



SEP 12 9 37 AM '85

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAMMARY ANN McDOUGALL
Executive Secretary
Telephone
~~236-1584~~
431-1019WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-48

Petition of Ellyn G. Carlson
23 Gilson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 15, 1985 at 8 p.m. in the Basement Room at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of ELLYN G. CARLSON requesting a Special Permit pursuant to the provisions of Section XIX-B and Section XXV of the Zoning Bylaws which will allow the construction of a single family dwelling at 23 GILSON ROAD, containing 21,003 square feet of land, with a frontage of less than the required sixty (60) feet.

On July 25, 1985 the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Robert W. Carlson, who presented a memorandum outlining the petition. A Special Permit is requested per a bylaw article adopted by Town Meeting in April, 1985. Ellyn G. Carlson was present at the hearing.

No others were present favoring or opposing the petition.

Statement of Facts

The facts concerning this petition have been set forth in this Board's decisions of 1) July 24, 1978 (ZBA Case 78-15) denying petitioner's appeal from a denial of the issuance of a building permit and 2) April 16, 1981 (ZBA Case 81-7) denying petitioner's petition for a variance from the required sixty (60) foot frontage. Petitioner's appeals to the Superior Court No. 125210 and 133318 were tried before Paul G. Garrity, Jr. who on October 20, 1981 affirmed the decisions of the Permit Granting Authority upholding the Building Inspector's denial of a permit (1978) and the Permit Granting Authority's denial of a variance (1981). On February 5, 1982, the Land Court, Norfolk Misc. Case No. 90804, Fenton, J., ruled that the petitioner was not entitled to reformation and the complaint was dismissed. On March 21, 1985 (ZBA Case 85-1), this Board denied the petitioner's petition for a variance from the required sixty (60) foot frontage.

The petitioner, Ellyn G. Carlson, is now petitioning the Special Permit Granting Authority for the issuance of a Special Permit under Section XIX-B of the Zoning Bylaws which will allow the construction of a single family dwelling at 23 Gilson Road.

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The request is in response to the recently enacted amendments to the Wellesley Zoning Bylaws which were adopted under Article 7 of the warrant for the Wellesley Town Meeting convened on March 25, 1985, now referred to as Section XIX-B, Table 1, which states:"Provided however, that a lot having its only frontage on a curved street line having a sideline radius of less than 100 feet may have a reduced frontage upon the granting of a special permit in accordance with SECTION XXV, and provided: a. The minimum frontage shall be 50 ft., b. The minimum front yard width is maintained at the street setback line (house line), and c. All other dimensional zoning requirements are satisfied."

The petitioner's locus meets all of the requirements of Section XIX-B.

A Plot Plan was submitted, drawn by Paul J. DeSimone, Registered Land Surveyor, of Desimone Survey Service, Medway, dated September 8, 1984, revised July 9, 1985. Construction drawings were submitted, by Gorman /Richardson Associates, dated 8/24/83.

The Planning Board, at its regular meeting of August 6, 1985, voted to recommend that the Special Permit be granted.

A letter in opposition was received from R. Lawrence St. Clair, M.D., 11 Gilson Road.

Decision

This Authority has made a careful study of the evidence presented.

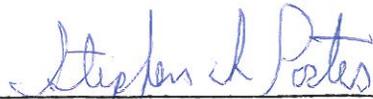
The Wellesley Town Meeting, which convened March 25, 1985, adopted Article 7 of the warrant which allows a Special Permit to be granted under Section XIX-B and Section XXV of the Zoning Bylaws if the stated requirements are met.

The petitioner's locus and plans submitted meet all of the requirements of Section XIX-B of the Zoning Bylaws.

Therefore, a Special Permit is hereby granted to allow Ellyn G. Carlson to construct a single family dwelling at 23 Gilson Road according to a Plot Plan drawn by Paul J. Desimone, Registered Land Surveyor, dated September 8, 1984, revised July 9, 1985.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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.


Stephen S. Porter, Chairman


Franklin P. Parker


William E. Polletta

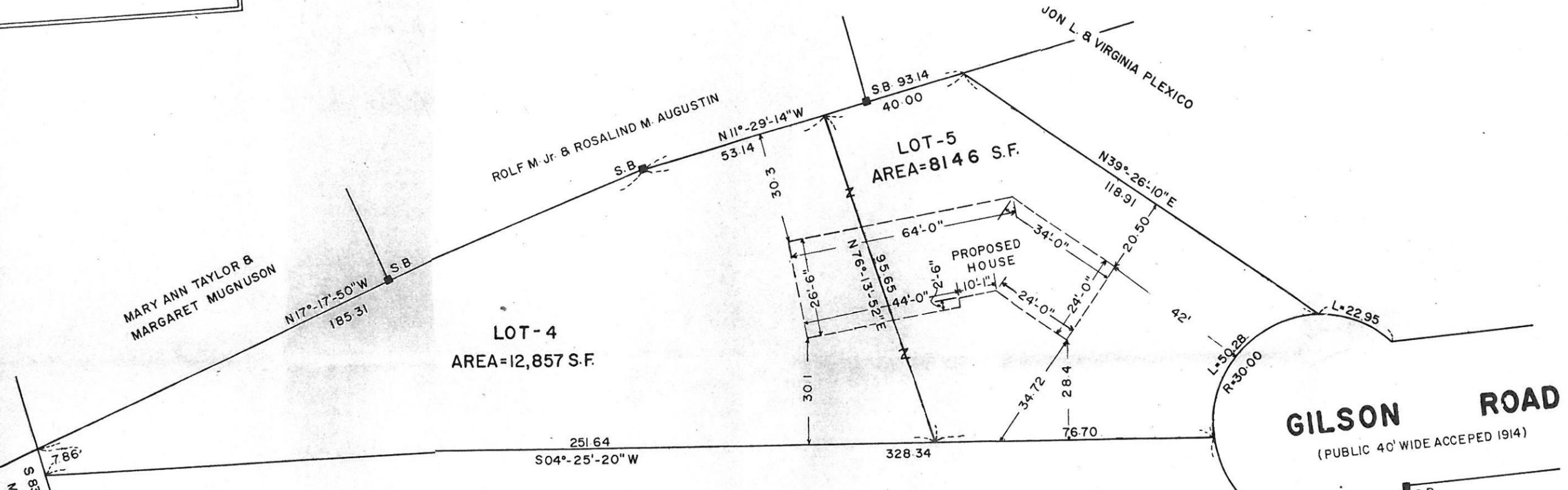
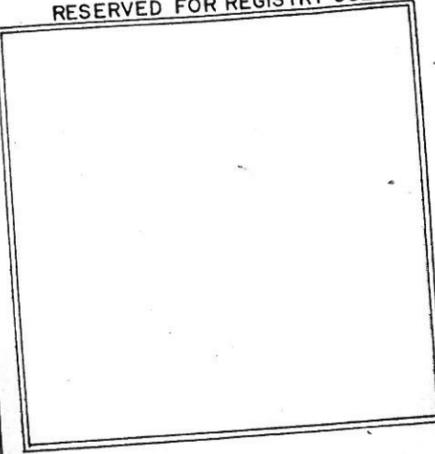
cc: Planning Board
Building Inspector

SEP 12 9 37 AM '85
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

RECORDS OFFICE
WELLESLEY, MASS.
JUL 25 1 33 PM '85



RESERVED FOR REGISTRY USE

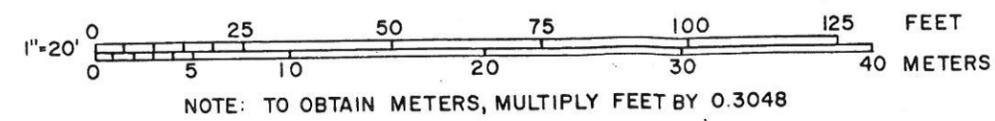


NOTE:
NOTE:
LOT 5 AS SHOWN ON A PLAN BY
WILLIAM J. FORD JR. DATED JUNE 15, 1954
FILED IN NORFOLK REGISTRY OF DEEDS.
DEED REFERENCES:
LOT-4 CERTIFICATE OF TITLE No. 106215
LOT-5 BOOK 4519 PAGE 486
FILED IN NORFOLK REGISTRY OF DEEDS
NOTE: LOT-4 & LOT-5 TO BE COMBINED AS ONE LOT
LOT-4 = 12,857 S.F.
LOT-5 8,146 S.F.
TOTAL AREA = 21,003 S.F.

CARL & FELICE MADDA
NOTE:
FOR PROPOSED SEWER INFORMATION FOR GILSON ROAD SEE PLAN
FILED WITH THE WELLESLEY ENGINEERING DEPARTMENT PREPARED
BY THE WELLESLEY DEPARTMENT OF PUBLIC WORKS JOHN E. BEZANSON
TOWN ENGINEER, DATED APRIL 20, 1978.

NOTE:
I CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF
THE REGISTER OF DEEDS, NORFOLK
COUNTY.

Paul J. Desimone



PLAN OF LAND IN WELLESLEY, MASSACHUSETTS

OWNER'S NAME **ELLYN G. CARLSON** ADDRESS **34 LEDGEWAYS** WELLESLEY HILLS, MASS.
ENGINEERS Co. **DESIMONE SURVEY SERVICE** ADDRESS **38 COFFEE STREET** MEDWAY, MASS.

SCALE: 1" = 20' REVISED JULY 9, 1985 SEPT. 8, 1984

APPROVAL NOT REQUIRED: WELLESLEY PLANNING BOARD.			PRELIMINARY APPLICATION FILED	
			APPLICATION FILED	
			FINAL PLAN FILED	
			HEARING DATE	
DATE:	SEAL ENGINEER	SEAL LAND SURVEYOR	MIN. LOT AREA 20,000 SQ. FT.	PROJECT NO.
			SHEET NO. 1 OF 1	

PBC-64-54
 PBC-54-61

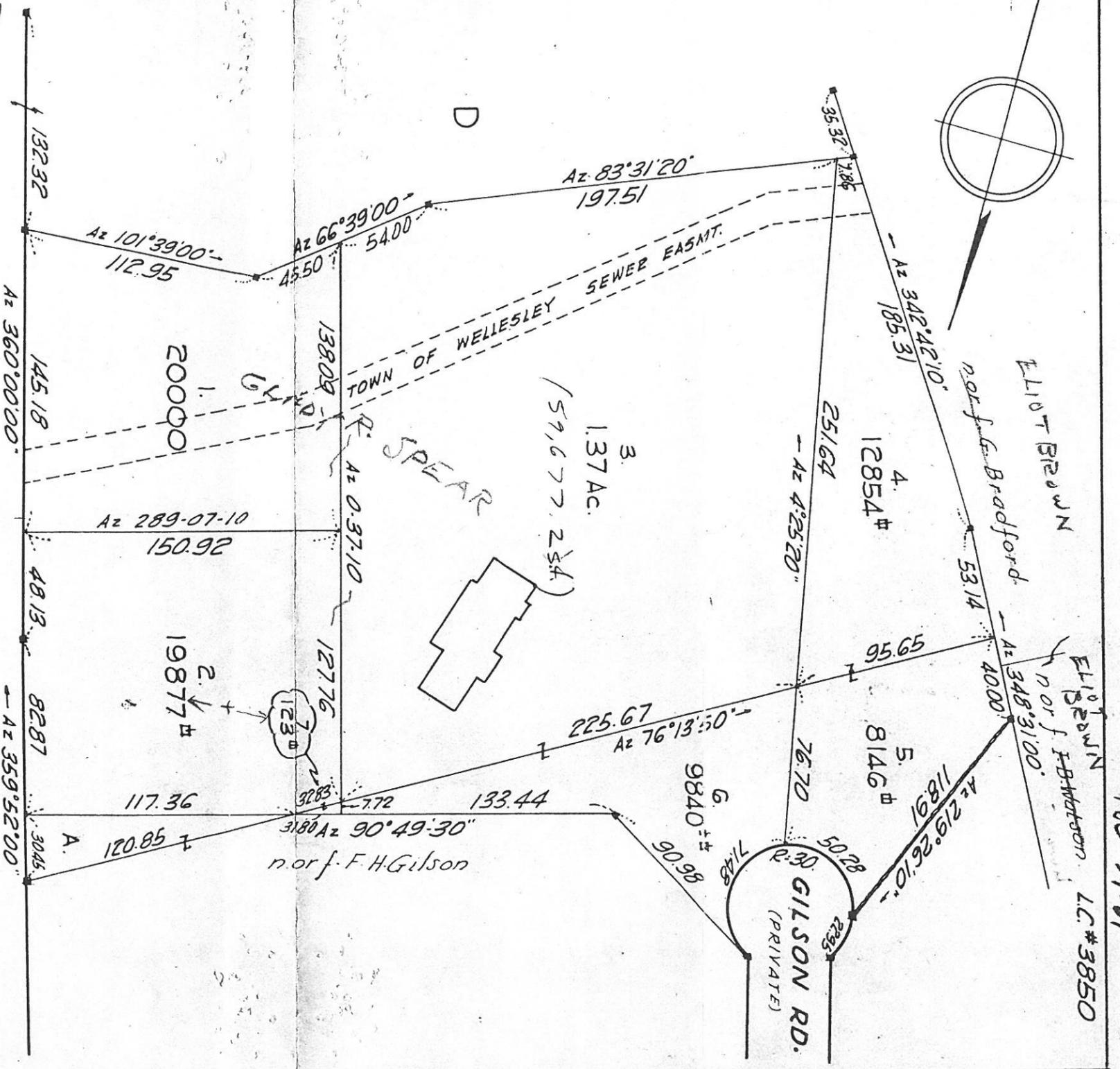
Received 6-16-54
 To Town Clerk 6-16-54
 Certified 6-22-54
 Town Clerk Notified 6-23-54

Approval under the subdivision
 control law not required.
 WELLESLEY PLANNING BOARD.

 Date: June 23, 1954

SUBDIVISION OF LAND
 IN
WELLESLEY, MASS.
 SCALE 1/4"=60 FT. JUNE 15, 1954
 WILLIAM J. FORD JR. - CIVIL ENG.
 302 WALNUT ST. NEWTONVILLE
 MASSACHUSETTS

CLIFF RD. (PUBLIC)



PBC-54-61

L.C.#3850