



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

MAR 13 1 45 PM '97

JOHN A. DONOVAN  
KENDALL P. BATES  
WILLIAM E. POLLETTA

ELLEN D. GORDON  
EXECUTIVE SECRETARY  
TELEPHONE  
(617) 431-1019 EXT. 208

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SUMNER H. BABCOCK  
ROBERT A. BASTILLE

ZBA 97-13

Petition of Erika C.M. Hampe  
18 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 27, 1997 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 ERIKA C.M. HAMPE requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (a) and Section XXV of the Zoning Bylaw to allow the premises at 18 MAUGUS AVENUE, in a Single Residence District, to be used as a lodging house for 10 lodgers, an increase of 2 lodgers more than the 8 lodgers previously allowed by Special Permit (ZBA 94-5).

On February 10, 1997, 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 Erika Hampe, who said that prior to 1925, the property was called the Waukeena Inn. Only two permanent residents lived at the Inn at that time, but lodgers are not usually permanent residents. The lodging house has always had ten rooms marked for lodgers, and she would like to increase the allowed number of lodgers from eight to ten.

The Board noted that the Planning Board had recommended that the 8 lodger limit, as contained in the Appeals Court ruling, should be maintained, and asked Mrs. Hampe how she could justify her request for the increase of two lodgers.

Mrs. Hampe gave a history of the ownership of the property dating back 30 years. For the past 15 years, she has been the sole owner. She has installed a fire alarm system, and the premises meets the fire code standards. The house has 22 rooms with 9 baths. Ten of the rooms are numbered as lodging rooms. Presently she has 8 lodgers and 2 empty rooms, which she would like to rent for additional income.

Steven Rabin, 28 Valley Road, expressed concern about the premises being a fire hazard. He stated that the building is very old, and questioned whether it meets state and local safety codes, particularly if the Board were to allow an expansion of the number of lodgers.

Sara Johnson, 30 Eaton Court, opposed the expansion of the number of lodgers, and submitted a petition signed by 16 neighbors also opposing the proposed expansion. She said that the original number of lodgers was 5, which was increased to 8, and is now requested to

be increased to 10. Each increment is small, but the cumulative increase is significant to the neighborhood. She added that she is immediately downhill from the Hampe property. The parking lot for the Hampe property is at the level of the second floor of her home, so that any increase in parking will result in a disruption of her peace and quiet.

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### Statement of Facts

The subject property is located at 18 Maugus Avenue on a 20,610 square foot lot, in a Single Residence District. The house is a three-story wooden structure over 100 years old, and contains twenty rooms and eight and one-half baths. Since the Hampes purchased the property in 1975, the use and number of lodgers has been in litigation twice; once from 1975 to 1977 when five lodgers were allowed; and then from 1990 to 1993, at which time the Appeals Court remanded the case back to the Zoning Board of Appeals with the following order:

"The case is remanded back to the board of appeals of Wellesley for consideration of an application by Hampe for a Special Permit to accommodate eight lodgers, such permit to be issued of a reasonably long term basis as permitted by the zoning bylaw."

In 1994, the Board of Appeals heard the Hampe petition on remand from the Appeals Court, and granted a Special Permit for 8 lodgers for 3 years with conditions. (See ZBA 94-5 for complete history). The petitioner is presently requesting renewal of the Special Permit with an expanded number of 10 lodgers from the previously allowed 8 lodgers.

On February 25, 1997, the Planning Board reviewed this petition and voted to recommend that the eight lodger limit as contained the the court ruling on this property be continued.

On February 26, 1997, a letter was received from Steve Harunk of the Wellesley Fire Department Office of Fire Prevention stating that any boarding house should have the proper amount of exits, suitable alarm system with signaling capability to the fire department, and a sprinkler system.

### Decision

This Authority has made a careful study of the material submitted, the history of this case, and the information presented at the hearing. The remand from the Appeals Court in September, 1993 ordered that the Board consider an application for a Special Permit for eight lodgers to be issued on a reasonably long term basis as permitted by the zoning bylaw.

It is the opinion of this Authority that the language of the Appeals Court order is precise in regard to the maximum lodgers to be allowed and the duration of the renewable Special Permit, and that compliance with this order is to be maintained. Therefore, this Authority denies the requested expansion in the number of lodgers from eight to ten, as voted unanimously at the Public Hearing.

It is the further opinion of this Authority that under Mrs. Hampe's ownership, the use of the twenty room dwelling as a lodging house, for no more than eight lodgers, will not reduce the value of the property in the area, that the use does not disturb or disrupt the neighborhood, and that the use will allow the petitioner to secure a reasonable income from the property. In the opinion of this Authority, the property in question cannot be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the Single Residence District due to the number of rooms and the size of the dwelling.

It is the unanimous decision of this Authority, as voted at the Public Hearing, that a Special Permit be granted to Erika C.M. Hampe to use her premises at 18 Maugus Avenue, in a Single Residence District, as a lodging house for no more than eight lodgers under the following conditions:

1. No more than 8 lodgers may occupy the dwelling at any one time.
2. Off-street parking shall be provided for all vehicles of the lodgers in residence.
3. All applicable state and local laws, ordinances, and regulations including state and local building and fire codes shall be complied with.
4. This Special Permit shall expire three 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

  
Kendall P. Bates, Acting Chairman

  
William E. Polletta

  
Sumner H. Babcock

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