

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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May 9, 2003

Gary Lesanto
Lesanto Development Company
5 Horace Street
Needham, MA 02494

Re: ZBA 2003-34
Petition of Gary Lesanto/Hugh & Pamela Haggett
30 Shore Road

Dear Mr. Lesanto;

Please be advised that at the Public Hearing held on May 8, 2003, the Zoning Board of Appeals voted unanimously to grant your request to withdraw the above referenced petition without prejudice.

Any future petition regarding construction at 30 Shore Road requiring relief from the Board of Appeals will require a new application, a new plot plan showing the proposed dwelling footprint with all relevant setbacks, new floor plans and elevations and a check in the amount of two hundred dollars.

If you have any questions, or need further assistance, please do not hesitate to call me.

Very truly yours,

A handwritten signature in cursive script that reads "Ellen D. Gordon".

Ellen D. Gordon
Executive Secretary, Zoning Board of Appeals

cc: Town Clerk
Planning Board
Inspector of Buildings

Narrative Summary
Application of Gary LeSanto

30 Shore Road, Wellesley, MA

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2003 APR 22 A 9:09

The Applicant, Gary LeSanto (hereinafter "LeSanto"), is seeking a variance to reconstruct, rebuild and replace the non-conforming single family dwelling at 30 Shore Road, Wellesley, MA (the "Premises"). In particular, LeSanto is seeking permission to demolish the existing dwelling and detached garage and to replace same with a new single family residential dwelling which includes an attached two car garage.

The existing dwelling is presently non-conforming with respect to the applicable front and side yard setbacks. The Town of Wellesley Zoning By-Law requires a minimum 30 foot front yard setback and a minimum 20 foot side yard setback. The existing dwelling is situated over the side property line at the rear left corner and over the front property line at the left front corner. As a result, the current side and front yard setbacks for the existing dwelling at the closest points are both 0. In addition, the lot, which is situated in the SR-10 Zoning District, is presently non-conforming in that it consists of approximately 9,247 square feet of area and the Town of Wellesley Zoning By-Law requires a minimum of 10,000 square feet of area.

Although the proposed dwelling will also be non-conforming with respect to the applicable front and side yard setbacks, the extent and degree of non-conformity will be substantially reduced, as follows. The minimum side yard setback for the proposed dwelling will be 10.6 feet and the minimum front yard setback for the proposed dwelling will be 8.5 feet. Compare these distances with the lack of any setback for the existing dwelling. In addition, while the encroachment of the existing dwelling onto the street and adjacent property of the Town of Wellesley does not constitute a zoning issue per se, it is not a desirable situation from a legal or practical standpoint and it runs contrary to the general spirit and intent of the Zoning By-Law. The relocation of the structure wholly within the lot, as proposed by LeSanto, will substantially improve the situation, and therefore represents a tangible benefit.

The replacement house proposed by LeSanto should not significantly, substantially, or materially alter the impact and effect of the existing non-conforming dwelling on both the Town of Wellesley and the neighborhood surrounding the Premises. LeSanto is proposing to replace a single family dwelling with a single family dwelling. Therefore, no fundamental change in use is proposed. Furthermore, while the proposed redevelopment of the Premises does not comply with certain applicable provisions of the Zoning By-Law with respect to minimum required lot area, minimum required side yard setback and minimum required front yard setback, the amount of nonconformity will be substantially decreased from existing conditions.

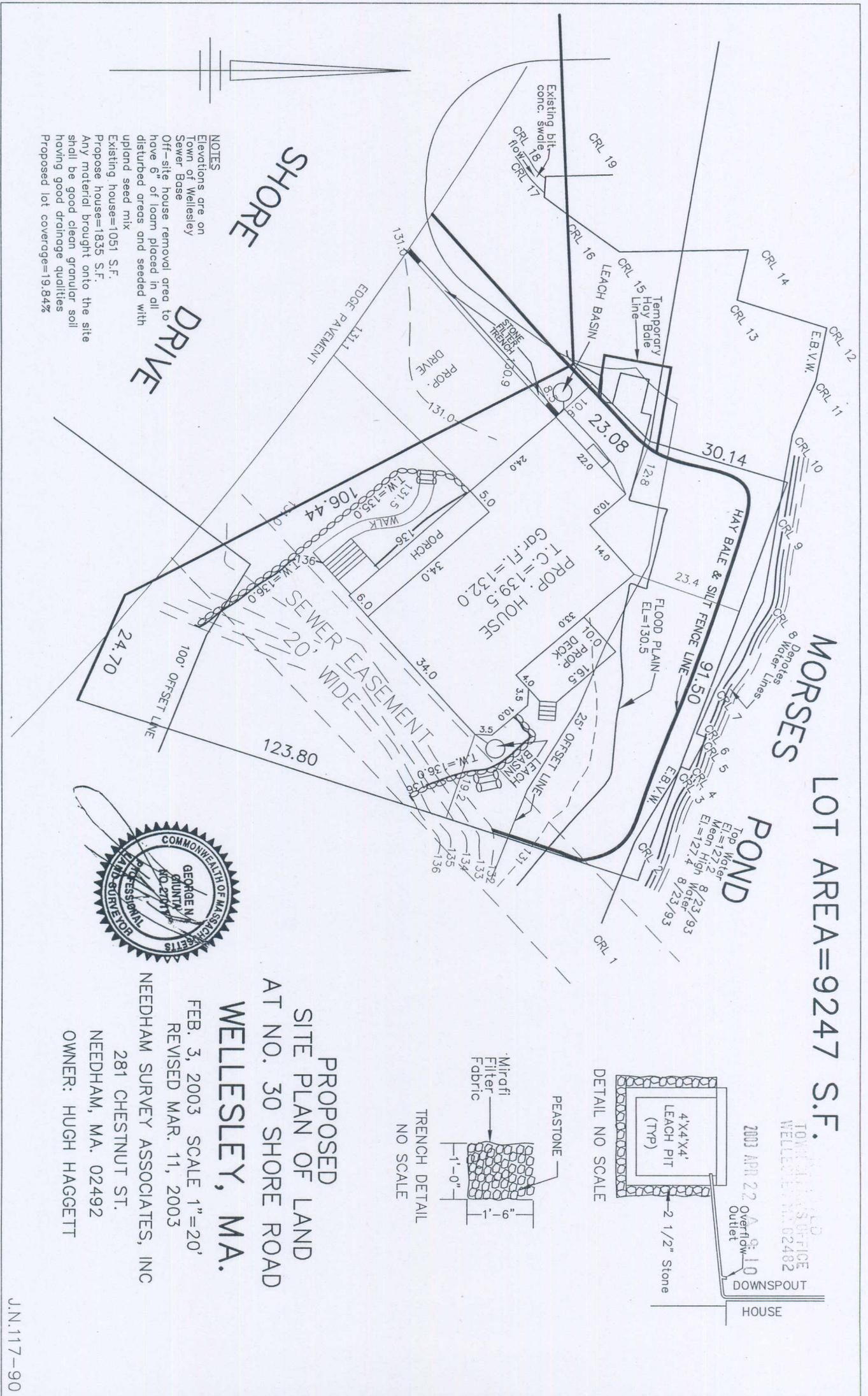
Moreover, the location of the proposed replacement dwelling is proper in light of several other conditions specifically affecting the site. In particular, the right side of the lot is subject to a severe slope, and the rear of the lot is subject to a flood plain. In addition, the lot is oddly shaped, and a twenty foot wide sewer easement runs through the right side. Furthermore, because of the proximity to Morses Pond and the presence of a Flood Plain, redevelopment of the lot must be reviewed and approved by the Conservation Commission. With regard to the replacement dwelling proposed by LeSanto, same has recently been reviewed and approved by the Conservation Commission.

As indicated above, the lot has an odd shape and is subject to unusual topography (the slope at the right side) and soil conditions (the flood plain). The lot is also subject to two additional unusual circumstances in that the existing house is situated over the lot lines, and that the right side of the property is subject to a sewer easement that was taken by the Town of Wellesley. These conditions create a hardship in the use and redevelopment of the lot. Therefore, LeSanto asserts that a variance for the reconstruction of the dwelling at 30 Shore Road is proper and should be granted. In connection therewith, it should be noted that the Board of Appeals previously issued such a variance for the Premises, but that same was not used, and has expired.

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LOT AREA=9247 S.F.

MORSES POND



NOTES
 Elevations are on Town of Wellesley Sewer Base
 Off-site house removal area to have 6" of loam placed in all disturbed areas and seeded with upland seed mix
 Existing house=1051 S.F.
 Propose house=1835 S.F.
 Any material brought onto the site shall be good clean granular soil having good drainage qualities
 Proposed lot coverage=19.84%



PROPOSED SITE PLAN OF LAND AT NO. 30 SHORE ROAD WELLESLEY, MA.
 FEB. 3, 2003 SCALE 1"=20'
 REVISED MAR. 11, 2003
 NEEDHAM SURVEY ASSOCIATES, INC
 281 CHESTNUT ST.
 NEEDHAM, MA. 02492
 OWNER: HUGH HAGGETT

