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ZONING BOARD OF APPEALS

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ZBA 2000-18
Petition of Jane Peele Greene
37 Pond Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 17, 2000 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JANE PEELE GREENE 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 her premises at 37 POND ROAD, in a Single Residence District, to continued to be used as a two-family dwelling, a use not allowed by right in a Single Residence District.

On January 31, 2000, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Executive Secretary explained that the Board had received a letter from Nathanael Greene, son of the petitioner, stating that he would be out of town on the night of the hearing. His mother, Jane Greene, is in a nursing home in New Hampshire and unable to attend. In the letter, Mr. Greene asked that the Executive Secretary present the information that there have been no changes in the conditions or the tenants, and that he occupies one of the dwelling units.

The Board said that it should be made clear that the Executive Secretary was not acting as an advocate for the petitioner, but simply as a fact giver.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Pond Road, in a Single Residence District, on a 7.96 acre lot. The house, built in 1875, has been in the family since the original construction. The house contains thirty-five rooms, and cannot be used economically as a single family dwelling. Jane Peele Greene, the owner, currently lives in Peterborough, New Hampshire, but her son, Nathanael Greene, occupies one-half of the premises. The second apartment has been occupied by the same tenant for many years.

The petitioner requests renewal of the Special Permit to continue the use of the premises as a two-family dwelling. Special Permits for this use have been granted regularly since 1973.

On February 15, 2000, the Planning Board reviewed the petition and recommended renewal on the same terms and conditions as are currently in effect.

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Decision

This Authority has made a careful study of the information submitted. It is the opinion of this Authority that the continued use of the premises as a two-family dwelling, with the owner's son in residence, shall not substantially reduce the value of any property within the neighborhood and shall not be injurious or offensive to the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, pursuant to the provisions of Section II A 8 (a) of the Zoning Bylaw to continue to allow the use of the premises at 37 Pond Road as a two-family dwelling, subject to the following conditions:

1. Said dwelling shall not be occupied by more than two families at any time, and that one of the families in residence shall be that of the son of the owner.

2. All applicable state and local laws and regulations shall be complied with by the petitioner, her son and the tenant(s).

3. 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.

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

Robert W. Levy

Robert W. Levy

Cc: Planning Board
Inspector of Buildings
edg

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