



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 90-66  
Petition of Richard B. Gladstone  
90 Brook Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD B. GLADSTONE requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the structural changes and change in use of his pre-existing non-conforming barn at 90 BROOK STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing structure and use. The barn is presently used for storage and would be altered for use as a changing room and utility room with the addition of two sinks, one toilet and a microwave oven.

On July 9, 1990, 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 Richard Gladstone, who said he was requesting the change in use as an adjunct to his pool which was installed last summer. He would like to use the utility room to prepare picnics, drinks, etc. for guests, and the bathroom for guest use while at the pool. Mr. Gladstone said that the barn was built in 1902, and has no heat or insulation. The change in use would affect about 200 square feet, or 1/15 of the entire barn. The barn also contains a loft and a sub-basement used for storage of pool equipment.

The Board expressed concern about the potential use of the barn as a second dwelling unit, as heat and insulation would be relatively easy to install. The Board noted that the addition of a refrigerator, sinks and microwave would constitute a kitchen, changing the status of the barn to that of a second dwelling unit. The Board stated that many alterations begun with legal intentions have ultimately been used for illegal purposes, and that the Board must guard against that possibility.

Mr. Gladstone said that he would like to remove the microwave oven from the request, but the sink was necessary to drain pool equipment and for use as a potting shed.

Mrs. Gladstone asked if it were possible to have only a bathroom and an outdoor shower.

No other person had any comment on the petition.

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

Aug 8 9 20 AM '90

ZBA 90-66  
Petition of Richard B. Gladstone  
90 Brook Street

AUG 8 9 20 AM '90

Statement of Facts

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

The property in question is located at 90 Brook Street, in a Single Residence District, on a 20,782 square foot lot. The subject barn, a detached structure built around 1902, has a minimum right side yard clearance of 19.4 feet. The present use of the barn is for storage of automobiles and other outdoor equipment.

The petitioner is requesting a Finding pursuant to Section XVII of the Zoning Bylaw that the change of use of the pre-existing non-conforming barn from that of storage to a utility room and a changing room, with the structural changes necessary to accomplish this change, would not be more detrimental to the neighborhood than the existing structure and use. The change would involve interior partitioning of two rooms; the changing room to contain a toilet and sink, and the utility room to contain a sink, refrigerator, counters and a microwave oven. At the Public Hearing, the petitioner requested removal of the oven from the petition.

A Plot Plan, dated October 18, 1989, drawn by John J. Regan, Registered Land Surveyor; a proposed floor plan, drawn by Stephen A. Judge, contractor; and photographs were submitted.

The Planning Board, on July 17, 1990, voted to strongly recommend that the petition be denied as the petition represents a new use for the barn. The Planning Board believes that this is a substantially different purpose which will be more detrimental than the existing use to the neighborhood.

Decision

This Authority has made a careful study of the evidence presented. The existing structure is non-conforming as noted in the foregoing Statement of Facts.

Section IA (Definitions) of the Zoning Bylaw defines a Dwelling Unit as:

"A room, group of rooms, or dwelling forming a habitable unit for one family with facilities for living, sleeping, cooking and eating, and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit."

It is the opinion of this Authority that the requested change of use of the pre-existing non-conforming barn, with the proposed structural changes and additions of toilet and kitchen facilities, creates a realistic potential for effectively changing the existing barn to a dwelling unit as defined above.

Section XVIII (Area Regulations) of the Zoning Bylaws mandates that there shall be only one dwelling unit per lot. The creation of a second dwelling unit on a single lot would constitute a serious violation of the Zoning Bylaw.

It is the opinion of this Authority that although the petitioner may not intend to use the barn as a second dwelling unit, the granting of the change of use could create the possibility of an illegal misuse in the future, which would be extremely detrimental to the neighborhood.

ZBA 90-66  
Petition of Richard B. Gladstone  
90 Brook Street

It is the further opinion of this Authority that it is incumbent for them to guard against this eventuality for the public good.

Therefore, for the foregoing reasons, this Authority unanimously finds that the proposed petition for the change of use of the pre-existing non-conforming barn is substantially more detrimental to the neighborhood than the existing non-conforming use.

It is the unanimous decision of this Board that this request be denied and this petition is dismissed.

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

  
Kendall P. Bates, Acting Chairman

  
Franklin P. Parker

  
William E. Polletta

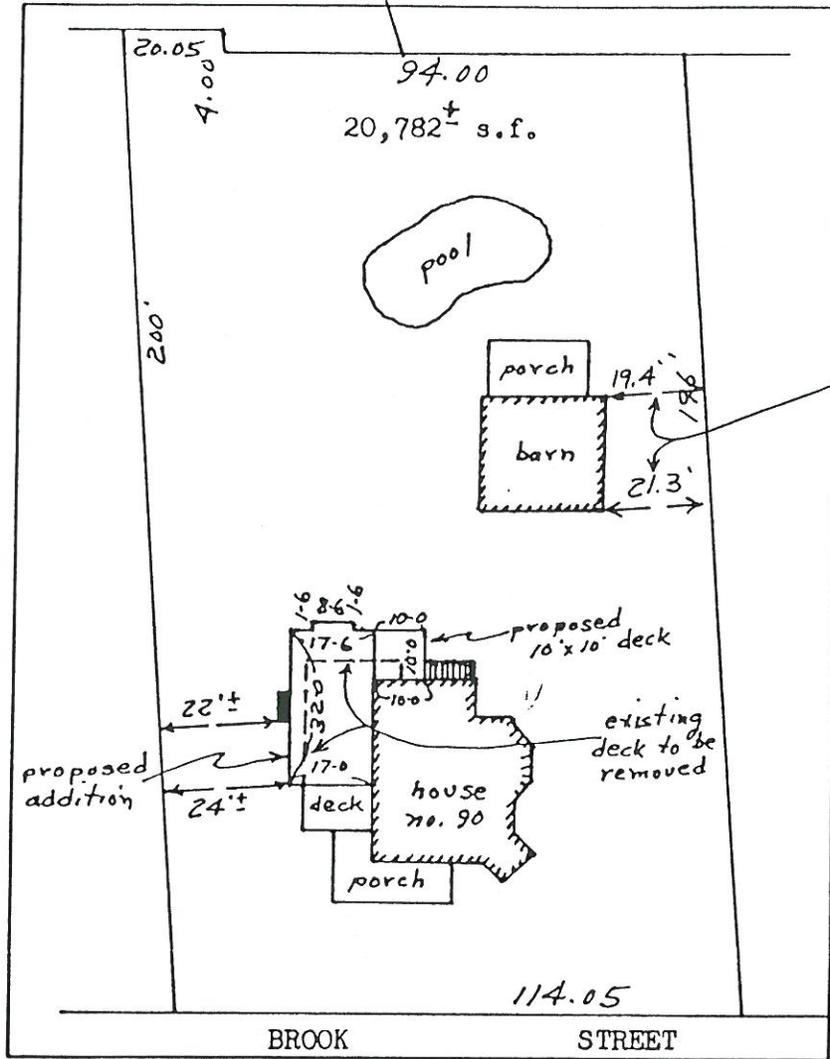
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

AUG 8 9 20 AM '90

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

JUL 9 10 26 AM '90

### CERTIFIED PLOT PLAN



these barn offsets to lot line were added to this plan on Oct. 18, 1989 by John J. Regan

Scale 1 in = 40 ft

October 16, 1989

Date

Reg. Land Surveyor #7931

*John J. Regan*

Note:

Lot coverage will be 3657± sf.  
or 17.6%

