TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 98-58
Petition of John Hynes
637 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 23, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN HYNES requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to allow the premises at 637 WASHINGTON STREET, in a Single Residence District, to continue to be used as a lodging house for no more than 6 lodgers, a use not allowed by right in a Single Residence District.

On July 7, 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 John Hynes, who said that nothing has changed in the past two years. The property was originally owned by Wellesley College and used as a dormitory. He has owned the property for the past 20 years, and has received renewals of the Special Permit every two years. His family occupies most of the premises, but rooms are available for 4-6 lodgers. The rental income is necessary to maintain the property.

The Board noted that the Planning Board had suggested that the premises be owner occupied as a principal residence, and that this condition had been in place since the Special Permit was first granted.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 637 Washington Street, in a Single Residence District, and is known as "Elms House". The property was originally owned by Wellesley College and used as a dormitory. From 1953 to 1958, it was owned and operated as a lodging house by John Worley. From 1958 to 1980, Mr. Worley's widow, Alma D. Worley, continued to own and operate lodging house. John Hynes purchased the property in 1980, and has continued its use as a lodging house for no more than 6 lodgers since that time.

Mr. Hynes and his family occupy the first floor of the 20 room house. Kitchen facilities on the first floor are available for limited use by the lodgers. Special Permits for the use of the premises as a lodging house have been granted since 1953.

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On July 23, 1998, the Planning Board reviewed the petition and offered no objection to renewal on the same terms and conditions as are currently in effect with the modifications that parking be provided for "lodgers or guests" and that the premises be owner occupied as a "principal residence".

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Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. It is the opinion of this Authority that the use of the premises as a lodging house is in compliance with Section II A 8 (a) of the Zoning Bylaw, and does not disturb or disrupt the customary character of the neighborhood.

Therefore, a Special Permit to continue the use of the premises at 637 Washington Street as a lodging house is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. All applicable State and local laws and fire code regulations shall be fully complied with.

2. No more than six (6) lodgers shall occupy the premises at any one time.

3. Lodgers shall be allowed limited use of the kitchen facilities on the first floor.

4. No cars shall be parked on either Washington Street or Lovewell Road by guests or lodgers occupying the premises.

5. The premises shall be owner occupied as a principal residence for the duration of this Special Permit, which shall lapse with the conveyance of the property or the expiration of the Special Permit, whichever event is the first to occur.

6. This Special Permit shall expire two years from the date of this decision.

Kendall P. Bates

Kendall P. Bates, Acting Chairman

William E. Polletta

William E. Polletta

Cynthia S. Hibbard

Cynthia S. Hibbard

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