



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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85-68

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, November 14, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, Ma. on the petition of ERIKA C. M. HAMPE requesting renewal of a special permit to allow the premises at 18 MAUGUS AVENUE to continue to be used as a lodging house, said location being in a Single Residence District. Said request is pursuant to Section II 8 (a) and Section XXV of the Zoning Bylaw.

On October 25, 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 Erika Hampe, who presented several tax bills to the Board. She stated that her property taxes have tripled and are now \$6,126. She requested an increase in the number of roomers. Eight roomers presently reside there and she wishes to rent two more rooms. Mr. Porter stated that her application did not indicate any changes from the previous year, so that an increase in roomers could not be considered at this hearing. Another hearing would be necessary for an increase in roomers to be considered by the ZBA. Mrs. Hampe stated that none of her children reside at the house now. She has a financial hardship and needs rental income to maintain the house.

Present and opposed to the petition: Sara Johnson, 30 Eaton Court, who stated that there is no firmly established legal use as a lodging house since 1925, that Mrs. Hampe has no financial hardship, that the roomers account for increased traffic, noise and vandalism in the neighborhood. Also opposed were Carol Gleason, 19 Eaton Court, Nina Lavin, 10 Maugus Avenue. James Chadwick, 84 Maugus Avenue, had comments but stated that he is not entirely opposed to the renewal.

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

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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. 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) re-instated the decision of October 15, 1985, after which the Hampes filed an appeal which was subsequently withdrawn. Mrs. Hampe became the sole owner of the property and in 1982, 1983 and 1984 the Board of Appeals granted special permits to allow no more than eight lodgers subject to certain conditions.

Mrs. Hampe is now petitioning for a renewal of the special permit to allow eight lodgers. She claims that she needs the lodging house income in order to maintain the house and provide financial support. None of her children reside at the premises at the present time.

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 Board that the 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 can no longer 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.

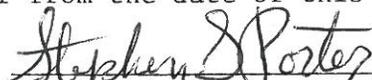
Accordingly, a special permit is granted to Erika C. M. Hampe for the premises at 18 Maugus Avenue subject to the following conditions:

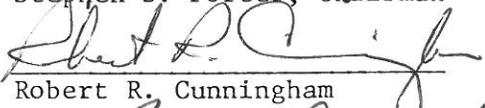
1. That no more than eight (8) lodgers may occupy the dwelling at any one time.
2. That off-street parking shall be provided on the property.
3. That all applicable laws and ordinances and State and local building and fire codes and regulations shall be fully complied with.
4. That this special permit shall expire one year from the date of this decision.

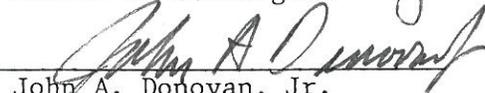
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
 Building Inspector

mam


 Stephen S. Porter, Chairman


 Robert R. Cunningham


 John A. Donovan, Jr.

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