

ZONING BOARD OF APPEALS
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84-56

Petition of Erika C. M. Hampe
18 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, October 4, 1984 at 8 p.m. 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 September 14, 1984, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Paul E. Heimberg, attorney with Riemer and Braunstein, representing Mrs. Hampe. He stated that she is middle-aged, divorced, with two sons living at home and that she needs the lodging house use in order to maintain the house and to provide financial support. She requests a lodging house for eight lodgers, with no changes from the previous year. He presented a petition signed by neighbors in favor of the request and an application booklet. Mrs. Hampe stated that the use does not create traffic problems, that the house has been used continuously for lodging, that she has improved the house dramatically since the purchase of it, and that she is proud of its appearance. Discussion followed regarding her son Ted Hampe's tree business. Ted Hampe stated that he buys and sells wood in locations outside of town and never cuts wood at 18 Maugus Avenue for his business. He does cut wood for his mother's use for her wood-burning stoves, the major form of heat for the house.

Present at the hearing in favor of the request were Martin Hansbro, Natick, son-in-law of Mrs. Hampe, Nancy Melsevitch, board at 18 Maugus Avenue, and Judy McGraham, 20 Wareland Street.

Present at the hearing and opposed to the petition were Walter Greeley, 17 Maugus Avenue, President of the Wellesley Hills Neighborhood Association, who recommended a return to 5 lodgers, expressed concern about traffic in the area, and presented a petition signed by neighbors opposed to the petition. Opposed also were Sara Johnson, 30 Eaton Court, Richard Gleason, 19 Eaton Court, Richard Rubinstein, 15 Maugus Avenue, Carlo Lionette, 16 Maugus Avenue. Opposition generally focused on traffic, the transient nature of the lodgers, disruption to the residential character of the neighborhood.

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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 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, 1975, after which the Hampe's filed an appeal which was subsequently withdrawn.

Mrs. Hampe became the sole owner of the property, and in 1982 and 1983 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 has two sons living with her and she claims she need the lodging house income in order to maintain the house and provide financial support. There would be no changes from the previous year.

The Planning Board, at its regular meeting of September 25, 1984, voted to offer no objection to the renewal of the lodging house permit.

Letter opposed to the request were received from: Sally and I. Leon Dogon, 75 Maugus Avenue, Doris Shemo, 6 Maugus Avenue.

Decision

The 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 Authority 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

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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.

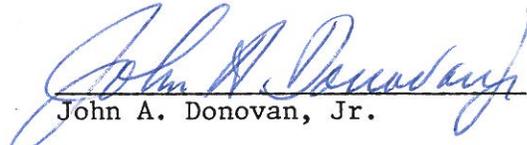
Accordingly, a Special Permit is granted to Erika C. M. Hampe for the premises at 18 Maugus Avenue subject to the following conditions:

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.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



William E. Polletta

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