formerly used as an apartment but the use was discontinued for more than a two year period.

The petitioner wishes to alter and update the apartment for rental purposes. He is requesting a finding, a Special Permit or a variance to allow such use.

A Plot Plan was presented, as were photos and an analysis of income and expenses.

The Planning Board on June 16, 1987 voted to offer no objection to the requested use.

The Fire Chief, in a letter of June 23, 1987, made three recommendations concerning the property, which are included in the decision of this document.

A letter was received from Jane P. Greene, owner of 37 Pond Road, in support of the request.

Decision

This Authority has made a careful study of the evidence presented. It is the opinion of this Board that a Special Permit can be granted pursuant to Section II 8(a) and XXV of the Zoning Bylaw to allow the former garage apartment at 891 Washington St. to be used again as a dwelling unit. The property at 891 Washington Street contains more than 5 acres of land and the building was in existence well before 1925 when the Zoning Bylaw took effect. The apartment was used for many years but the use was discontinued for more than a two-year period. It is the opinion of this Board that the use of the garage apartment as a dwelling unit will not be detrimental to the neighborhood or against the intent of the Zoning Bylaw.

Therefore, a Special Permit is granted to allow the former garage apartment at 891 Washington Street to be used again as a dwelling unit, subject to the following conditions:

1. That all applicable State and local laws and regulations shall be complied with by the petitioner and the tenant.

2. That the following requirements of the Fire Chief shall be met:

   a. Hard wired smoke detectors be installed as would be required under the State Building Code for new construction of the same use. Hard wired heat detectors should be installed in the garage area and interconnected with the smoke detectors.

   b. An exit to the outside by a route other than through the garage should be provided.

   c. Electric service and wiring shall be upgraded as determined by the Inspector of Wires.

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3. That this Special Permit shall expire three (3) years from the date of this decision.

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.

cc: Planning Board
Inspector of Buildings
mam

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