



BOARD OF APPEAL

RICHARD O. ALDRICH
 DANA T. LOWELL
 F. LESTER FRASER

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Petition of Edward M. Levitt

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 8:45 p.m. on March 20, 1969, on the petition of Edward M. Levitt, requesting permission to enlarge and use the building located at 617 Washington Street as a rest home. The petitioner further requested an exception from the terms of Section XIX of the Zoning By-law which would permit the construction of an addition on the rear of the building involved with a side yard less than the required twenty feet, and an exception from the terms of Section XVIII-B of the Zoning By-law which would allow the building and addition involved to cover more than 25% of the area of the lot involved.

On February 25, 1969, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

A report was submitted from the Chief Engineer of the Fire Department in which he stated that he would approve the use of the building for patients on the first and second floors only provided the petitioner complies with the Town Building Code and State Code relative to egresses and to installation of an automatic sprinkler system, connected to the existing fire alarm box.

The Planning Board in its report stated that it did not object to a change in the use of the building involved so as to permit it to be used as a rest home subject to compliance with regulations applicable to such use, but it did object to any expansion of the building which would result in a side yard deficiency or cause the percentage of the lot covered by building or structure to exceed twenty-five.

Statement of Facts

The building involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a four-story, brick, stone and frame building, built over sixty years ago and has been used as a sanatorium, mental hospital, Wellesley College dormitory, convalescent and nursing home and lodging house. It has nineteen rooms and seven baths on the four floors.

On behalf of the petitioner, it was represented that he purchased the property in October 1968, and now seeks permission to construct a two-story addition approximately 45' x 101' at the rear of the existing building and to use the entire building as a rest home. The new addition will accommodate forty-eight guests and the existing building will accommodate nine guests, all with one or two persons to a room. In addition to the rooms provided for the guests, there will be provided in the existing building a kitchen, dining room'

living room and in the new addition there will be a recreation room in addition to the guest rooms. Therapy facilities and modern devices are proposed to be provided for the needs of the elderly as well. The petitioner stated that there would be a staff of seven employees on duty during the day and one or two from the hours of 11:00 p.m. to 7:00 a.m., that parking facilities for eleven cars would be provided and that more could be made available if necessary.

While the proposed addition would lie only fourteen feet from the lot line on the northerly side, the petitioner stated that it would continue the line of the existing building and would be thirty-nine feet from the lot line on the southerly side. While the building, including the proposed addition, would cover slightly more than 25% of the lot area, it was claimed by the petitioner that space would remain for parking facilities and other outdoor facilities for the guests. It was stated that all rules and regulations required by the Department of Public Health and the Department of Public Safety would be complied with and, except for the exceptions requested in this petition, that all local ordinances would be met.

A letter from the Department of Public Health stated that there is a need for eighty beds in this area and that approval for the desired rest home was granted provided a formal request is submitted by the petitioner within sixty days.

Plans were submitted showing the elevations of the new addition as well as the floor layouts of both the existing building and the addition. A plot plan, drawn by Richmond-Paley Associates, Cambridge, Mass., dated February 7, 1969, was also submitted which showed the proposed parking area and landscaping.

The petitioner claims that the proposed use of the building will not prove detrimental to surrounding properties, that there is a need for a rest home within the Town as determined by the Department of Public Health, and that the proposed use of the building will be beneficial to the Town.

Decision

Section II of the Zoning By-law specifically states the allowable uses of buildings and structures within a Single-residence District. (See Section II. 1. through 7.) Section II 8, in part, provides for additional uses, if permission is, in each case, obtained from the Board of Appeal, as provided in Section XXIV.

Among the uses enumerated are, Hospital, sanitarium or other medical institution (not including veterinary hospitals or other medical institutions for the care of animals).

Although the request for permission for the building at 617 Washington Street, together with the proposed addition, to be used as a rest home, was made under the provisions of Section II 8 (d) of the Zoning By-law, the petitioner emphasized at the hearing that his proposal was for a rest home, and specifically stated that he was not asking for permission to conduct a hospital or other institution designed for the medical treatment of patients.

The authority possessed by it under Section II 8 of the Zoning By-law is not applicable to this petition, where the petitioner specifies that the use for which he seeks permission of the Board is not one of those enumerated in the section of the By-law under which relief is sought.

Accordingly, the request is denied and the petition dismissed.

Philip H. Cahill
 Philip H. Cahill
Dana R. Lowell
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F. Lester Fraser
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Filed with Town Clerk _____

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