

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2000-80  
Petition of 132 Oakland Street Realty Trust  
132 Oakland Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 26, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of the 132 OAKLAND STREET REALTY TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enlargement of the existing 4.05 foot by 5.60 foot enclosed entrance to 5 feet by 9 feet with less than the required left side yard setback at 132 OAKLAND STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 6, 2000, the petitioner 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 Vincent Codispoti, project architect, who was accompanied by Tom Green, property owner and trustee of the 132 Oakland Street Realty Trust. Mr. Codispoti said there is an existing 4.05 foot by 5.60 foot entrance which is presently nonconforming as to the left side yard. They would like to enlarge it to 5 feet by 9 feet, which would double the area. The house was built in the 1920's or 30's, and they would like to modernize the entrance.

The Board noted they were building a conforming addition on the right side, which is about the same size as the existing house, and asked if the entrance could be moved to the addition so it would conform. Mr. Codispoti said they had drawn a plan to relocate the entrance, but in order to do that, another 1000 feet would have to be added to the house, so they went back to the submitted plan.

The Board stated that the name of the owner is not on the plan; the name of the owner is not the realty trust, but the trustee. The Board requested that the submitted documents be revised to show the name of the trust and the trustee.

The Board commented that the Planning Board had no objection, and that the existing entrance is closer to the left side line than the proposed enlargement.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 132 Oakland Street, in a Single Residence District, on an 18,396 square foot lot, and has a minimum left side yard clearance of 9.3 feet. The property is owned by Thomas Green, trustee of the 132 Oakland Street Realty Trust.

The petitioner is requesting a Special Permit/Finding that the enlargement of an enclosed 4.05 foot by 5.60 foot entrance, with a minimum left yard clearance of 9.3 feet to a 9 foot by 5 foot enclosed entrance with a minimum left side yard clearance of 10.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/30/00, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 8/18/00, drawn by Vincent Codispoti, Architect; and photographs were submitted. Subsequent to the hearing, Mr. Codispoti submitted a plot plan and architectural plans showing the property owner to be Thomas Green, Trustee of the 132 Oakland Street Realty Trust, as requested by the Board at the Public Hearing.

On October 17, 2000, the Planning Board reviewed the petition and had no objection to the request.

Decision

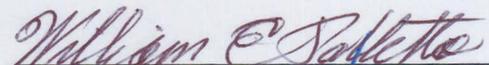
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

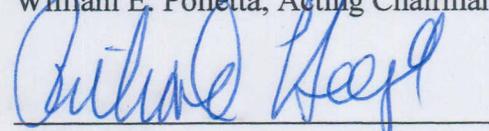
It is the finding of this Authority that the proposed enlargement of the enclosed entry from 4.06 feet by 5.60 feet to 5 feet by 9 feet will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the proposed enlargement will neither intensify the existing nonconformance nor create new nonconformity, as the proposed structure will be less nonconforming than the existing structure.

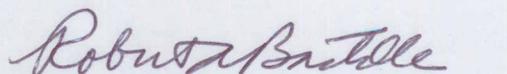
A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the new entrance in accordance with the submitted plot plan and construction drawings.

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.

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.

  
William E. Polletta, Acting Chairman

  
Richard L. Seegel

  
Robert A. Bastille

Cc: Planning Board  
Inspector of Buildings

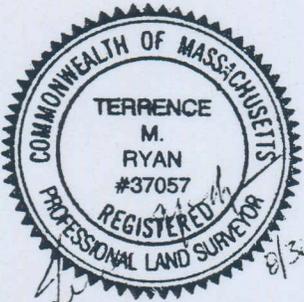
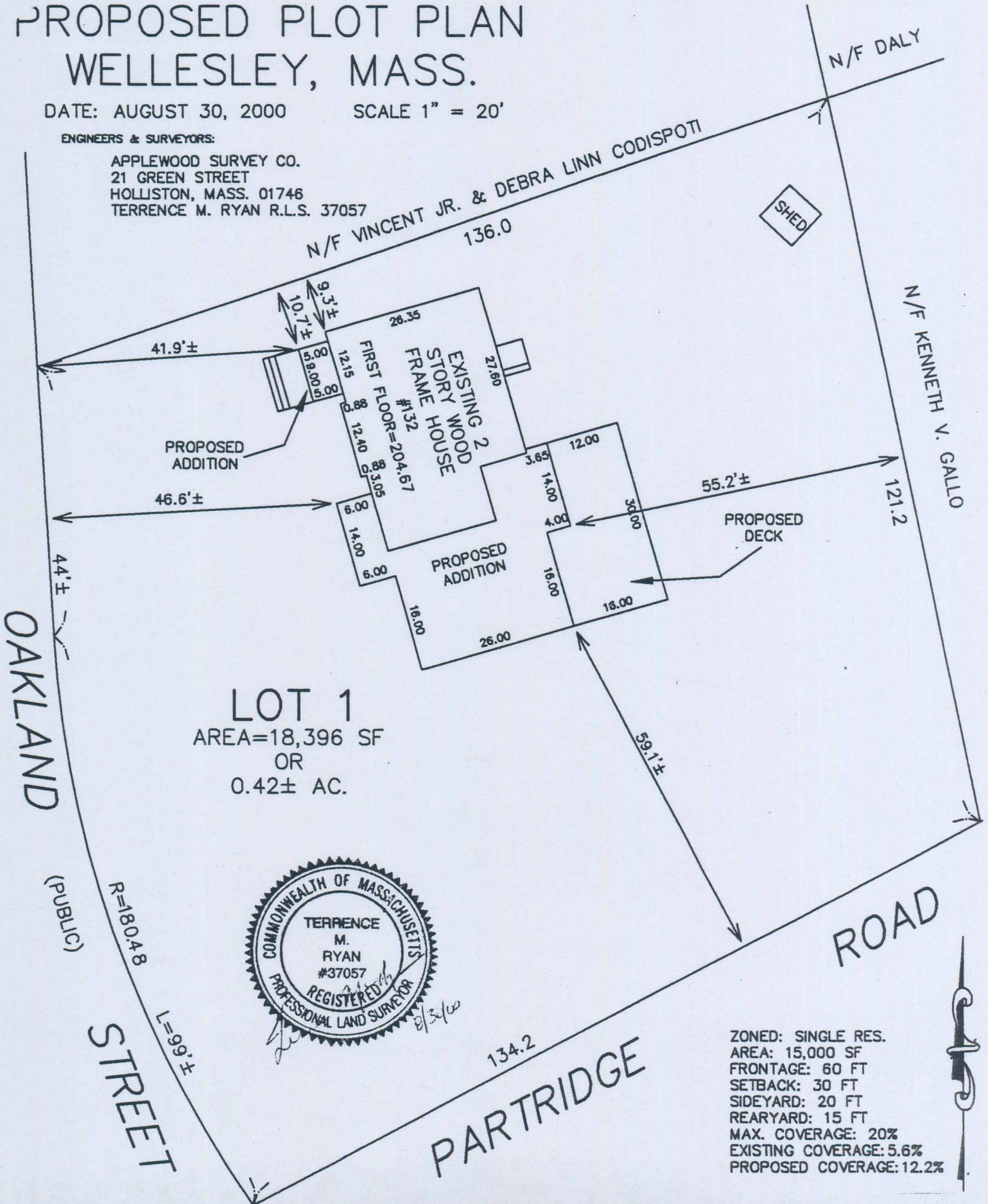
# PROPOSED PLOT PLAN WELLESLEY, MASS.

DATE: AUGUST 30, 2000

SCALE 1" = 20'

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO.  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057



ZONED: SINGLE RES.  
AREA: 15,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT  
SIDEYARD: 20 FT  
REARYARD: 15 FT  
MAX. COVERAGE: 20%  
EXISTING COVERAGE: 5.6%  
PROPOSED COVERAGE: 12.2%

OWNER: THOMAS GREEN, TRUSTEE  
132 OAKLAND STREET REALTY TRUST

