

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 98-38

Petition of Nancy J. Allen
7 Cross Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 21, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of NANCY J. ALLEN, requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to continue to use her premises at 7 CROSS STREET, in a Single Residence District, as a dwelling for not more than two families, a use not allowed by right in a Single Residence District.

On April 30, 1998, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Nancy Allen, who said that she would like to renew her Special Permit. There is only one tenant car, and ample parking. There are many multiple family dwellings in the neighborhood.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 7 Cross Street, in a Single Residence District. The house was built in 1926 as a single family dwelling, and occupied by the owner until it was purchased by Dr. Stephen Peabody in 1946. In 1956, Dr. Peabody requested permission to convert a portion of the residence containing five office and treatment rooms into a second dwelling unit for the purpose of resale. A Special Permit for the use of the premises as a two-family dwelling was granted by the Board and renewed annually through 1962.

In 1981, Ms. Allen purchased the property and requested a Special Permit to reinstate the use of the premises as a two-family dwelling. The Board denied her request at that time. In 1993, Ms. Allen again requested a Special Permit to use the premises as a two-family dwelling. The Board granted the Special Permit for one year, and in 1994, and 1996, granted two-year renewals. Ms. Allen is now requesting renewal of the Special Permit under the same conditions as previously granted.

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In a letter to the Board dated May 15, 1998, Mr. and Mrs. William Moynihan, 9 Waban Street, expressed opposition to the petition.

On May 12, 1998, the Planning Board reviewed the petition and recommended renewal on the same terms and conditions that are currently in effect.

Decision

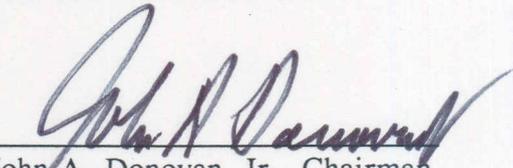
This Authority has made a careful study of the petition and is of the opinion that the use of the premises as a two-family dwelling will not substantially reduce the value of any property within the district; will not otherwise be injurious, obnoxious or offensive to the neighborhood; and that the requested use is in harmony with the intent and purpose of the Zoning Bylaw.

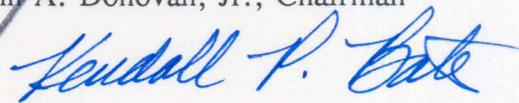
A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of the premises at 7 Cross Street by the petitioner as a two-family dwelling, subject to the following conditions:

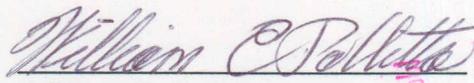
1. The property owner, Nancy J. Allen, shall be owner-occupant of one of the dwelling units for the duration of the Special Permit.
2. All parking related to the use of the premises shall be on-site, and no parking related to the premises shall be allowed on Cross Street, or on any adjacent streets.
3. All State and local laws, as well as all recommendations of the Fire Department and the Inspector of Buildings, shall be complied with by the owner and the tenant.
4. This Special Permit shall expire two years 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
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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