



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-29  
Petition of Nancy J. Allen  
7 Cross Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 26, 1994 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 the 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 9, 1995, 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 she would like to renew the Special Permit allowing her to use her house as a two-family dwelling. Nothing has changed since last year. She still is in need of the additional income to maintain her home, and still has the same tenant. Inspections by the Building Inspector and the Fire Captain, which were conditioned in the original Special Permit, have been made.

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 the 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 Special Permit was denied.

In June, 1993, Ms. Allen again requested a Special Permit to use the premises as a two-family dwelling, which was granted with conditions. One of the conditions required Ms. Allen to arrange for inspection of the premises by both the Inspector of Buildings and the Fire Chief to determine compliance with all State and local building and fire safety regulations. Letters documenting compliance were to be submitted to the Board of Appeals.

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On August 6, 1993, Edgar A. Phaneuf, Jr., Assistant Building Inspector, inspected the premises and reported that the second unit lacked a second means of egress and an approved smoke detector. A Building Permit was issued on September 14, 1993 for remodeling which included installation of a second egress door. Final inspection was made on October 29, 1993.

On May 9, 1994, Captain Jay Verner of the Wellesley Fire Department inspected the premises, and found the smoke detectors to be properly located and in working order, which satisfied the requirements of the Wellesley Fire Department.

Decision

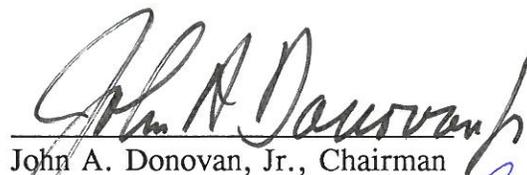
This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the use of the premises as a two-family dwelling will not substantially reduce the value of any property within the district, and will not otherwise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

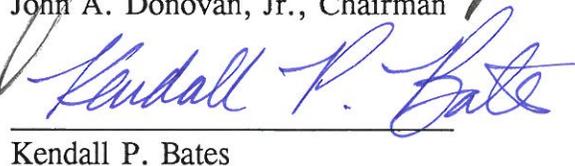
Therefore, a Special Permit is hereby granted for the use of the premises at 7 Cross Street by the petitioner as a two-family dwelling subject to the following conditions:

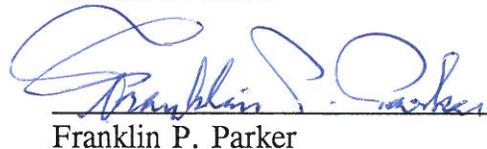
1. The property owner, Nancy J. Allen, shall be the owner-occupant of one of the dwelling units for the duration of the Special Permit.
2. All parking related to the use of the premises shall be on-site, and no parking related to the premises shall be allowed on Cross Street or on adjacent streets.
3.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

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Franklin P. Parker

TOWN CLERK'S OFFICE  
WELLESLEY  
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