



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-41
Petition of Carol McMahon
65 Crest Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of CAROL MCMAHON requesting a finding pursuant to Section XVII and Section XXIV-D of the Zoning Bylaw that the change in use and alteration to her pre-existing non-conforming unattached garage at 65 CREST ROAD, in a Single Residence District, shall not be substantially more detrimental than the existing non-conforming use and structure to the neighborhood.

On May 2, 1988 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Carol McMahon who said she wishes to expand her art studio, which is presently in the loft of the garage to the ground floor. The garage, built around 1878, was originally a barn used to house horses. Later it was converted to a garage, although the McMahons have never put it to that use.

Mrs. McMahon said that she wishes to replace the existing garage doors with windows, fix the second existing door, replace windows in the rear, insulate the barn and heat it. The barn has electricity. If the house were ever sold, the barn could be returned to use as a garage.

No other persons had any comment on the petition.

Statement of Facts

The pre-existing non-conforming garage, approximately 20.4 feet by 25.7 feet, is located at 65 Crest Road, in a Single Residence District, on a 19,947 square foot lot with a minimum right side yard of 6.5 feet. The house and the garage were built before the turn of the century. The garage was originally built as a barn to house a horse and buggy. The previous owners converted the barn into a garage but the present owners have never put it to that use. Since 1980, Mrs. McMahon has used the loft of the garage as an art studio, and is now requesting a finding that the use of the ground floor of the garage as an art studio with interior and exterior improvements to the structure shall not be substantially more detrimental to the neighborhood than the existing non-conforming structure and use.

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The exterior improvements would consist of: 1) removing the garage doors and replacement with two windows, framing and shingling the remaining space; 2) replacing an original sliding door with a standard front door. The interior improvements would consist of: 1) insulating and sheet rocking the walls; 2) replacing existing windows with storm/screen windows; 3) installing new floor; 4) installing electric baseboard heating units; 5) adding daylight florescent lights.

A Plot Plan, dated December 26, 1985, drawn by George N. Guinta, Registered Land Surveyor; a front facade drawing by Charles Bleakney, C & L Construction Company and photographs were submitted.

A letter dated May 16, 1988 was received from Katherine E. Toy, William J. Toy and Cecilia M. Toy, 31 Curve Street, expressing favor with the petition.

The Planning Board, on May 17, 1988, voted to oppose the request, stating that the proposed use, in the opinion of the Planning Board, was not a customary accessory in a single residence district.

Decision

This Authority has made a careful study of the evidence present. The subject garage is a pre-existing non-conforming structure.

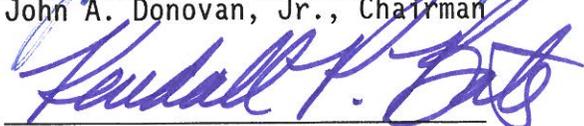
It is the finding of this Authority that the change in use from a garage to an art studio, and the interior and exterior alterations planned, may be permitted within the bounds of the existing structure and in accordance with the Plot Plan and alteration list noted in the foregoing Statement of Facts. It is the further finding of this Authority that said changes shall not be substantially more detrimental than the existing non-conforming use and structure to the neighborhood with the following conditions:

1. There shall never be any construction or addition of sanitation facilities to the garage.
2. There shall never be any provisions for residence in said garage.
3. The garage shall be used solely as an art studio, and can never be used as a gallery to display art works or as a business establishment in which purchase or sale of art is transacted.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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.

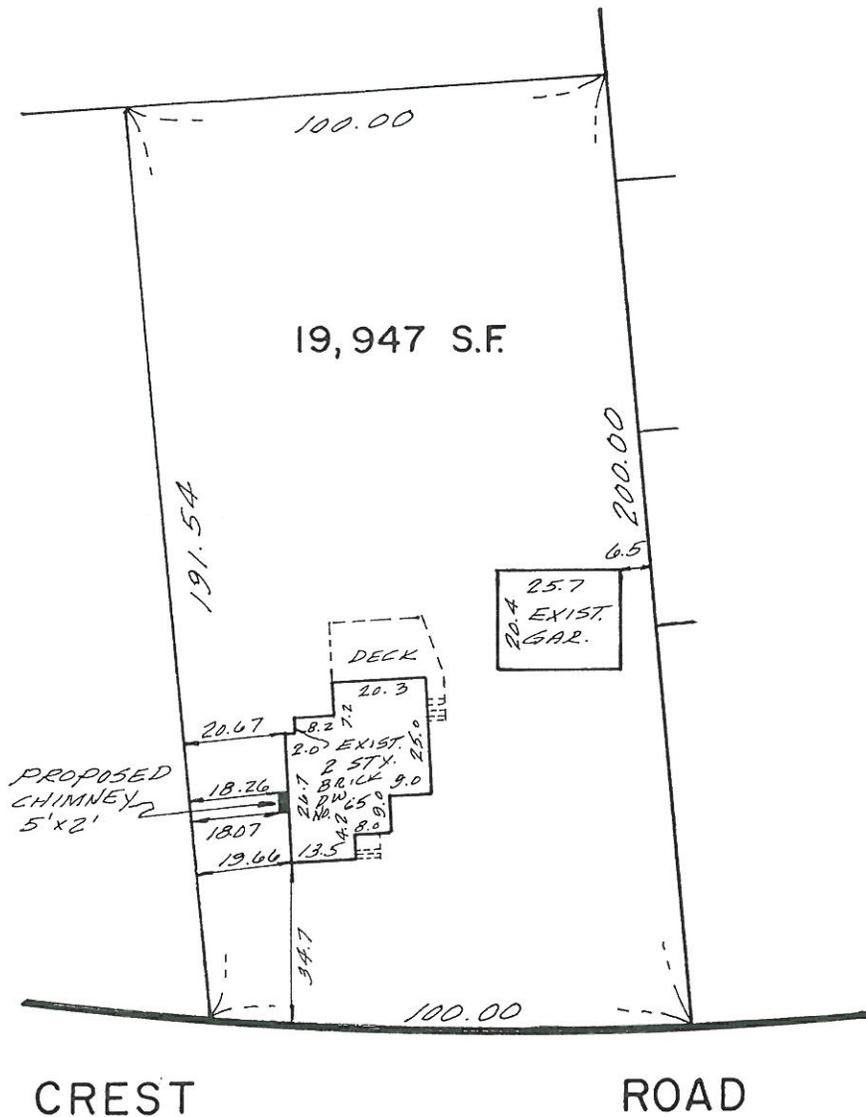
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman

Kendall P. Bates

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William E. Polletta



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PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

DEC. 26, 1985

SCALE 1" = 40'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

