66-32

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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Petition of August J. Colangelo

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on June 30, 1966, on the petition of August J. Colangelo, requesting permission to construct four garden apartment buildings at 929 Worcester Street, on land now owned by Eileen E. Baird. Said request was made under the provisions of Section XXIV of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On June 6, 1966, the petitioner filed his request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Lawrence B. Shubow, attorney, and Charles H. Morang, attorney represented the petitioner at the hearing.

Jerome Baird, representing the owner of the property spoke in favor of the request. He stated that Eileen E. Baird has owned the property involved for twenty years and that for the past several years she has had it for sale but the high cost of essential site improvements makes its development by the construction of single-family dwellings economically impracticable. He stated that 42,000 cubic yards of fill would have to be brought in to prepare the area for residential development, that the brook would have to be relocated and that other site improvements would be necessary, all of which would make the cost prohibitive for single-family dwellings.

A number of persons spoke in opposition to the request. All contended that the proposed use of the property would prove detrimental to the surrounding properties and would increase the traffic congestion in the area. They stated their view that because of the water and drainage problem on part of the land and the condition of the soil, the area was not suitable for development as proposed and that it could be developed with single-family dwellings, a use regularly permitted within the district.

A petition opposing the request was submitted which was signed by approximately 100 nearby residents.

The Planning Board in its report to the Board of Appeal noted that the Town's Comprehensive Plan recommends the allowance of apartment buildings and/or office buildings in the area in question but expressed its view that such a decision should be the prerogative of the Town Meeting.

Statement of Facts

The land involved which contains 162,200 square feet, is located on the northerly side of Worcester Street (Route 9), near the Natick line, within a single-residence district requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to erect four garden apartment buildings, all under thirty feet in height, containing no more than sixty-five rental units and one management office. The proposal envisages thirty-two one-bedroom apartments, and thirty-three two-bedroom apartments, with brick or aluminum and glass exteriors. The units are designed to cover 14.6% of the total ground area and 25,400 square feet of parking space will be provided which is in excess of the required amount of 19,800 square feet.

It was pointed out that the site is surrounded to the east by single-residences along Lexington Road, to the north by single residences along Beechwood Road, to the west by a vacant parcel and beginning on the westerly side of Woodside Avenue, a commercial area which includes a retail doughnut stand, automotive dealer, and a Chinese restaurant. On the opposite southerly side of Worcester Street, directly opposite the parcel in question, there are several residences. West of those is a marine supply establishment, an automotive dealer, and the Wellesley Motor Inn. On the same side of Wordester Street to the east there is a large parking lot, a church and an office building.

It was contended that the present zoning of the property will keep it in its present state, while the proposed development will have a value of $750,000. Petitioner also suggested that garden apartment developments of this type do not usually attract families with school age children so that this proposal should not materially affect the school population problem of the Town.

It is the contention of the petitioner that owing to conditions especially affecting such parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would involve substantial hardship to the petitioner by reason of the low lying nature of the parcel and the fact that it is divided by Boulder Brook as well as other reasons, and relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-law.

Decision

The Board has examined the plans submitted and the locus and has carefully considered the evidence introduced in petitioner's very thorough presentation as well as the arguments so vigorously advanced by the numerous individuals who appeared in opposition.

The Board feels that there is substantial evidence that single-family residential development would not be the highest and best use for the locus and that such use might not be in the best interest of the Town or, possibly, the neighborhood. Moreover, it appears likely that substantial expense would be involved in preparing the land for residential development of any kind.

However, the Board is not convinced that the locus is significantly dissimilar to other land abutting the locus or in the general area which has been developed for single residential use or that the land cannot be developed for a use contemplated by the Zoning By-law. The Board is also mindful that although the locus is situated on a heavily travelled highway in relatively close proximity to properties being used for commercial purposes, it is, nevertheless

virtually surrounded by land zoned for, and for the most part used for, single-family residential development. Therefore, the Board questions whether on the basis of the evidence presented this is a proper case for the granting of a variance under Chapter 40A, Section 15, of the General Laws.

The plan furnished by petitioner shows two of the proposed apartment buildings located only twenty feet from the rear lot lines of the single-family residences on Lexington Road. The Board feelsthat this is too close to be satisfactory. The front of each of the four proposed apartment houses is only approximately twenty feet from the proposed private way affording access from Worcester Street. This in the opinion of the Board contravenes Section XIX of the Zoning By-law which prescribes a front yard at least thirty feet in depth for each building.

Petitioner has not specifically requested or attempted to justify a variance of this requirement nor does the Board feel that any such variance is warranted under the circumstances.

Accordingly, the requested permission is denied and the petition is dismissed.

Richard O. Aldrich

Richard O. Aldrich

Edward T. Kilmain

Edward T. Kilmain

F. Lester Fraser

F. Lester Fraser

Filed with Town Clerk_____