

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2024-25  
Petition of Washington Street Realty Trust  
599 Washington Street

2024 APR 18 PM  
TOWN HALL  
WELLESLEY, MA

Pursuant to due notice, the Special Permit Granting Authority held a remote Public Hearing on Thursday, April 4, 2024 at 7:30 pm, on the petition of Washington Street Realty Trust requesting renewal of a Special Permit pursuant to the provisions of Section 2.3 and Section 6.3 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 February 29, 2024, 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 at the public hearing was John Milbrand, Trustee, representing Washington Street Realty Trust.

Mr. Milbrand said that the property at 599 Washington Street was made part of a condominium in the 1950's. He said that Nancy Erne put the home into the Washington Street Realty Trust. He said that the Petitioner has had to come back before the Board every three years for a special permit because the building is divided horizontally rather than vertically, which is a use that is not allowed by right in the Zoning District.

Mr. Milbrand said that the living area of the whole building is 3,472 square feet over three floors. He said that the upper floor was divided out and made into a separate apartment in the 1960's and has remained that way. He said that Nancy Erne's son currently lives in the larger unit on the main floor and basement and the top floor is a rental. He said that he was told by the Board at the previous public hearing that there is no requirement that the owner be an occupant of the building.

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

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. Washington Street Realty Trust is the present owner of the property. Since 1981, special permits for the use of the premises have been consistently granted. Washington Street Realty Trust is now requesting renewal of the special permit.

On March 21, 2024, 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.

2024 APR 18 PM12:52  
Wellesley MA 02481  
Town of Wellesley Building Department

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 (rm)*  
J. Randolph Becker, Chairman

*David G. Sheffield (rm)*  
David G. Sheffield

*Walter B. Adams (rm)*  
Walter B. Adams

ZBA 2024-25  
Applicant Washington Street Realty Trust  
Address 599 Washington Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

1024 APR 18 PM 12:52  
TOWN CLERK  
WELLESLEY MASS.

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