

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02197

JAN 27 2 01 PM '84

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ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL  
Executive Secretary  
Telephone  
235-1664

WILLIAM E. POLLETTA  
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83-65

Petition of L. Grignaffini & Sons, Inc.

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, December 15, 1983, at 7 p.m. on the petition of L. Grignaffini & Sons, Inc., requesting a variance from the terms of Section XVIII-D-1 (Area Regulations) of the Zoning Bylaw which will allow six dwelling units at 11 EVERETT STREET (formerly 17-19 Everett Street) at the corner of Westerly Street, said lot containing 28,535 square feet of land and located in a General Residence District. Said project includes the renovation of an existing house and construction of a five unit town house. A variance is requested from the terms of Section XIX of the Zoning Bylaw for the existing house which has less than the required front yard setback from Everett Street and Westerly Street. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On November 23, 1983, the petitioner requested 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 C. Joseph Grignaffini, who displayed renderings of the project, including the existing house and proposed renovations, the proposed townhouses, a plot plan and plan of the neighborhood. He proposes six dwelling units, one to be the existing house at 11 Everett Street which would be renovated and to which a one-car garage would be added; five new townhouse units with garages for each unit, making a total of 6 garages with 7 guest parking spaces. The units would be rental apartments, varying from 1200 to 1800 square feet per unit. The lot contains 28,535 square feet of land, 5% less than the 30,000 square feet required for six units. Variances are requested for front yard setbacks for the existing house. Mr. Grignaffini stated that the Planning Board had recommended that the entrance driveway be 20 feet wide but Mr. Grignaffini would prefer a 17 foot driveway entrance with the existing curb cut and in order to save a large tree.

Robert Dischino, 6 Delanson Circle, owner of property at 144 Linden Street, spoke in favor of the petition. No one was present at the hearing in opposition to the request.

#### Statement of Facts

The property involved is located at 11 Everett Street, at the corner of Westerly Street, and formerly 17-19 Everett Street (where a two-family house has been razed), said lot containing 28,535 square feet of land, located in a General Residence District.

The petitioner proposes to renovate an existing single family structure and to construct five new townhouse units not connected to the existing structure. All of the

units would be rental units. Each dwelling unit would have a garage and seven guest parking spaces would be provided. A variance is requested for the existing house which is non-conforming, has a front yard setback of 25 feet from Everett Street and 22.8 feet from Westerly Street. A variance is also requested under Section XVIII-D-1 (Area Regulations) to allow six units to be constructed on 28,535 square feet of land, the requirement being 30,000 square feet of land for six units.

A Plot Plan was submitted, drawn by Joseph R. Sullivan, Registered Land Surveyor, of MacCarthy & Sullivan Engineering, Inc., Natick, dated 11/1/83. Construction drawings were also submitted, by Wellesley Design Architectural Service, dated 11/1/83, as were renderings of the proposed project and photographs of the property and surrounding area.

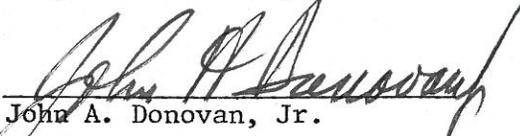
The petitioner submitted plans to the Design Review Board even though not required for projects in a General Residence District, and the Design Review Board commented on the proposal in a letter dated 11/16/83. The Planning Board, in a letter dated 12/14/83, recommended that the driveway entrance from Everett Street be 20 feet wide.

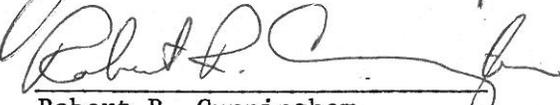
#### Decision

This Authority has made a careful study of the evidence submitted. It is the opinion of this Board that the petitioner's requested renovations to the existing non-conforming house at 11 Everett Street will not alter the relationship of the house to the streets involved and that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion that desirable relief may be granted without substantially derogating from the intent of the bylaw. Therefore, the requested variance under Section XIX is granted to allow the house to remain and be renovated, with a setback of 25 feet from Everett Street and 22.8 feet from Westerly Street, as shown on the Plot Plan drawn by MacCarthy & Sullivan Engineering, Inc., dated 11/1/83, with a driveway entrance from Everett Street of 17 feet. The Inspector of Buildings is thereby authorized to issue a permit for the renovations upon his receipt and approval of a building application and construction plans.

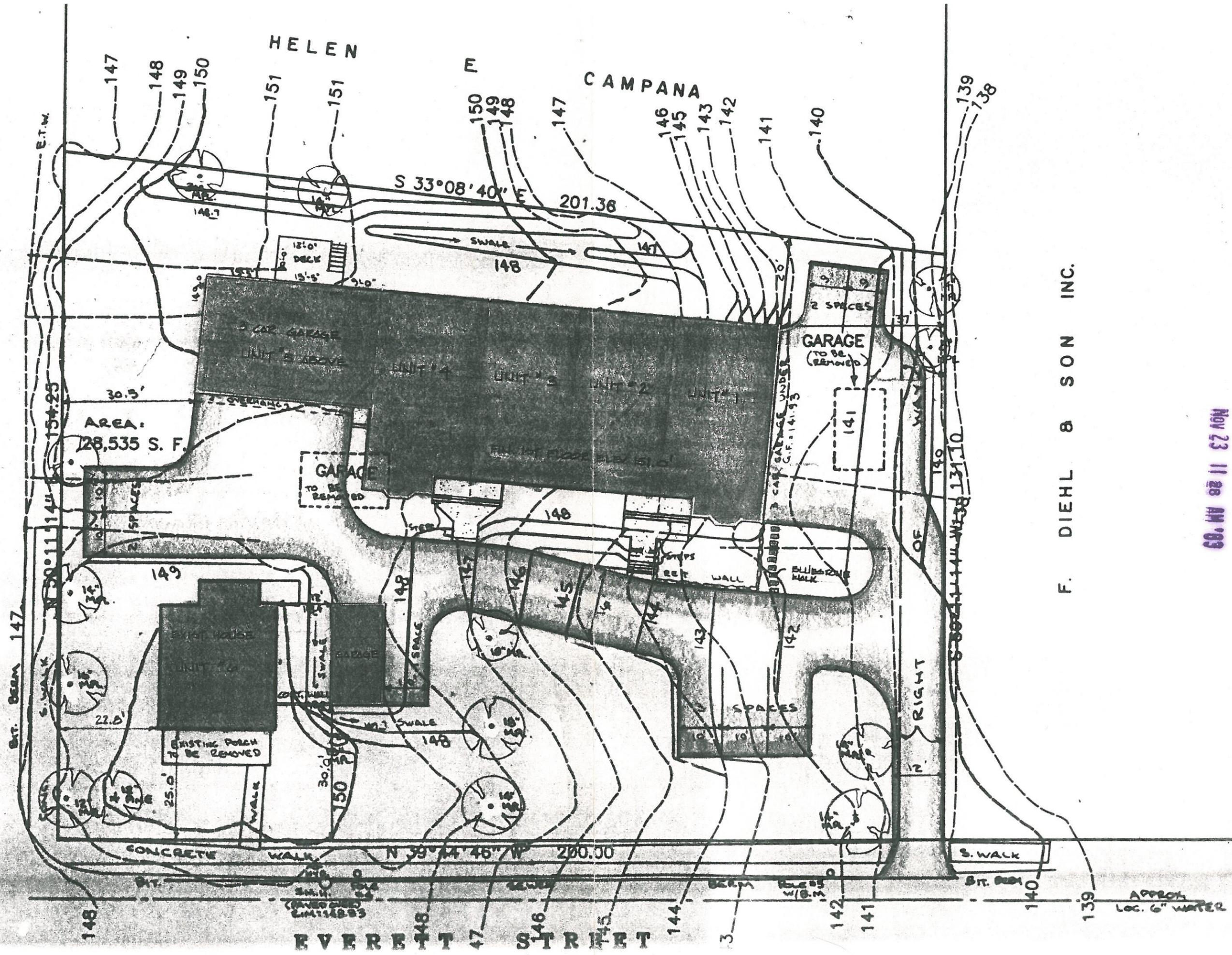
Regarding the petitioner's request for a variance under Section XVIII-D-1 of the Bylaw to allow 6 dwelling units on 28,535 square feet of land, this Board is of the opinion that the petitioner must follow the requirements of the bylaw which would allow a total of 5 dwelling units on said parcel of land. This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Bylaw. Therefore, it is the unanimous opinion of this Authority that the request for a variance under Section XVIII be denied.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

WESTERLY STREET



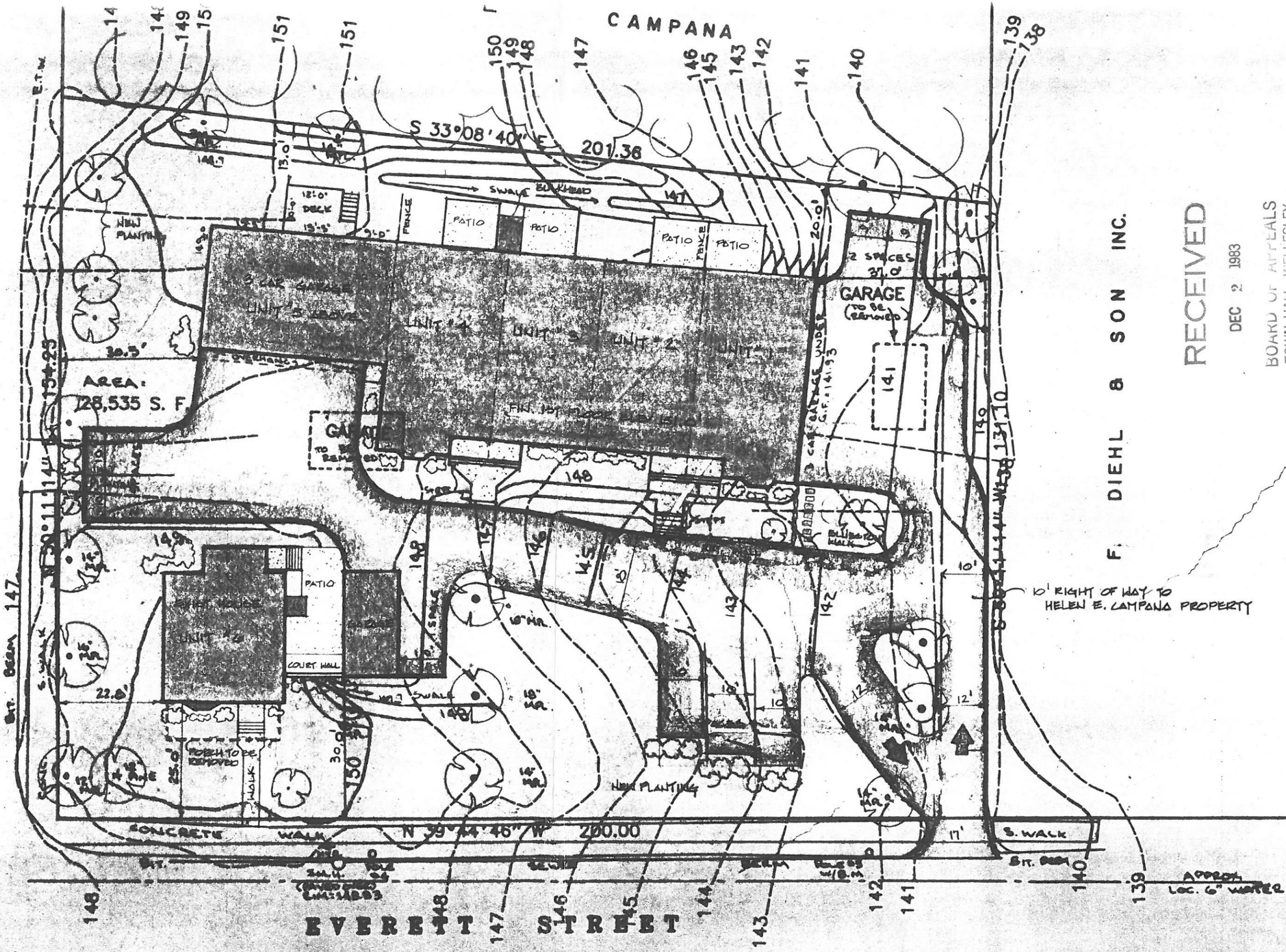
AREA:  
28,535 S. F.

F. DIEHL & SON INC.

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APPROX  
LOC. 6" WATER

WESTERLY STREET



AREA:  
28,535 S. F.

EVERETT STREET

CAMPANA

F. DIEHL & SON INC.

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DEC 2 1983

BOARD OF APPEALS  
TOWN HALL, WELLESLEY

10' RIGHT OF WAY TO  
HELEN E. CAMPANA PROPERTY

APPROX  
LOC. 6" WATER