



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Petition of Charles F. Sheppard

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8:00 PM on Thursday, June 18, 1981 on the Petition of Charles F. Sheppard, requesting a Special Permit under the provisions of Section IIA 8 (a) and Section XXV of the Zoning Bylaw which will allow the petitioner to use his premises at 370 Worcester Street as a rooming and lodging house, said location being in a Single Residence District.

On May 27, 1981 the petitioner filed his application for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of this request were Mrs. Charles F. Sheppard and the prospective purchaser, George DeMadio. Mr. DeMadio pointed out that this is a large 6 bedroom single family residence, the property has been for sale for the past two years and according to Mr. DeMadio is functionally obsolescent as a single family home because it is too close to Route 9, too large, expensive to heat and is of a size that families no longer require. It is the intention of Mr. DeMadio, if this Special Permit is granted, to create a rooming and lodging house for college students on the graduate level. A member of the DeMadio family would reside in the house along with other students. The petitioners stated there is enough off street parking for a total of 8 cars, which would have to back onto Oakland Street to get out of the driveway. Mr. DeMadio stated that he chooses not to convert the house to a two family residence as it would be too costly.

Present at the hearing and speaking in opposition to this request were: Joseph McManus of 41 Oakland Street, John Lenning, Helen Corscadden of 28 Grantland Road, Evelyn Farnsworth of 45 Oakland Street, Paul Walsh of 382 Worcester Street, Ruth Simone, Dr. Pyles of 367 Worcester Street, Francis Flanagan of 3 Grantland Road, Margo Karbel of 22 Grantland Road and Jerry Louis. The above people expressed feelings that a rooming house in a Single Residence District would be detrimental to the neighborhood, as even though it is located on Route 9 it is still very much a "family" neighborhood and the neighbors would like to keep it as such.

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would like to keep it as such. The neighbors are opposed to the increase in traffic, they feel that the driveway of this property cannot hold 8 cars without requiring that cars be backed out to let the inside one get through. It was stated that a rooming house would create transient people and that coupled with an absentee landlord could prove detrimental to the neighborhood. The house is located on the corner of Worcester Street and Oakland Street which is the site of frequent traffic accidents, traffic jams and lines of cars. The allowance of this type of activity at this house, in this location, would certainly add to an already dangerous situation.

Letters were received from the following people in opposition to this request: Evelyn Farnsworth of 45 Oakland Street, Margaret M. Karbel of 22 Grantland Road, Roy T. & Maureen B. Johan 381 Worcester Street, Paula A. Walsh of 382 Worcester Street, Joseph P. McManus and Marcelline A. McManus of 41 Oakland Street, and Alfonso Sierra and Sara I. Sierra of 376 Worcester Street. A letter signed by nineteen (19) persons in opposition to this request was also sent to this Authority.

Statement of Facts

The house involved is located within a Single Residence District at 370 Worcester Street. The house has six (6) bedrooms and is located on the corner of Oakland Street and Worcester Street which is a heavily traveled intersection with a traffic light. Mass. Bay Community College is across the street.

The prospective purchaser, George DeMadio stated that he intends to turn this single family house into a rooming and lodging house for graduate level students and professionals if this permit is granted. The purchaser does not intend to live in the house. He lives in Framingham and intends to purchase other similar homes for investment purposes.

There is no evidence of the cost involved in maintaining this house as a single family home. The petitioners apparently also own a second house in Natick. The parking space is not large enough for the numbers of people the petitioner anticipates living there. To get back onto Grantland Road cars must back out of the driveway.

A letter dated June 12, 1981 and received from the Planning Board stated that "in the opinion of the Planning Board, the petition does not appear to meet the purpose or intent of Section II 8 (a) and does not properly qualify for a Special Permit under this Section."

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Decision

This Authority has made a careful study of the evidence submitted. At least one member has taken a view of the locus.

Section II A of the Zoning Bylaw states:

A. In Single Residence Districts, no new building or structure shall be constructed or used in whole or in part, and no building or structure or part thereof shall be altered, enlarged or reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. One-Family Dwelling;

2. - 7.

8. Any of the following additional uses upon the granting of a Special Permit as provided in SECTION XXV:

(a) Residence for not more than two families, or boarding or lodging house, but not a restaurant; provided, however, that the building so used was in existance when this Bylaw took effect; and provided further that the Board of Appeal make a written finding that the original building 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.

The petitioner provided no information to show that this home cannot be economically operated as a single family residence, nor was evidence presented to indicate that the house cannot be used or sold as a single family dwelling with a fair financial return. The neighbors are obviously concerned about their neighborhood and the effects a lodging house will have on the area. A lodging house with eight or more individuals with cars will have a substantial impact on an already congested traffic situation. This Board does not interpret lodging house to include situations where the owners do not live on the premises. Other large houses in the area have been sold as single family residences.

The Board is unaware of any similar lodging house in the area. All the houses are single family in this neighborhood. The Board entertains serious doubt that

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the petitioner's purchaser will attract the people he says he wishes to rent to such as college graduate students. It is the unanimous opinion of this Authority that the granting of a Special Permit for the requested use would not be in harmony with the general purpose and intent of the Zoning Bylaw and would derogate from the public good. Therefore this request for a Special Permit is denied and the petition is hereby dismissed.

*William E. Cullinane*

William E. Cullinane, Chairman

*John A. Donovan, Jr.*

John A. Donovan, Jr.

*Stephen S. Porter*

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