

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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19 JAN 24 P 3:00

ZBA 2019-11

Petition of Truscheit Realty Trust,
Fredrick Hampe, Trustee
18 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 10, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Truscheit Realty Trust, Fredrick Hampe, Trustee 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 to continue to be used as a lodging house for not more than eight (8) lodgers at any one time, which is a use not allowed by right in a Single Residence District.

On December 6, 2018 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 Fredrick Hampe, the Petitioner. Mr. Hampe said that the house has been in his family since 1967. He said that the house has a long history of being a hotel or a lodging house. He said that the request is to renew the Special Permit to rent to eight lodgers.

A Board member asked about the fire protection system. Mr. Hampe said that the system is hard wired throughout the house, with everything on a panel in the basement. He said that there are no pull stations at the exits but it has emergency lighting with emergency backup batteries, smoke and heat detectors in the kitchen and all of the bedrooms.

The Board confirmed that Mr. Hampe resides at 18 Maugus Avenue. Mr. Hampe said that the front door is for the lodgers. He said that there is plenty of parking on two driveways. He said that the lodgers have two keys, one for the front door and one for the bedroom. He said that the common area is the front porch and a little bit of the large hallways. He said that almost all of the rooms have water. He said that it used to be a hotel in the 1920's. A Board member asked if the lodgers tend to be transient or long term. Mr. Hampe said that it is a mix with some turnover every six months. He said that he currently has seven lodgers.

A Board member asked if there are any house rules related to smoking. Mr. Hampe said that there is no smoking allowed in the house.

A Board member said that at the last hearing the Board was concerned about a boat that was parked on the property. Mr. Hampe said that the boat was removed.

A Board member said that there was discussion at the previous hearing about retaining wall work that was being done. Mr. Hampe said that there was some mud that was sliding down onto the lower driveway. He said that there were some stones there to hold it that had failed and slid onto the driveway. He said that was rebuilt and has not been an issue.

The Chairman asked if Mr. Hampe ever asked the Fire Department to check out the premises. Mr. Hampe said that they have an insurance inspection every year and they check all of the fire equipment. The Board discussed imposing a condition for the next renewal that the Board be provided with a smoke detector and a carbon monoxide certificate from the Fire Department certifying that the detectors are in order within 60 days of approval with every renewal. A Board member said that it was noted in the previous decision that there is a panel but it is not connected to a central station.

A Board member read the conditions that are in effect and said that the Board would add a condition that within 60 days, the Applicant shall file with the Board a smoke detector certificate issued by the Wellesley Fire Department, indicating that the smoke detectors and carbon monoxide detectors are in working order.

The Board discussed finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district.

There was no one present at the Public Hearing who wished to speak to the petition.

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 20 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. In 1993, the Appeals Court signified that no more than 8 lodgers would be allowed, and that the Special Permit be issued for as reasonably a 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). In 1997, the petitioner requested that the number of lodgers be increased from 8 to 10. The Board denied the increased number, but again granted the Special Permit for 8 lodgers for a three-year period.

Several years ago, the house was put into a realty trust. The house is no longer the primary residence of Erika Hampe, but it is the primary residence of Fredrick Hampe, her son and trustee of the realty trust. Mr. Hampe is now requesting renewal of the Special Permit under the same conditions.

On January 9, 2019, the Planning Board reviewed the petition and recommended that renewal of the special permit be approved, subject to the conditions that are in effect.

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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, under the trusteeship of Fredrick Hampe, the use of the twenty room dwelling as a lodging house for no more than eight lodgers at any one time shall not reduce the value of the property in the area; and that the use of the property does not disturb nor disrupt the customary character of the neighborhood, and will allow the petitioner to secure a reasonable income from the property.

It is the opinion of this Authority that the subject property can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in a Single Residence District due to the number of rooms and the size of the dwelling.

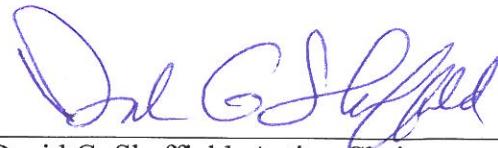
Therefore, a Special Permit is granted to the Truscheit Realty Trust, Fredrick Hampe, Trustee, as voted unanimously at the Public Hearing, for the use of the premises at 18 Maugus Avenue as a lodging house for no more than eight lodgers at any one time, subject to the following conditions:

1. Fredrick Hampe, Trustee, shall maintain his primary residence at 18 Maugus Avenue for the duration of this Special Permit.
2. Off-street parking shall be provided for all vehicles of lodgers in residence.
3. No more than eight lodgers shall occupy the dwelling at any one time.
4. All applicable State and local laws and regulations, including State and local building and fire codes shall be complied with.
5. Within 60 days, the Applicant shall file with the Board a smoke detector certificate issued by the Wellesley Fire Department, indicating that the smoke detectors and carbon monoxide detectors are in working order.
6. This Special Permit shall expire three years from the date of this decision.

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Fredrick Hampe, Trustee
18 Maugus Avenue

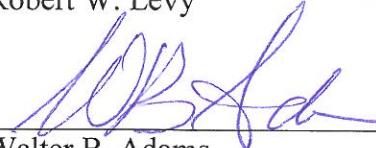
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

ZBA 2019-11
Applicant Truscheit Realty Trust, Fredrick Hampe, Trustee
Address 18 Maugus Avenue

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

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cc: Planning Board
Inspector of Buildings
lrm