

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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2021 AUG 19 P 12:58

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ZBA 2021-60
Petition of Nancy Erne
599 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 5, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Nancy Erne requesting renewal of a Special Permit pursuant to the provisions of Section 3A and Section 25 of the Zoning Bylaw to allow the premises at 599 Washington Street to continue to be used as a two-family dwelling, which is a use not allowed by right in a Town House District.

On June 1, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present on behalf of the petition were John Milbrand and Bruce Erne, representing Nancy Erne.

Mr. Milbrand said that the request is for renewal of a special permit that has been in existence since 1981 and renewed on a three year basis since then.

Mr. Milbrand said that there are side by side entrances on Washington Street and on Wiswall Circle. The Chairman said that the definition of a town house in the Zoning Bylaw says that they have a party wall, which these units do not have.

A Board member said that there is no condition for owner occupancy. The Chairman said that this part of the neighborhood is a Town House District, two homes that are outbound from this one are single family residences, across the street is an eight unit apartment building and Wiswall Circle is at the back with 12 units. He said that the context of it suggests that, notwithstanding who owns it, it is the right use for the property.

No member of the public wished to speak to the petition.

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Statement of Facts

The subject property is located at 599 Washington Street, in a Town House District, and is part of Wiswall Condominiums containing 56,697 square feet of land at the corner of Wiswall Circle and Washington Street.

In 1981, the Board of Appeals granted Site Plan Approval to David Wiswall et al for 14 dwelling units, known as Wiswall Condominiums, at Wiswall Circle and 599 Washington Street. The decision (ZBA 81-19) also granted a Special Permit allowing the conversion of a single family dwelling at 599 Washington Street to a two-family use. Nancy Erne is the present owner of the property. Since 1981, Special Permits for the use of the premises have been consistently granted. Ms. Erne is now requesting renewal of the Special Permit.

On August 4, 2021, the Planning Board reviewed the petition and recommended that the special permit be renewed.

Decision

This Authority has made a careful study of the application submitted and the information presented at the hearing. It is the opinion of this Authority that a Special Permit to allow the premises at 599 Washington Street, in a Town House District, to continue to be used as a two-family dwelling can be granted, as the use will not be injurious to the neighborhood or to the public good, and will be in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, a special permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, to continue to use the premises as a two-family dwelling, subject to the following condition:

- This Special Permit shall expire three years from the date time stamped on this decision.

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PLANNING BOARD
599 WASHINGTON STREET
WISWALL CIRCLE
WISWALL CIRCLE
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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.


J. Randolph Becker, Chairman


Robert W. Levy


Richard L. Seegel

ZBA 2021-60
Applicant Nancy Erne
Address 599 Washington Street

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TOWN CLERK'S OFFICE
WELLESLEY MA 02452

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

cc: Planning Board
Inspector of Buildings
lrm