



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 96-32  
Petition of Nancy J. Allen  
7 Cross Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 30, 1996 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 NANCY J. ALLEN requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to continue to use her premises at 7 CROSS STREET, in a Single Residence District, as a dwelling for not more than two families, a use not allowed by right in a Single Residence District.

On May 13, 1996, the petitioner filed a request for 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 Nancy Allen, who said that nothing has changed in the house during the past two years. The tenant, the parking, and her need for the additional income have remained the same.

The Board noted that it had received a letter in opposition to the petition from William Moynihan, 9 Waban Street. Ms. Allen said that she had never spoken to Mr. Moynihan about the Special Permit.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 7 Cross Street, in a Single Residence District. The house was built in 1926 as a single family dwelling, and occupied by the owner until it was purchased by Dr. Stephen Peabody in 1946. In 1956, Dr. Peabody requested permission to convert a portion of the residence containing five office and treatment rooms into a second dwelling unit for the purpose of resale. A Special Permit for the use of the premises as a two-family dwelling was granted by the Board and renewed annually through 1962.

In 1981, Ms. Allen purchased the property and requested a Special Permit to reinstate the use of the premises as a two-family dwelling. The Board denied the Special Permit at that time. In 1993, Ms. Allen again requested a Special Permit to use the premises as a two-family dwelling. The Board granted the Special Permit for one year, and in 1994, granted a two-year

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renewal. Ms. Allen is now requesting renewal of the Special Permit under the same conditions as previously granted.

Decision

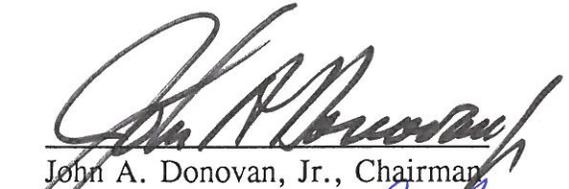
This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the use of the premises as a two-family dwelling will not substantially reduce the value of any property within the district; will not otherwise be injurious, obnoxious or offensive to the neighborhood; and that the requested use is in harmony with the intent and purpose of the Zoning Bylaw.

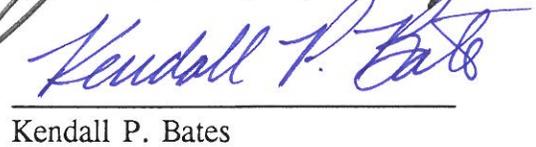
At the Public Hearing the Board voted unanimously to grant the Special Permit under the same conditions for a two year period. Therefore, a Special Permit is hereby granted for the use of the premises at 7 Cross Street by the petitioner as a two-family dwelling subject to the following conditions:

1. The property owner, Nancy J. Allen, shall be owner-occupant of one of the dwelling units for the duration of the Special Permit.
2. All parking related to the use of the premises shall be on-site, and no parking related to the premises shall be allowed on Cross Street or on any adjacent streets.
3. All State and local laws shall be complied with, as well as all recommendations of the Fire Department and the Inspector of Buildings by the owner and the tenant.
4. This Special Permit shall expire two years 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 A. Bastille