



STANLEY W. LEIGHTON, CHAIRMAN  
~~KURT HENSCHROBENXXXXXXXXXXXXXX~~  
 THOMAS M. REYNOLDS

BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
 TELEPHONE  
 WE. 5-1664

Petition of Frances Lucille Harris  
 Special Administratrix of the Estate of Mary I. Reardon

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:30 p.m. on May 22, 1952 on the petition of Frances Lucille Harris, Special Administratrix of the Estate of Mary I. Reardon, for a variance from the terms of Section 9-A, Area Regulations of the Zoning By-laws, and Section 7 B of the Zoning By-law, Non-conforming buildings and uses. Said variances would permit a division of the area of land appurtenant to house No. 14 and house No. 16 Weston Road into two lots with areas less than that prescribed, and would permit the continuation of a non-conforming use within house No. 14.

Statement of Facts

On May 13, 1952 the petitioner filed with the Board her written request for a hearing before the Board, and thereafter due notice was given by mailing and publication.

Section 9-A requires a lot area of at least 10,000 square feet for residences in the district here involved. The land as it now exists without division into two lots has an area of approximately 9,269 square feet. On this land there are two separate houses which have been built for a number of years. The property in question is located in a single-residence zone.

At the time of the construction of the houses there were no requirements of separate lots or of minimum lot areas. It is now proposed to divide the land into two lots in order to permit the present sale of one of the houses.

A plan of the proposed division was presented at the hearing by Edmund R. Dewing, Attorney for the petitioner. This plan showed that the lot on which house No. 14 Weston Road stands would contain 5,891 square feet, and the lot on which house No. 16 Weston Road stands would contain 3,378 square feet.

Mr. Dewing stated that the property in question had been acquired by the late Mary I. Reardon by inheritance from her mother, the late Mary A. Reardon who had purchased the land and the smaller house in August of 1900. Sometime prior to 1914 Mary A. Reardon had constructed house No. 14 which originally was leased to Wellesley College for students and later converted into apartments. Mr. Dewing stated that at present there are three separate apartments in the house at 14 Weston Road, but apparently no permit had ever been granted for this non-conforming use. He stated, however, that a permit had been issued in 1935 to convert the house into a two-family residence. At the time of application for the hearing he said he was of the opinion that the house in question was a legal three-family residence.

Felix Juliani, Chairman of the Planning Board, stated that the Planning Board had no objections to the division of the land provided the house at No. 14 Weston Road is used for two families only.

No other objections were made at the hearing to the granting of the requested variances.

Decision

This is a petition to divide the ~~lot~~<sup>area</sup> in question into two lots each of which would than have a house on it but each lot would be less than the required 10,000 square feet. No exterior changes of any nature in the existing situation is contemplated. The granting of this petition would merely permit the sale of a portion of the land and one of the existing houses.

In the opinion of the Board a literal enforcement of the Zoning By-law in this instance would involve a substantial hardship to the petitioner and a variance can be granted without substantial detriment to the public good and without derogating from the intent and purpose of the by-law.

Accordingly, the requested variance is granted to permit the division of the ~~lot~~<sup>area</sup> into two lots in accordance with the plan filed with this Board, dated May 12, 1952, drawn by Everett M. Brooks Co., Newtonville.

The petitioner further seeks the right to use the premises at 14 Weston Road as a three-family dwelling. It appeared at the hearing that it is now being so used. Such use is illegal. On July 16, 1935 permission to use the dwelling as a residence for two families was granted by the Board of Selectmen. No additional permission has ever been granted. The use of said dwelling as a residence for more than two families is illegal.

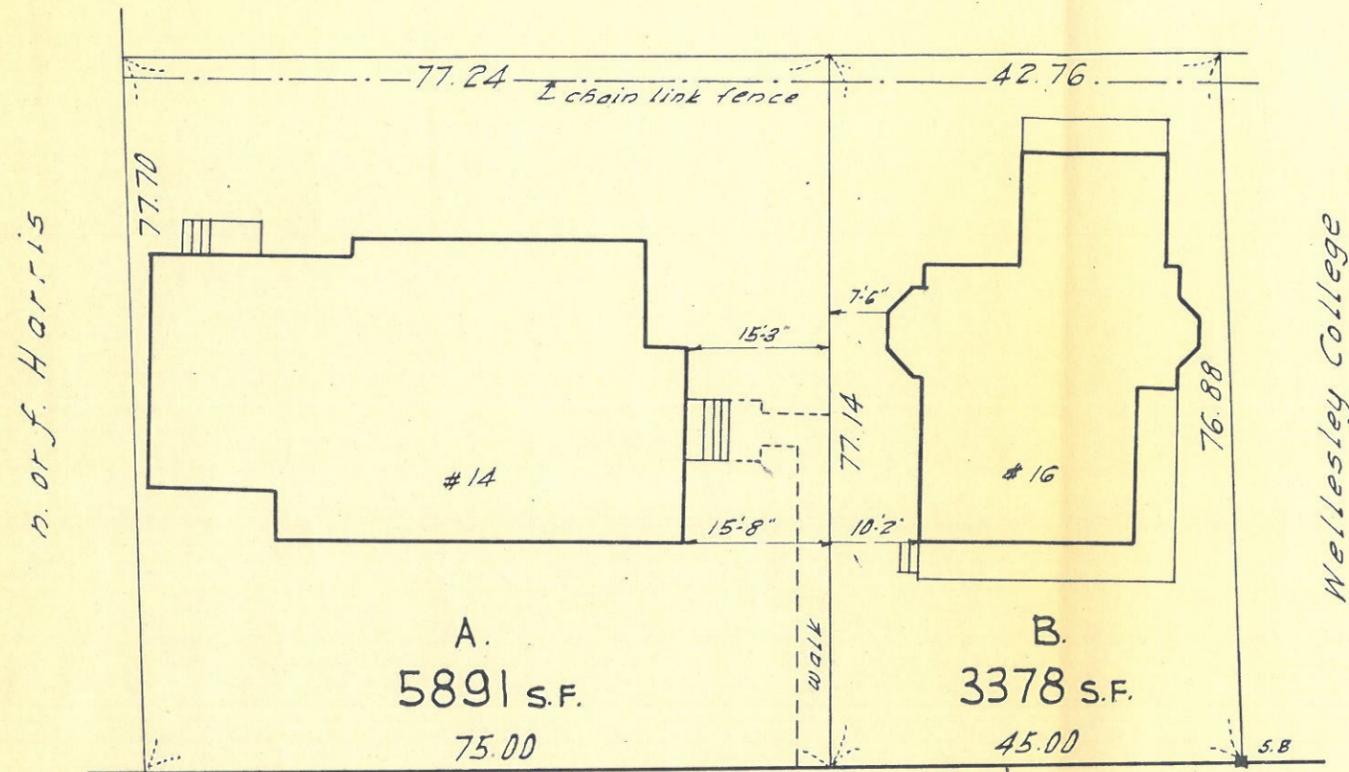
B. S. Brown  
Burtis S. Brown

J. M. Reynolds  
Thomas M. Reynolds

Sherman J. L. Brown  
Sherman J. L. Brown

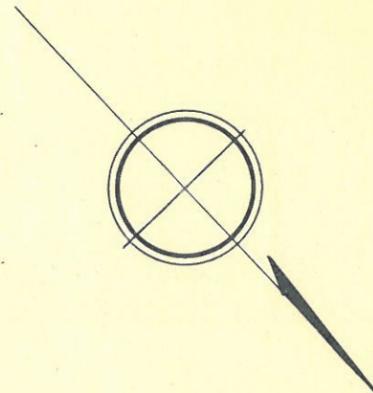
June 10, 1952.

n. or f. Merrill



n. or f. Harris

Wellesley College



WESTON RD.

PLAN OF LAND  
IN  
WELLESLEY · MASS.

SCALE: 1 IN. = 20 FT      MAY 12, 1952.  
EVERETT M. BROOKS CO. · CIVIL ENGR'S  
NEWTONVILLE      MASS.

5860

5

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WELLESLEY



This is to Certify that the BOARD OF SELECTMEN hereby grants a

~~XXXXXXXXXXXX~~  
**LICENSE**  
~~XXXXXXXXXXXX~~

PERMIT  
to

MARY A. REARDON

after public hearing, under the provisions of the Zoning By-law, to make certain alterations in the premises at 12 Weston Road, Wellesley, to convert and use the house as a residence for not more than two families.

This permission is granted by the Selectmen after investigation and they find that the proposed use will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious, or offensive to the neighborhood.

*This license is granted in conformity with the Laws of the Commonwealth relating thereto, and expires* ~~unless sooner suspended or revoked.~~

July 15, 19~~4~~<sup>35</sup>.

John T. Ryan Clerk of Selectmen

Wellesley, July 16, 1935

Received and recorded in Records of Licenses, Town of Wellesley, book 18, page 109

John T. Ryan Town Clerk

A true copy  
Attest:

*John T. Ryan*  
Town Clerk

TOWN OF WELLESLEY



MASSACHUSETTS

COPY

BUILDING DEPARTMENT

ARTHUR LaCONTE  
Inspector of Buildings  
Zoning Enforcement Officer  
Public Safety Officer

Town Offices  
431-1019 x228

September 28, 1987

P & S Plumbing & Heating Co.  
P. O. Box 1064  
Cambridge, MA 02238

Dear Mr. Norton:

Be informed that your Applications for Plumbing and Gas Permits are hereby denied due to the fact that the dwelling at 16 Weston Road is not a legal two family dwelling and a second kitchen may not be installed.

Enclosed you will find your check in the amount of \$40 which was submitted with the applications.

Very truly yours,

A handwritten signature in cursive script that reads "Arthur LaConte".

Arthur LaConte  
Zoning Enforcement Officer  
Inspector of Buildings

AL:jed

Enc. 1

TOWN OF WELLESLEY



MASSACHUSETTS

BUILDING DEPARTMENT

ARTHUR LaCONTE  
Inspector of Buildings  
Zoning Enforcement Officer  
Public Safety Officer

525 Washington St.  
Town Offices  
431-1019 x228

February 3, 1988

Peteris R. and Marija Bite  
1 Beach Road  
Wellesley, MA 02181

Re: Zoning Status - 12/14 Weston Road

Dear Mr. and Mrs. Bite:

The purpose of this letter is to inform you that this office has been receiving calls from interested persons considering purchasing your property at 12/14 Weston Road.

The nature of the calls received are pertinent to the legal use and occupancy of the dwelling as a three-family dwelling complete with three separate living units. Pursuant to the above-mentioned inquiries, I have researched all available information regarding the property and have found the following:

Information obtained from the Board of Assessors master file card reveals that there are three (3) complete separate apartments in the dwelling. This information was supplied by a member of the re-evaluation team from their most recent site inspection (1984) and is still carried as such on their current records.

In a Zoning Board of Appeals decision, dated June 10, 1952, the attorney for the petitioner stated that a previous permit had been issued in 1935 to convert the house into a two-family residence. Research fails to reveal that any permits were issued expanding the use to three-family. I must then assume, that the third apartment kitchen facilities were installed illegally.

You are, therefore, ordered to remove said kitchen facilities from the third dwelling unit and return the dwelling to the legal two (2) family use.

Peteris R. and Marija Bite  
February 3, 1988  
Page 2

You do, however, have the option of applying to the Town of Wellesley Zoning Board of Appeals.

In either event, the above is to be accomplished on or before thirty (30) days of the date of this letter. I shall also expect to be notified accordingly. Failure to comply with my order will leave me no other alternative but to forward this matter to Town Counsel for legal action.

Very truly yours,

  
Arthur LaConte  
Inspector of Buildings

AL:jed

February 8, 1988

Mr. Arthur LaConte  
Inspector of Buildings  
Town of Wellesley  
Town Hall  
525 Washington Street  
Wellesley, MA 02181

RE: Zoning Status - 12/14 Weston Road, Wellesley

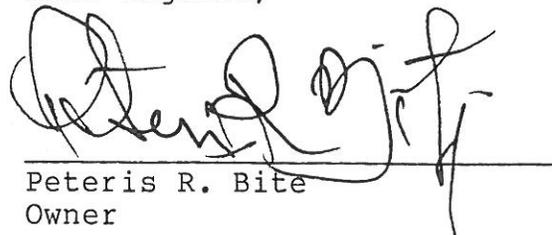
Dear Mr. LaConte,

It was with surprise and dismay that I received your letter of February third regarding my three family house at 12/14 Weston Road in Wellesley.

This property was purchased by me thirty-three years ago on the first of March, 1955. At that time, the property was represented to me both by the seller and the real estate agent as a three family house. Since that date and without interruption to the present, the property has been used as a three family house. I have been informed that for some time prior to my purchase that the property had been rented to Wellesley College faculty and students as a three family house.

Please be advised that I intended to persue and clarify this matter according to your direction with the Zoning Board of Appeals. I am confident that I can supply appropriate documentation to the satisfaction of the Zoning Board.

Best regards,



Peteris R. Bite  
Owner

Street Weston Road No. 127 Precinct..... Permit No. 4910

Owner Reardon, Mary A. Mrs. Address 16 Weston Road, Wellesley

Architect Own Plans Address .....

Builder R. W. Vachon Address Newton Center

Permit Granted July 17, 1935 Area of Lot .....

Dimensions ..... Est. Cost \$ 300.00

Date of Inspections .....

Date of Inspections .....

Plumbing, No. of Baths, etc. 1743. 2 Wash Tubs, Sink. Natick Plumb Co,

Heating .....

Remarks Alterations - Building partitions. Cut 2 openings. Build kitchen cabinets.

Permit No. 325

St. WESTON ROAD No. 12/14 Lot .....

Date May 9 1971

Owner David & Antonella Walker Address Weston  
has permission to build, alter, renovate, demolish

Type of Building Two-family dwelling Dimensions .....

Description Renovate first flr kitchen & bath  
install bay window Area of Lot .....

Builder Robt. Tomasello (#047367) Address 277 Railroad Ave., Norwood

Architect ..... Address .....

Estimated Cost \$ <u>15,000</u>	Plumbing <u>24587</u>	Insp.	ROUGH	FINAL
			5-20-91	6-28-91
	Heating	Insp.		
	Gasfitting	Insp.		
	Wiring <u>24833</u>	Insp.	5-16-91	6-26-91
	Construction	Insp.	5-22-91	6-26-91
	Certificate of Occupancy			

Fee Paid \$ 100

Permit No. 02707

St. WESTON ROAD No. 12 Lot

Date July 11 1991

Owner David Walker has permission to build, alter, renovate, demolish replace Address

Type of Building Two-family dwelling Dimensions

Description Replace front deck 14'0"x8 Area of Lot

Builder Robt. Tomasello Lic. #047367 Address 277 Railroad Ave., Norw

Architect Address ROUGH FINAL

Estimated Cost \$ 1,000 Plumbing Insp. Heating Insp. Gasfitting Insp. Wiring Insp. Construction Insp. 9/26/91 Certificate of Occupancy

Fee Paid \$ 95

Permit No. 26304

St. WESTON RD No. 12/14 Lot

Date June 29, 1992

Owner David Walker has permission to build, alter, renovate, demolish Address 123 Cliff Rd Wellesley

Type of Building Two Family Dwelling Dimensions

Description Renovate kitchen & bath, build new closet Area of Lot

Builder Robert Tomasello LIC#0473677 Address 277 Railroad Ave Norwood

Architect N/A Address ROUGH FINAL

Estimated Cost \$ 18,000 Plumbing .25,583 Insp. 7/14/92 8/17/92 Heating Insp. Gasfitting 5583 Insp. 7/14/92 8/17/92 Wiring 26014 Insp. 7/13/92 8/31/92 Construction Insp. 7/15/92 9/17/92 Certificate of Occupancy

Fee Paid \$ 90