

DEXTER ROAD COMMUNITY - PROPERTY OWNER

Article 37, Motion 1

April 6, 2019

Dear Town Meeting Member,

We purchased 8 Dexter Road in April of 2018. The General Residence zoning is what peaked our interest and was pivotal in our offering over asking price right after the house was put on the market. In fact there were eight offers on the property in the first weekend it was on the market largely because of its General Residence zoning. The listing broker highlighted the zoning when we toured the house and later wrote a letter to the Planning Board objecting to this proposed change. In her letter she noted there was “a clear indication that there is a high demand for properties in General Residence zoning.”

It was not until after we purchased the house and went before the Historic Commission to seek the right to demolish the house that this became an issue. We initiated this process, followed the proper procedure and then were singled out while we were in a waiting period. Since this petition was raised numerous people have told us this is a clear case of **illegal spot zoning**.

While discussing Article 32 in last week’s town meeting the following statements were made...

“it is a general practice in planning and zoning not to retroactively apply new bylaws to past projects.” - Victor Panak, Acting Planning Director

“Zoning is forward looking. Zoning does not look backwards so we do not have any authority to retroactively impose zoning requirements...this is fundamental to zoning not specific to Wellesley...basic to zoning bylaws.” - Kathleen Woodward, Planning Board Secretary

“We can’t retroactively apply new zoning bylaws against something that is legal today.” - Thomas Harrington, Wellesley Town Counsel (*while mentioning the concept of grandfathering*)

Further in the January 16, 2019 Advisory Committee meeting Michael Zehner, Wellesley’s long time Planning Director, stated ***“from my perspective it would be very short sighted to change this zoning from General Residence”*** and went on to say ***“there ought to be a better solution than a knee jerk to re-zone out of General Residence.”***

Each of the eight property owners that made this petition **abut Brook Street homes zoned General Residence or are directly across Wellesley Avenue from a home that**

is zoned General Residence. Further all eight of these property owners can see a two-family from their home today on either Brook Street or Wellesley Avenue. So we question how this alters the “existing character of the neighborhood”? Article 37 would carve out nine properties that are immediately surrounded by others zoned General Residence (**PLEASE LOOK AT THE ZONING MAP BELOW SO YOU CAN SEE THIS**). In the first sentence of the Planning Board’s mission statement it says *“to provide and foster a diverse housing stock”*. There are 9,258 real estate parcels in Wellesley and yet only 104 two-families ~ roughly 1%. The board whose charter it is to *foster a diverse housing stock* wants to further reduce that number! One Advisory Committee member asked, *“isn’t part of the Unified Plan meant to encourage a range of housing?”*

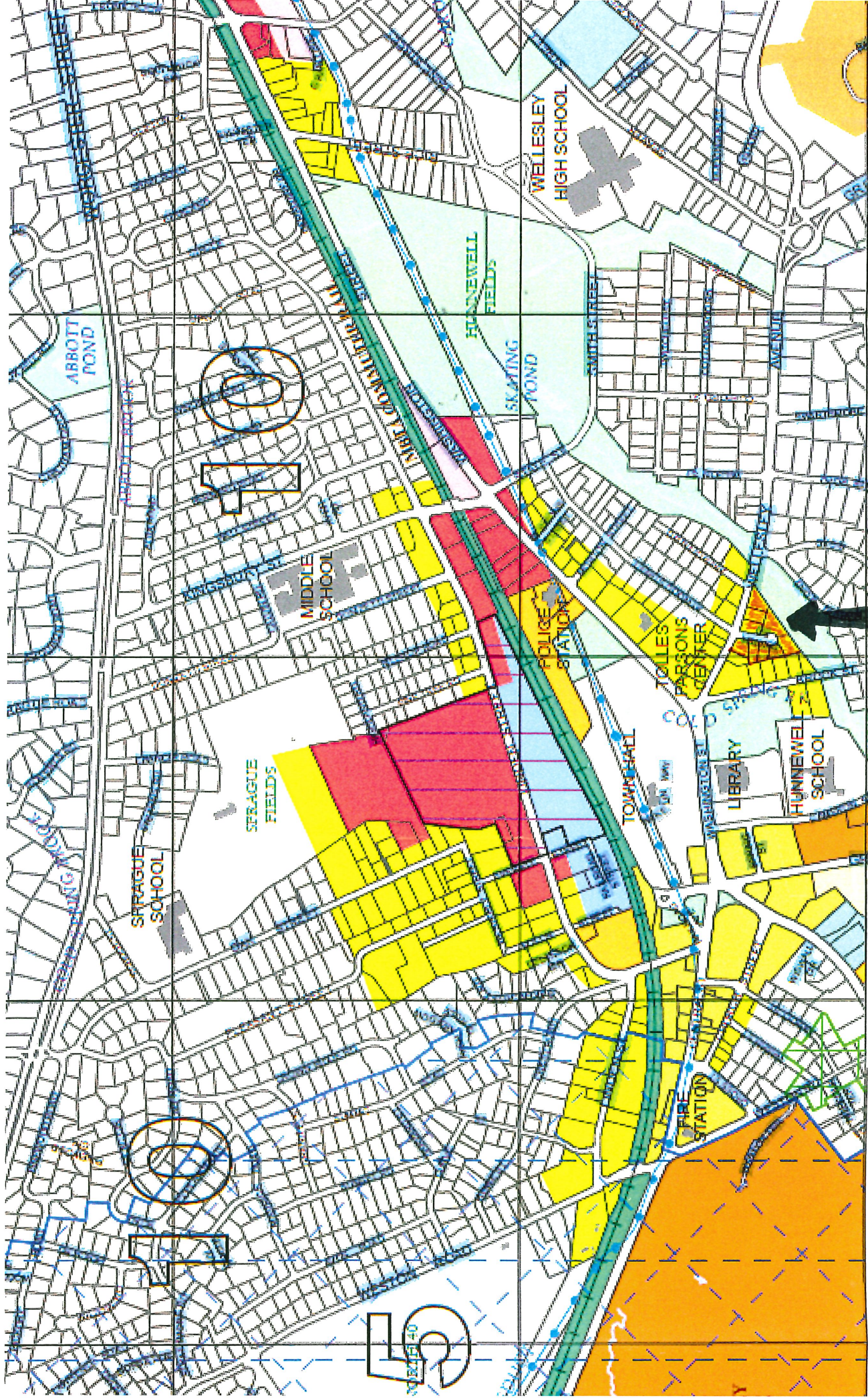
We attempted to be cooperative and transparent with our neighbors. On the way home from the first meeting with the Planning Board, I took it upon myself to knock on the door of spokesperson for this group. I told him that I understood their concern, assured him we would be transparent through this process and that we were available to answer any questions. He and his wife thanked me and said they very much appreciated my meeting with them. Within a few weeks we were informed he and his neighbors engaged an attorney to block our plans by trying to have the cul-de-sac re-zoned.

We have lived in Wellesley since 1996. We have owned and lived in a house that abuts Fuller Brook Park **and** in a house zoned General Residence. We loved both experiences and thought 8 Dexter Road was an ideal opportunity to enjoy the park and General Residence Zoning at the same time. This is where we intended to live (and we may still because we love the area), but we have been soured by this treatment/process. We made a significant investment in a home zoned and promoted as General Residence. After the fact the town is considering changing the rules. This is a slippery slope. Going forward people will no longer feel confident or comfortable buying a home zoned one way if a small group of neighbors can decide to change the rules after the fact. We have been told this treatment is simply unjust and will set a very bad precedent. Since we are in limbo, we have no plans in place for 8 Dexter Road, but anything we have in mind would be modest and in keeping with the neighborhood. Multi-families exist in this area as it is not zoned as a single family district. There are very few places to live in Wellesley if you want something other than a single family. It is wrong to take away a residence that offers this opportunity, especially after it was purchased as a General Residence.

Thank you for your time and consideration of Article 37.

Sincerely,

Gil and Melissa Dailey



ARTICLE 37 – Existing General Residence Zoning is in

Yellow – Petitioners want to carve out area Shaded Red