



# STAFF REPORT

## Town of Wellesley - Planning Department

Application: DR-19-13 – 796 Worcester Street – Appeal of Eligibility Notice  
 Subject Property: 796 Worcester Street (Assessor’s Parcel ID # 159-67)  
 Applicant: Estate of Agnes L. Prior Shonnerd  
 Property Owner: Estate of Agnes L. Prior Shonnerd  
 Date: Report prepared 4/8/19 for 4/11/19 Historical Commission Meeting  
 Staff Contact: Claudia Zarazua, Planner

### APPLICATION OVERVIEW

An Application for Eligibility Notice was submitted on March 5, 2019 indicating the intent to demolish, in its entirety, a building located on the subject property and used as a dwelling. Planning Staff issued and Eligibility Notice on March 8, 2019 determining the subject building to be an Eligible Building. On March 15, 2019 an application and supporting documents were submitted to appeal the Eligibility Notice. A public hearing was scheduled before the Historical Commission for April 11, 2019.

### DESCRIPTION

In consideration of the application for Eligibility Notice, it was determined that the oldest portions of the building were built no earlier than 1927. The following sources were used by Planning Staff to confirm the original date of construction.

#### Tax Records

A dwelling at 796 Worcester Street was first reported for tax purposes in the 1928 Annual Report. See Figure 1.

RESIDENT TAX PAYERS				
	VALUE	TAX	VALUE	
Land, 152,304 ft.....	9,150		Land, pt. lot 40, 11,305 ft..	350
Land, 39,976 ft.....	2,400		Land, pt. lot 40, 25,772 ft..	500
Greenwood, Marlon C., 38 Cypress Rd. ....			Guernsey, Benjamin W., 9 Upland Rd. ....	
Personal .....	1,025	24 30	Personal .....	825
Gregg, Adele C., Hundreds Circle .....			Guernsey, Florence M., 9 Upland Rd. ....	
Land, Hundreds Circle, lot 19, 33,460 ft.....	2,000	47 40	Personal .....	500
Gregg, Barbara C., Wellesley Ave. ....			House, 9 Upland Rd .....	10,000
Personal .....	750	17 78	Garage .....	800
Greico, Gennaro, 796 Worcester St. ....			Land, 8,874 ft.....	1,325
Personal .....	75	1 78	Land, 8,846 ft.....	1,325
House, 796 Worcester St..	400	16 59	Guernsey, George R., 7 Upland Rd. ....	
Land, 14,838 ft.....	300		Personal .....	1,000
Greico, Mary, 12 Donizetti St. ....			House, 7 Upland Rd.....	9,000
House, 12 Donizetti St....	4,500	118 50	Land, 7,902 ft.....	1,175
Land, 10,006 ft.....	500		Guiglio, Rocco, 462 Washington St. ....	
Griffin, Mary A., 33 Linden St. ....			Personal .....	50
House, 33 Linden St.....	8,000	254 78	Guilod, Lillian A., Forest St. ....	
Barn .....	1,200		Personal .....	300
Land, 15,375 ft.....	1,550		Guye, Pauline L., Schafer Hall .....	
			Personal .....	3,450

Figure 1. 1928 Annual Town Report

### Change of Address Request

In 1928, a change of address was submitted to the Board of Selectmen stating that the property under ownership of Gennaro Grieco shall be known as 796 Worcester Street. See Figure 2.

Street Worcester..... TOWN OF WELLESLEY  
No. 796..... HOUSE NUMBER NOTICE  
Owner Gennaro Grieco..... Date Feb. 20, 1928

You are requested to place a number as designated above in a conspicuous place on the house.

By order of SELECTMEN  
**John T. Ryan** TOWN CLERK

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(Extract from Town By-laws, Art. IV, Sect. 5.)

Section 5. The Selectmen may, in their discretion, order numbers to be affixed to or painted on the buildings on any street. The owner of every house shall comply with such order within ten days after receiving notice thereof. And the Selectmen shall, within ten days from the date of any request, designate to owners the number to be affixed to houses owned by the person or persons making such request.

**Figure 2. Change of Address Card, Town Records, 1928.**

**Building Permits**

The building permit 2237 identifies a building to have been built on September 13, 1926 under the ownership of “Gerniavo Grieco”. In 1953, building permit 11652 was filed for the construction of two one-story rooms under the ownership of Gennaro Grieco. Please see attachments for a full building permit record on this property.

In 1966, building permit 15498 was filed for the construction of a “one-story addition to the left and right sides of the dwelling” under the ownership of Agnes L. Prior. See Figure 3. In 1989, building permit 24109 was filed for an accessory building under the ownership of Agnes L. Prior. In 2017, a building permit was filed for gas-related work.

08-16-66 JED  
SURVEY RECORD  
Permit No. 15498

Street WORCESTER ST No. 796  
Builder Fabry Builders  
Address Worcester  
Owner Agnes L. Prior  
Address 69 BEAVER DAM RD  
Building dimensions.....  
Distances:  
Adjoining Bldgs.....  
Center of street.....  
Front Yard 72' Rear Yard 75'  
Side Yard 45' Side Yard 35'  
Area of Lot 19,858 SF.

COMPLETE INSTRUCTIONS ON REVERSE SIDE  
OF DUPLICATE COPY

ORIGINAL

82.82' PLOT PLAN  
19,858 SF.

# 796  
WORCESTER ROAD

Signed By: Joseph R. Sullivan  
Registered Engineer or Surveyor  
Date 8-16-66 Address 209 W. CENTRAL ST Natick, Mass

Figure 3. Building Permit 15498, Building Department Records, 1966.

## ELIGIBILITY NOTICE APPEAL

In accordance with Article 46C, D., (2), b., on March 15, 2019, the Applicant submitted an appeal to the determination made in the Eligibility Notice. The Applicant did not submit supporting materials with additional research into the date of construction of the property. Despite the Applicant's contentions, Staff is of the opinion that the Bylaw determines eligibility based on oldest portion of the dwelling ("...built, in whole or in part, on or prior to December 31, 1949...").

The appeal will likely revolve on two definitions in the Historic Preservation Demolition Review Bylaw (Article 46C): "*Eligible Building*" and "*Demolition*"

From Article 46C.B. *Definitions*:

***"Eligible Building"***: Any Building that requires a Demolition Permit in order to be Demolished that was built, in whole or in part, on or prior to December 31, 1949 and that is or was at any point during the three (3) years preceding an Application, a dwelling as defined and regulated under the State Building Code. Notwithstanding the foregoing, Buildings owned by the Town of Wellesley and dormitories and residence halls owned by educational institutions used to house students or staff are not considered Eligible Buildings for purposes of this Article.

*The determination of what constitutes a Building's date of construction shall be made by the Commission Staff using any combination of records generally available to the public, including but not limited to, Board of Assessor's records (e.g., property record cards), Building Department records (e.g., building permits), applicable Registry of Deeds (e.g., deeds), and the Wellesley Townsman archives.*

### Guiding Thoughts:

1. If there is no demolition permit on file for a complete demolition (e.g., a demolition as defined by the building department as a tear down), then by definition the original house must still exist "in whole or in part". The only exception to this is if structural work was done without a valid permit.

***"Demolition" or "Demolish(ed)"***: With respect to a Building regardless of whether another Building is constructed within the original footprint of such Building, the (i) pulling down, razing or destruction of the entire Building or (ii) the removal or envelopment of 50% or more of the existing exterior structure of the Building as determined in Section D(2), provided that, any non-structural changes to the siding or roofing of a Building shall not constitute a Demolition for purposes of this Article.

### Guiding Thoughts:

1. This is a definition for purposes of administering the Bylaw – defining what properties are subject to review in a public hearing. The bylaw went into effect in

August 2017. For any house that is proposed to be entirely demolished or enveloped at 50% or more, then it would come before the WHC.

2. This is not equivalent to the common language use of the word “demolition” and it is not equivalent to the Building Department’s use of the term “demolition”. For them, it’s just (i) – a complete demo.
3. If there is no demolition permit on file for a complete demolition (i.e., a demolition as defined by the building department as a tear down), then the house must still exist in whole or in part and thus eligible.

Lacking any evidence that the original structure (from 1927) located at 796 Worcester Street has ever been entirely demolished, Planning Staff inevitably reached the conclusion that the existing structure was built “in part” prior to December 31, 1949. Whether prior additions or alterations to the structure would have fallen under the definition of a “Demolition” (as defined under Article 46C) bears no relevancy on the existing house’s qualification as an Eligible Building.

**It is for these reasons that Staff is of the opinion that the Eligibility Notice determination should be upheld.**

**See attachments:**

**Entire Building Permit Record of 796 Worcester Street**

[Building Permit 2237, 9/13/1926  
Building Permit 11652, 7/23/1953  
Building Permit 15498, 8/1/1966  
Building Permit 24109, 3/10/1989  
Building Permit 201703666, 11/08/2017]

**Boston-Worcester Turnpike Layout Sheet 202 dated 5/10/1932**