



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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DEC 19 8 42 AM '90

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WELLESLEY, MA 02181

ZBA 90-86  
Petition of Dana Hall School  
629 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 29, 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 DANA HALL SCHOOL requesting a Special Permit pursuant to the Provisions of Section II 8 (b) and Section XXV of the Zoning Bylaw to allow the premises at 629 WASHINGTON STREET, in a Single Residence District, to be used as a three-family dwelling for the housing of faculty, staff, and/or employees of an educational institution.

On November 13, 1990, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was John Kessler, Jr., an attorney with Gaston & Snow, representing the petitioner. Peter McCone, Business Manager of Dana Hall School and Barry Monahan representing Wellesley College were also present.

Mr. Kessler said that Dana Hall was requesting a Special Permit to use the premises as a three-family dwelling. When the school purchased in property in 1950, it was purchased as a three-family house. The Special Permit is requested for an educational use as faculty housing.

Mr. Kessler explained that the Massachusetts courts have allowed broad uses associated with educational institutions to be considered as educational uses. Dana Hall is of the opinion that the use of the premises as faculty housing qualifies as an educational use. The use may, in fact, be a pre-existing nonconforming use, and a permitted use in the district for many years.

Mr. Kessler continued that Dana Hall's purpose in requesting the Special Permit was to confirm the use of the premises so that the property can be sold to Wellesley College for use as faculty housing. The property is proximate to the Wellesley campus and will permit the interaction between students and faculty at faculty residences, which the college feels has a definite educational benefit.

No other person present had any comment on the petition.

#### Statement of Facts

The property in question is located at 629 Washington Street on the corner of Weston Road, in a Single Residence District, on a 9,285 square foot lot. The house was constructed around the turn of the century. In 1932, one Nancy G. Harris requested and was granted a permit by the Board of Selectmen to convert and use the house as a two-family residence. The building permit issued in January, 1933 for the remodeling, noted that the prior use was as a dormitory.

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In 1951, the property was purchased by the Helen Temple Cooke Trust as a three apartment dwelling. Dana Hall purchased the property in 1970 as a three family dwelling and it has been so used without knowledge of the violation until the present date. Dana Hall School is requesting a Special Permit for the premises to be used as a legal three-family dwelling for educational purposes pursuant to Section II 8 (b) of the Zoning Bylaw.

Documents submitted included floor plans for each of the three apartments; copy of a Mortgage Agreement dated 9/20/50 from the Watertown Cooperative Bank stating the property was a three family apartment house; a letter from Edmund Dewing, dated July 31, 1951, regarding acquisition of the "three-apartment dwelling" by the Helen Temple Cooke Trust; a copy of a Purchase and Sale Agreement, dated May 29, 1951, describing the property as a three apartment dwelling; and photographs.

The Planning Board, on November 19, 1990, voted to recommend no objection to the granting of the special permit, but recommended that the special permit be subject to annual renewal, and that the permit terminate if the use is no longer adjunct to the school.

The Fire Department, on November 19, 1990, requested that if the Special Permit were granted, a condition be that the existing building comply with the provisions of the State Building Code requiring a fire alarm system for new construction of the same use.

#### Decision

This Authority has made a careful study of the evidence submitted. It is the opinion of this Authority that the use of the premises as a three-family dwelling for educational purposes will not substantially reduce the value of any property within the district, will not be injurious or offensive to the neighborhood, and is a use which is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a Special Permit is granted pursuant to the provisions of Section II 8 (b) and Section XXV to Dana Hall School to allow the dwelling at 629 Washington Street to be used as a three-family dwelling for educational purposes subject to the following conditions:

1. That said dwelling shall not be occupied by more than three families at any one time.
2. That all parking of cars belonging to the tenants shall be on the premises.
3. That all applicable State and local laws and regulations shall be complied with by the petitioner and the tenants.
4. That documentation be submitted to the Chief of the Fire Department, with a copy to the office of the Board of Appeals, that the existing building is in compliance with the provisions of the State Building Code requiring a fire alarm system for new construction of the same use.

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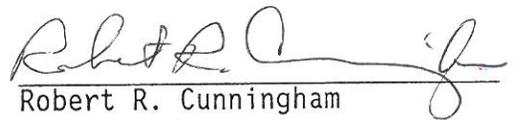
5. That this Special Permit shall terminate upon sale of said property to other than an educational institution.
6. That this Special Permit shall expire one year from the date of this decision.

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

  
Robert R. Cunningham

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