

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-41
Nancy J. Allen
7 Cross Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 11, 2006 on the petition of NANCY J. ALLEN 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 to continue to use her premises at 7 CROSS STREET, in a Single Residence District, as a dwelling for not more than two families, a use not allowed by right in a Single Residence District.

On May 1, 2006, 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 Allen, who said that there have been no changes since the last renewal of the Special Permit.

The Board asked if Ms. Allen still resides in the building. Ms. Allen said that she does.

Ms. Allen said that the apartment is for one single person with one car in her driveway.

No other person had any comment on the petition.

Statement of Facts

The subject property is located at 7 Cross Street, in a Single Residence District. The house was built in 1926 as a single family dwelling, and occupied by the owner until it was purchased by Dr. Stephen Peabody in 1946. In 1956, Dr. Peabody requested permission to convert a portion of the residence containing five office and treatment rooms into a second dwelling unit for the purpose of resale. A Special Permit for the use of the premises as a two-family dwelling was granted by the Board and renewed annually through 1962.

In 1981, Ms. Allen purchased the property and requested a Special Permit to reinstate the use of the premises as a two-family dwelling. The Board denied her request at that time. In 1992, Ms. Allen again requested a Special Permit to use the premises as a two-family dwelling. The Board granted the Special Permit for one year, and has granted biennial renewals since 1994. Ms. Allen is now requesting renewal of the Special Permit under the same terms and conditions as are currently in effect.

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On May 9, 2006 the Planning Board reviewed the petition and had no objection to the renewal of this request on the same terms and conditions as are currently in effect assuming there has been no change in the circumstances since the time of the last review, however, it was felt that the two-family use should not extend beyond the current property owner.

Decision

This Authority has made a careful study of the material submitted and the information presented at the Public Hearing. It is the opinion of this Authority that the use of the premises as a two-family dwelling shall not substantially reduce the value of any property within the district; shall not otherwise be injurious, obnoxious or offensive to the neighborhood; and that the requested use is in harmony with the general intent and purpose of Section II A 8 (a) of the Zoning Bylaw.

Therefore a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of the premises at 7 Cross Street as a two-family dwelling, subject to the following conditions:

1. The property owner, Nancy J. Allen, shall be the owner-occupant of one of the dwelling units for the duration of the Special Permit.
2. All parking related to the use of the premises shall be on-site, and no parking related to the premises shall be allowed on Cross Street, or any adjacent street.
3. All State and local laws, as well as all recommendations of the Fire Department and the Inspector of Buildings shall be complied with by the owner and the tenant(s).
4. This Special Permit shall expire two years from the date time-stamped on this decision.

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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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm