

TOWN OF WELLESLEY



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2001 SEP 26 A 8:18

ZONING BOARD OF APPEALS

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ZBA 2001-64
Petition of Mitchell and Tess Parker
130 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 13, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MITCHELL AND TESS PARKER requesting 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 130 WASHINGTON STREET, in a Single Residence District, to continue to be used as a two-family dwelling, a use not allowed by right in a Single Residence District.

On August 27, 2001, the petitioners 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 Mitchell Parker, who said they would like to continue the use of the apartment, which has been allowed for the past 22 years to the prior owners, to help to maintain the property. The property will be used as their home, and the income from the apartment will be used to subsidize the mortgage, utility bills and maintenance.

The Board asked if Mr. Parker had been aware, when he purchased the property, that the Special Permit did not run with the property, but with the individual owner. Mr. Parker said that the Donabeds conveyed the understanding that they would be able to continue to use the property in the same manner.

The Board asked if the apartment was leased now. Mr. Parker said it was leased on a month by month basis. The Board stated it would be opposed to granting the Special Permit unless the lease was for a minimum of one year, with a copy of the lease to be submitted to the Board. Furthermore, the apartment could not be leased to more than two unrelated persons. The Board does not want the premises to be used as a rooming house. Mr. Parker agreed with the conditions.

Mr. Parker said they had purchased the property from the Donabeds and intended to occupy the premises. The Board said that both the Planning Board and the Zoning Board were concerned that the property continue to be owner occupied, and that would be a condition of the Special Permit.

The Board stated that if a Special Permit was granted, it would be for one year, in order to evaluate how the property is being maintained, and if the neighbors have any problems under the new ownership. In addition to the conditions previously discussed, all the conditions in the prior Special Permit would also be contained in the decision.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 130 Washington Street, in a Single Residence District. The Victorian house was built in 1865, and is recognized as an historical landmark by the Wellesley Historical Society. The first Special Permit for the use of the home as a two-family dwelling was granted in 1954. Ralph and Sandra Donabed, resident owners from 1977 to 2000, had been granted Special Permits to continue the use of the premises as a two-family dwelling. On June 30, 2000, Mitchell and Tess Parker purchased the property from Sandra T. Donabed, and are now requesting a Special Permit to continue the use of the premises as a two-family dwelling.

The house consists of 17 rooms, of which 12, on the first and second floors, are occupied by the Mitchells. The five rooms on the third floor are rented as an apartment, which has a separate entrance. Rental income from this apartment is used to make improvements and defray maintenance costs.

On September 4, 2001, the Planning Board reviewed the petition and expressed concern that the house remain owner occupied. On that basis, the Board offered no objection to the renewal of the Special Permit under the same conditions as are currently in effect, and assuming there has been no material change in the underlying circumstances of the petition and use.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the continued use of the premises as a two-family dwelling will not substantially reduce the value of any property within the district, and will not disturb or disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, pursuant to Section II A 8 (a) of the Zoning Bylaw, for the continued use of the premises at 130 Washington Street, as a two-family dwelling, subject to the following conditions:

1. The house shall be occupied by the Mitchell family for the duration of the Special Permit,
2. The apartment shall be occupied by not more than one additional family, or not more than two unrelated persons.
3. The lease for the five room rental apartment shall be for a minimum of one year. A copy of this lease shall be submitted to the office of the Board of Appeals within 30 days after the date of this decision.
4. All applicable State and local laws and codes shall be complied with by the petitioners and their tenants.

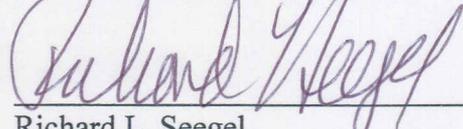
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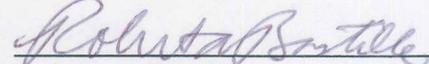
5. Facilities for off-street parking shall be provided for the tenants of the property.
6. This Special Permit shall expire one year from the date of this decision.

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
Inspector of Buildings
edg


Kendall P. Bates, Chairman


Richard L. Seegel


Robert A. Bastille

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