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TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Petition of Jane Peele Greene

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 8:10 p.m. on July 26, 1973, on the petition of Jane Peele Greene, requesting permission to use the premises located on Pond Road, Wellesley, owned by her, as residence for not more than two families. Said request was made under the provisions of Section II, 8 (a) and XXIV, E, 1. of the Zoning By-law.

On March 6, 1973, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John O. Rhome, attorney for the petitioner, explained in detail the petitioner's need for the proposed use of the property at the hearing.

F. Sargent Cheever, 30 Pond Road, stated that he was in favor of the proposed use of the property, and felt that it was the only solution to the petitioner's problem.

A letter favoring the request was received from Mary H. Fyffe, 99 Pond Road.

Statement of Facts

The house involved, which is approximately one hundred years old, is located on a parcel of land containing 10½ acres, within a Single-residence District requiring a minimum lot area of 40,000 square feet.

At the hearing the petitioner's attorney stated that the house involved was built by the petitioner's grandfather, Walter Hunnewell, around 1875. The petitioner is interested in maintaining the twenty-three-room dwelling in its present victorian style, and seeks permission to use it as a two-family dwelling for a limited time. While the petitioner is not living in the dwelling at the present time, she plans to occupy it in about three years when her husband retires. In the meantime, her daughter is living there with her husband and feels that the only way she can maintain the house is if she can rent a portion of it to a second family. It was stated that the petitioner had talked with all the members of the Hunnewell family regarding the requested use of the property and when she purchased the property in August of 1972, provision was made that the dwelling involved may be used for two-family dwelling purposes.

It was alleged that the proposed use of the dwelling will not create a density problem, which is one of the principal purposes of the Zoning By-law, as ten single dwellings could be built on the premises with each providing a minimum lot area of 40,000 square feet as required.

No permanent alterations are planned to be made on the building at this time, stated Mr. Rhome, as the second family will occupy the former sevants' quarters at the end of the house both on the first and second floors which are well suited to this arrangement.

Mr. Rhome further staed that, in his opinion, Section II 8 (a) of the Zoning By-law was intended to take care of exactly this type of building, and urged the Board to grant the request.

Decision

The Board has made a careful study of all the facts in this case and has taken a view of the locus.

While the Board has considered this request under the terms of Section II 8 (a) of the Zoning By-law, it feels that from the evidence submitted, conclusive proof was not presented to establish that the house can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence.

It has, however, considered the request under the terms of Section XXIV, E. 1. of the Zoning By-law and finds that a real need exists and that the proposed non-conforming use will not substantially reduce the value of any property within the district, or otherwise injure the neighborhood.

The surrounding area is developed by large single-family dwellings, and the Board is reluctant to authorize encroachments on a permanent basis into a restricted district such as the one involved. However, it does feel that it is not inappropriate to grant permission for the house involved to be used as a two-family dwelling for a limited period, and subject to this Board's review on an annual basis.

Accordingly, the requested permission is granted subject to the following conditions:

1. That said dwelling shall not be occupied by more than two families at any time.

2. That said permit shall expire one year from this date.

Theodore C. Merlo

Theodore C. Merlo

F. Lester Fraser

F. Lester Fraser

William O. Hewett

William O. Hewett

Filed with Town Clerk 10/18/73

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