



ZONING BOARD OF APPEALS

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

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ZBA 2004-9
 Petition of Jane Peele Greene Family Trust
 Nathanael Greene, Jr., Trustee
 37 Pond Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 12, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the JANE PEELE GREENE FAMILY TRUST, NATHANAEL GREENE, JR., TRUSTEE requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to continue to allow the premises at 37 POND ROAD, in a 40,000 square foot Single Residence District, to be used as a two-family dwelling, a use not allowed by right in a Single Residence District.

On January 22, 2004, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Mr. Greene was unable to attend the Public Hearing due to a long planned business trip out of the country. In a letter dated January 16, 2004, Mr. Greene requested continuance of the Special Permit to use the premises as a two-family dwelling. The Special Permit has been in place for more than twenty years. He stated that in the past two years, his mother, Jane Greene, had died, but the ownership of the house had not changed, nor has the use changed. He is still living in the main part of the house, and the tenant remains the same.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Pond Road, in a 40,000 square foot 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. The ownership of the property has been assumed by the Jane Peele Greene Family Trust. Mrs. Greene has passed away, but the ownership of the property has not changed. Mrs. Greene's son, Nathanael B. Greene, a trustee of the Family Trust, 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.

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On February 10, 2004, the Planning Board reviewed the petition and recommended renewal on the same terms and conditions as are currently in effect.

Decision

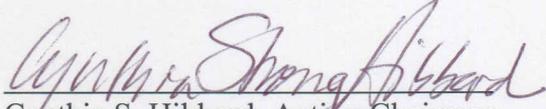
This Authority has made a careful study of the information submitted. It is the opinion of this Authority that the continued use of the premises as a two-family dwelling, with the trustee, Nathanael B. Greene, Jr. in residence, shall not substantially reduce the value of any property within the neighborhood, 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 premises at 37 Pond Road to be used as a two-family dwelling, subject to the following conditions:

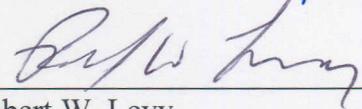
1. Said dwelling shall not be occupied by more than two families at any time, and one of the families in residence shall be that of Nathanael B. Greene, Jr., Trustee of the Jane Peele Greene Family Trust.
2. All applicable state and local laws and regulations shall be complied with by the petitioner, Nathanael B. Greene, Jr., and the tenant(s).
3. This Special Permit shall expire two 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


Cynthia S. Hibbard, Acting Chairman


David G. Sheffield


Robert W. Levy

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