



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-25

Petition of Oak Hill Trust (Calla Jean Schaefer)
789 Worcester Street (Lot 3)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 17, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of OAK HILL TRUST (CALLA JEAN SCHAEFER) requesting a Special Permit pursuant to Section XIXB and Section XXV of the Zoning Bylaw to allow Lot #3 at 789 WORCESTER STREET containing 15,020 square feet of land to be designated as a buildable lot with less than the required street frontage.

On March 28, 1986 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Calla Jean Schaefer who stated that the Planning Board had approved the subdivision of the property. A Special Permit is requested for the frontage of Lot #3 of 58.725 feet, pursuant to Section XIXB of the Zoning Bylaw.

About eight neighbors were at the hearing because of concerns about the subdivision of the property. Mr. Porter explained that the case before the Zoning Board of Appeals did not concern the subdivision, just the frontage deficiency on Lot #3. No one expressed favor or opposition to the petition before the Board.

Statement of Facts

The property in question is known as Lot #3 in a subdivision located at 789 Worcester Street, in a Single Residence District. The owners, Oak Hill Trust, Calla Jean Schaefer, Trustee, have recently subdivided the property into six lots.

Lot #3, the property in question, contains 15,020 square feet of land and has a frontage of 58.725 feet, the requirement being 80 feet. The petitioner is requesting a Special Permit pursuant to Section XIXB of the Zoning Bylaw which will allow Lot #3 to be designated as a buildable lot.

Section XIX-B, Table 1 of the Zoning Bylaw 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."

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The minimum frontage of 50 feet has been met. Specific plans for the location of a dwelling have not been submitted to this Board.

A Plot Plan was submitted, drawn by Douglas L. Liston, Professional Land Surveyor, dated 10/22/85, revised 1/22/86.

The Planning Board, at its regular meeting of April 15, 1986, voted to offer no objection to the Special Permit request. The Planning Board, on February 28, 1986, voted to approve a definitive subdivision plan designated PB-85-A-1 with conditions noted in the "Certificate of Approval of a Definitive Plan." Final approval of the subdivision plan has not yet been granted.

Decision

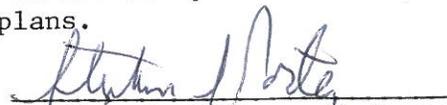
This Authority has made a careful study of the evidence presented. The petitioner is requesting a Special Permit to allow Lot #3 in the subdivision at 789 Worcester Street to be designated a buildable lot with less than the required frontage.

It is the opinion of this Authority that the petitioner's plans meet the requirements for a buildable lot per Section XIXB and that the petition is in harmony with the general purpose and intent of the Zoning Bylaw. Therefore, a Special Permit is hereby granted to allow Lot #3, owned by Oak Hill Trust, to be designated a buildable lot with a frontage of 58.725 feet as shown in the Plot Plan drawn by Douglas L. Liston, Professional Land Surveyor, dated 10/22/85, revised 1/22/86, subject to the following conditions:

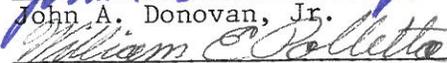
1. That said Special Permit will not become effective until final approval of the subdivision plan of 789 Worcester Street by the Planning Board has been granted and until said plan is recorded with the Registry of Deeds.
2. That the minimum front yard width is maintained at the street setback line (house line) and that all other dimensional zoning requirements are satisfied when a dwelling is proposed for the lot.
3. That all requirements of the Fire Department and the Town Engineer shall be complied with concerning the property.
4. That said Special Permit shall lapse two years from the date of this decision.

If the above conditions are satisfied, the Inspector of Buildings is hereby authorized to issue a permit for the construction of a dwelling on Lot #3 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


 John A. Donovan, Jr.


 William E. Polletta

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