

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

1999 NOV -5 A 8:55

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ZBA 99-75

Petition of Laura and Philip Fragasso  
166 Oakland Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 21, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of LAURA AND PHILIP FRAGASSO requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition 1.37 feet by 8.5 feet, which will have less than the required right side yard setback, at 166 OAKLAND STREET, in a Single Residence District.

On October 4, 1999, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Philip Fragasso, who said they would like to remove their front porch and replace it with a new porch. The existing porch has a flat roof and is inset 15 inches from the right side of the house. They would like to replace it with a hip roofed porch and extend it flush with the end of the house. Presently, the porch is actually a four-season room. The new porch would be a screened porch.

The Board commented that the new construction would be an improvement, and that the Planning Board had no objection to the variance.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 166 Oakland Street, in a Single Residence District, on a 48,090 square foot lot, and has a minimum right side yard clearance of 13 feet.

The petitioners are requesting a variance to demolish an existing front porch and construct a new screened porch 38.2 feet by 8.5 feet, with a one-story addition of 1.37 feet by 8.5 feet to the porch to bring it flush with the right side of the dwelling. The porch addition will have a minimum right side yard setback of 11.7 feet.

A plot plan dated September 28, 1999, drawn by Robert Gemma, Registered Professional Land Surveyor; Existing and Proposed elevations dated 6/26/98, drawn by Pam Woodworth; and photographs were submitted.

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On October 19, 1999, the Planning Board reviewed the petition, and had no objection to the granting of the requesting owing to the scale of the addition, the shape of the lot, and the location of the structure on the lot.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petition and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing nonconforming porch and construction of the new porch to include a 1.37 foot by 8.5 foot addition with a minimum right side yard setback of 11.7 feet subject to construction in accordance with the submitted plot plan and construction drawings.

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

If the rights authorized by this variance are not exercised within one year of the date of the grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

Cc: Planning Board  
Inspector of Buildings  
edg

*Kendall P. Bates*

Kendall P. Bates, Chairman

*Richard L. Seegel*

Richard L. Seegel

*Cynthia S. Hibbard*

Cynthia S. Hibbard

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