

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

February 25, 1992

William D. Mone, Esq.
40 Grove Street
Wellesley, MA 02181Re: ZBA 92-11
Petition of Maurice Balboni
62 Seaver Street

Dear Mr. Mone:

This letter will serve as confirmation of the unanimous decision reached by the Board of Appeals at the Public Hearing held on February 20, 1992, to allow your client, Maurice Balboni, to withdraw without prejudice his petition for a Special Permit in regard to the premises at 62 Seaver Street.

If you have any questions, please do not hesitate to call.

Very truly yours,

A handwritten signature in cursive script that reads "Ellen D. Gordon".

Ellen D. Gordon
Executive Secretary
Zoning Board of Appealscc: Town Clerk
Planning Board
Inspector of Buildings

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 21, 1992

TO WHOM IT MAY CONCERN:

Be advised that there is a sworn, notarized affidavit, and other documentation on file in the Building Department, certifying that the dwelling, now known as 62 Seaver Street, Wellesley, was occupied as a two-family dwelling in 1925, the effective date when the Town of Wellesley first adopted a zoning bylaw, and is, in my opinion, a legal, non-conforming two-family dwelling.



Arthur LaConte
Inspector of Buildings
Zoning Enforcement Officer



STEPHEN A. BLACK
CHIEF ENGINEER

TOWN OF WELLESLEY

FIRE DEPARTMENT
457 WORCESTER STREET
WELLESLEY, MASSACHUSETTS 02181

EMERGENCY ONLY — 617-235-1616
BUSINESS — 617-235-1300

February 4, 1992

TO: Zoning Board of Appeals

FROM: Chief Black

RE: ZBA 92-11

If the ZBA issues a Special Permit to allow the premises at 62 Seaver Street to become a legal two family dwelling, the Fire Department requests that the following be a condition of the permit:

The building be required to be equipped with a hard wired smoke detection system as would be required for new construction or the same use.

Thank you for your consideration of our request.

Copy: Capt. Meloni

SAB/jm

AFFIDAVIT

I, Maurice Balboni, 34 Phillips Street, Andover, Essex County, Massachusetts, under oath do depose and say:

1. That I am the Executor of the Estate of Argia Balboni, late of Wellesley, Massachusetts.
2. That I am one of five children born to the late Argia Balboni and the late Walter Balboni, one child having predeceased during the Korean War in 1952.
3. That Argia Balboni passed away on March 8, 1989 and that Walter Balboni passed away in 1975.
4. That prior to my mother's death, she was a resident of a nursing home and prior to my mother entering a nursing home, she was a resident of 62 Seaver Street, Wellesley, Massachusetts.
5. That my late mother's Last Will and Testatment divided her estate equally among her four living children and that her only estate consists of her real estate located at 62 Seaver Street, Wellesley, Massachusetts.
6. That my parents purchased the real estate at 62 Seaver Street, Wellesley, Massachusetts on or about 1935 and this remained a family residence from 1935 and up until my mother's death on March 8, 1989.
7. That at the time my parents purchased the real estate at 62 Seaver Street, Wellesly, Massachusetts that it was an existing two-family residence and that my parents, myself, my brothers and my sister resided on the first floor of the dwelling and tenants occupied the second floor.
8. That following my mother's death and in an effort to settle her estate and pay applicable estate taxes, the property was listed on the market for sale due to the fact that myself and my other siblings are all married with families and are living in their own residences around the country.
9. That during the process of marketing the property for sale it was discovered that the residence is in violation of the zoning ordinances for the City of Wellesley in that the residence is located in a district known as Single Residence District and that the continued use of the property as a two-family

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dwelling would necessitate a special permit from the Zoning Board of Appeals for the Town of Wellesley, Massachusetts.

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10. That following the discovery of the violation of zoning referred to in paragraph number 9 above, I researched the Town Directories for the Town of Wellesley and more specifically precinct 4 of "List of Residents" and discovered that prior to my parents' purchase of this property in 1935 that the property had been used as a two-family residence by its prior owners (see attached "List of Residents" precinct 4 for the 1930's).
 11. That to the best of my knowledge and belief, there were two other dwellings in the immediate area of my late parents' real estate which were also two-family dwellings located in the Single Residence District and being #57 Seaver Street and #56-58 Seaver Street (since demolished in 1971). I then researched the Town Directories and verified this fact (see attached List of Occupants of these dwellings which were secured from "List of Residents" precinct 4, Town Records).
 12. That in order to meet the legal requirements of the Zoning Board of Appeals to allow the issuance of a special permit for the continued use of this dwelling as a two-family, I hired a licensed contractor to inspect the property and estimate the cost of converting it back to a single family dwelling. The cost of such conversion would exceed fair financial return. A copy of the estimate to complete said work is attached hererto for review.
 13. That the real estate in question contains approximately 15,625.00 square feet of area, more or less, and has off-street parking for nine vehicles and also includes a large two-story garage, which would amply provide all parking requirements of the dwelling.
 14. That the Town of Wellesley has taxed the dwelling as a two-family residence throughout the period of my parents' ownership and up until the present.

AFFIDAVIT
BALBONI
PAGE THREE

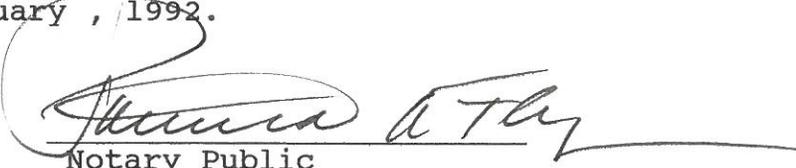
Dated: January 27, 1992

Maurice Balboni
Maurice Balboni, executor of the
Estate of Algia Balboni

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUBSCRIBED AND SWORN TO by the said Maurice Balboni,
before me, this 27th day of January, 1992.


Notary Public
Patricia A. Flynn
Exp. 12/13/96

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