



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

KENDALL P. BATES, CHAIRMAN  
 RICHARD L. SEEDEL, VICE CHAIRMAN  
 CYNTHIA S. HIBBARD

ELLEN D. GORDON  
 EXECUTIVE SECRETARY  
 TELEPHONE  
 (781) 431-1019 EXT. 208

RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY MA 02482  
 2002 JUN -5 A 8:17  
 ROBERT A BASTILLE  
 J. RANDOLPH BECKER  
 ROBERT W. LEVY

ZBA 2002-42  
 Petition of Nancy W. Erne  
 599 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 23, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of NANCY W. ERNE requesting renewal of a Special Permit pursuant to the provisions of Section III A and Section XXV of the Zoning Bylaw to allow her premises at 599 WASHINGTON STREET, in a Town House District, to continue to be used as a two-family dwelling, a use not allowed by right in said district.

On May 6, 2002, the petitioner 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 Nancy Erne, who said she would like to continue the use of the premises as a two-family dwelling. The house was built in 1864. In 1982, she received permission to divide it horizontally for use as a two-family dwelling.

The Board asked if Mrs. Erne still occupied one of the units. She said that she did and asked if that made a difference. The Board explained that the permit runs to Mrs. Erne and not to the land, so that if the premises were to be sold, it could not be sold as a two-family dwelling. Mrs. Erne said she could not convert it back to a one-family house because the staircase had been removed. She added that the property is also in her daughter's name now.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 599 Washington Street, in a Town House District, and is part of Wiswall Condominiums containing 56,697 square feet of land at the corner of Wiswall Circle and Washington Street.

In 1981, the Board of Appeals granted site plan approval to David Wiswall et al for 14 dwelling units, known as Wiswall Condominiums, at Wiswall Circle and 599 Washington Street. The decision (ZBA 81-19) also granted a Special Permit allowing the conversion of a single family dwelling at 599 Washington Street to two-family use. Nancy Erne and her daughter are the present owners of the property. Mrs. Erne occupies one of the dwelling units. Since 1981, Special Permits for the use of the premises have been consistently granted. Mrs. Erne is now requesting renewal of the Special Permit.

ZBA 2002-42  
Petition of Nancy W. Erne  
599 Washington Street

On May 14, 2002, the Planning Board reviewed the petition and recommended renewal of the Special Permit under the same terms and conditions as are currently in effect.

Decision

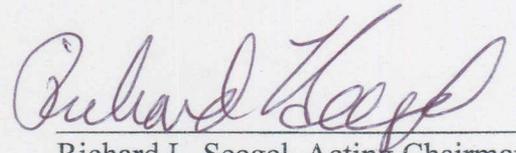
This Authority has made a careful study of the application submitted and the information presented at the hearing. It is the opinion of this Authority that a Special Permit to allow the premises at 599 Washington Street, in a Town House District, to continue to be used as a two-family dwelling can be granted, as the use will not be injurious to the neighborhood or to the public good, and will be in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is hereby granted to Nancy Erne, as voted unanimously by this Authority at the Public Hearing, to continue to use the premises as a two-family dwelling, subject to the following conditions:

1. Nancy Erne shall be the owner occupant of one of the two dwelling units for the duration of the Special Permit.
2. This Special Permit shall expire three years from the date time stamped on 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

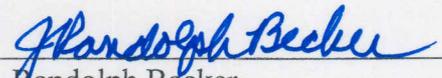
Cc: Planning Board  
Inspector of Buildings  
edg



Richard L. Seegel, Acting Chairman



Robert A. Bastille



J. Randolph Becker

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2002 JUN -5 A 8:17