

TOWN OF WELLESLEY



65-59
MASSACHUSETTS
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WELLESLEY, MASS.

BOARD OF APPEAL

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CE 5-1664

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Petition of M. Francis and Gloria M. Reeves

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:40 p.m. on December 2, 1965, on the petition of M. Francis and Gloria M. Reeves requesting permission to use their dwelling at 378 Weston Road as a lodging house for students as provided under Section II B (a) and Section XXIV E of the Zoning By-law.

M. Francis Reeves appeared at the hearing and spoke in support of the petition.

The following persons appeared in opposition to granting the request: Charles E. Lowman, 12 Garrison Road, Robert Eollin, 20 Garrison Road and Chester F. Austine, 9 Garrison Road. All felt that the continued non-conforming use of the property would prove detrimental to the neighborhood and depreciate properties within the area. It was pointed out that the previous owner had been renting rooms illegally, and all felt that this continued use of the property should not be allowed.

Letters opposing the request were received from John J. O'Connor, 3 Garrison Road, Allen M. and Roberta M. Schultz, 6 Garrison Road, and Muriel W. Bowler, 9 Beechwood Road. All felt that the new owner should have been aware of the restrictions on the use of the dwelling and opposed permission being granted for such use in a completely residential area.

The Planning Board opposed the granting of the request in its report.

On November 16, 1965, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved is a single-family residence located within a single-family district requiring a minimum lot area of 10,000 square feet. The main part of the house which is approximately fifty years old contains six rooms, living room dining room and kitchen on the first floor and three bedrooms and bath on the second floor. About six years ago a new wing was added to provide a doctor's office. This wing contains three small rooms and lavatory with a separate entrance.

The petitioners seek permission to rent these three rooms to two or three Babson Institute students. They purchased the house recently with the understanding that this added unit could be used for roomers without obtaining a special permit and have been doing so since then. The previous owner informed them that she had been doing so and did not inform them that there was any zoning problem. Upon this assurance, the petitioners

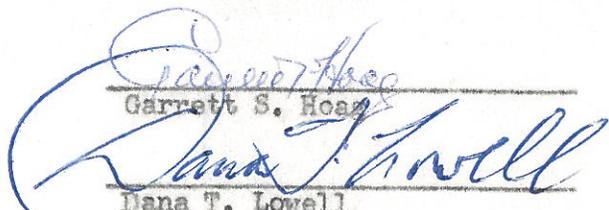
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made some commitments such as part of the down payment of the house and some furniture in lieu of renting the three-room wing of the house. The house was in need of redecoration within and without which has been done and for these reasons the petitioners feel that temporary relief at least should be granted to alleviate their temporary financial commitments.

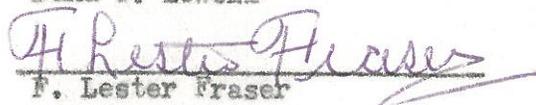
Decision

After careful study of the evidence submitted, the Board is unable to find that the criteria set forth in Section II 8 (a) or Section XXIV E of the Zoning By-law have been satisfied. In the opinion of this Board, the house is not excessively large to be used as a single-family dwelling, a use regularly allowed within a single-residence district. While the house may be too large for the petitioners' needs, this should have been determined before purchasing it. No change has occurred in the petitioners' circumstances since purchasing the property which would allow the Board to grant temporary relief under the provisions of Section XXIV E of the Zoning By-law. Furthermore, the petitioners have been renting rooms for some time in disregard of the Town By-laws. For these reasons the Board finds that the requested permission cannot be granted.

Accordingly, the permission is denied and the petition dismissed.


Garrett S. Hoag


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____