

TOWN OF WELLESLEY



MASSACHUSETTS

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ZONING BOARD OF APPEALS

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

2001 AUG -8 A 8:12

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ROBERT A BASTILLE
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ROBERT W. LEVY

ZBA 2001-51
Petition of Lily S. Chin Realty Trust
Frank F. Chin, Trustee
30 Lexington Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 26, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of the LILY S. CHIN REALTY TRUST, FRANK F. CHIN, TRUSTEE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the conveyance of 2,503 square feet of the nonconforming lot, with less than the required frontage, at 30 LEXINGTON ROAD, in a Single Residence District, to the conforming property at 26 LEXINGTON ROAD, IN a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming lot.

On July 9, 2001, 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 Frank Chin, who said that when his father bought the lot on Lexington Road in 1958, he divided it into three lots: 26, 30 and 32 Lexington Road. At that time, a 40 foot road was planned to access 30 Lexington Road, which was to be further subdivided. This did not materialize. Prior to the recent sale of 30 Lexington Road, they had the land resurveyed, and were informed that the 40 foot frontage was noncompliant. He asked the Board to permit the conveyance of 2,503 square feet of the 30 Lexington Road property to his wife, Carol, owner of 26 Lexington Road.

The Board asked if the sale had been completed. Mr. Chin said that between the date of submission of the petition and the date of the Public Hearing, the property had been sold minus the 2,503 square feet.

The Board asked why 2,503 square feet of the property was to be conveyed to Carol Chin. Mr. Chin said that his wife loved the pine trees at the rear of the lot. His father had promised that if 30 Lexington Road were ever sold, that piece of the property would be given to her.

The Board commented that this petition is unlike others that the Board hears, as normally, structures are involved. It appears that Mr. Chin simply wants the Board to "bless" the conveyance by finding that the new nonconforming lot is not any more detrimental to the neighborhood than the prior nonconforming lot.

No other person present had any comment on the petition.

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Statement of Facts

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The subject nonconforming lot originally containing 67,200 square feet, is located at 30 Lexington Road, in a Single Residence District, with one single family dwelling on the premises. The lot has a minimum frontage of 40.05 feet in a 10,000 square foot district, in which the minimum frontage for a new lot is 90 feet.

The petitioner is requesting a Special Permit/Finding that the conveyance of 2,503 square feet of the nonconforming property with less than the required frontage at 30 Lexington Road to the property at 26 Lexington Road shall not be substantially more detrimental to the neighborhood than the existing nonconforming lot. In essence, the conveyance of the 2,503 square feet creates a new nonconforming lot containing 64,700 square feet with a minimum frontage of 40.05 feet in a district in which 90 feet is required.

The petitioner submitted the following material:

1. An Approval Not Required Plan of Lot Line Adjustment dated May 25, 2001, stamped by Frank Iebba, Professional Land Surveyor was approved by the Planning Board on June 19, 2001 (PBC-01-6) with the following statement on the Plan:

“This endorsement shall not be deemed to constitute a determination of compliance in any way with the provisions of the Zoning Bylaw”

2. A copy of the Purchase and Sale Agreement dated May 29, 2001, between Lilly S. Chin and Frank F. Chin, as Trustees of the Lilly S. Chin Realty Trust, the sellers, and Greg Hendershott and Sheri A. Horton, the buyers, which contained a copy of the approved ANR Plan.

3. A History prepared by Frank F. Chin describing all approvals and conveyances from August 8, 1958 through June 22, 2001.

4. Copies of Plan of Land dated October 10, 1958 drawn by Gleason Engineering Company and Plan of Land dated December 3, 1968 drawn by Gleason Engineering Company for approval by the Planning Board as Approval Not Required Plans under the Subdivision Control Law.

5. Photographs of the dwellings at 30 and 26 Lexington Road.

On July 24, 2001, the Planning Board reviewed the petition and stated that it had endorsed the ANR plan showing this land on June 19, 2001, and noted on the plan that although the endorsement may satisfy the requirements of the Subdivision Control Law for the filing of the plan, the endorsement does not certify compliance with zoning. This petition to the ZBA apparently is intended to address the zoning status of the lots. The Planning Board had no objection to approval of the petition.

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Petition of Lily S. Chin Realty Trust
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30 Lexington Road

Decision

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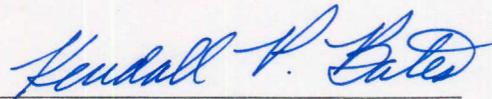
This Authority has made a careful study of the materials submitted and the information presented at the hearing. Neither the prior lot nor the subsequent lot conform to the current Zoning Bylaw as both lots have a minimum frontage of 40.05 feet.

It is the finding of this Authority that the conveyance of 2,503 square feet from 30 Lexington Road by the Lily S. Chin Realty Trust to Carol Chin, owner of 26 Lexington Road, shall not be substantially more detrimental to the neighborhood that was the prior lot as the nonconforming frontage has not changed due to the conveyance, nor has any new nonconformity been created.

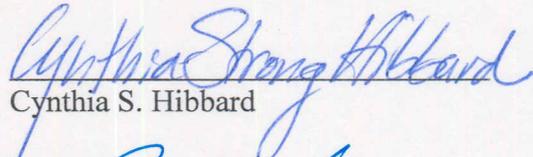
Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the conveyance of said 2,503 square feet from 30 to 26 Lexington Road as shown on the ANR Plan dated May 25, 2001, subject to the condition that the 2,503 square feet being conveyed stay and remains a part of the property at 26 Lexington Road in perpetuity, and shall never be an independent lot.

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.

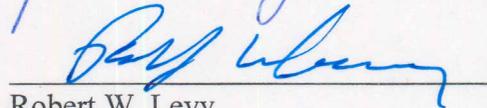
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman

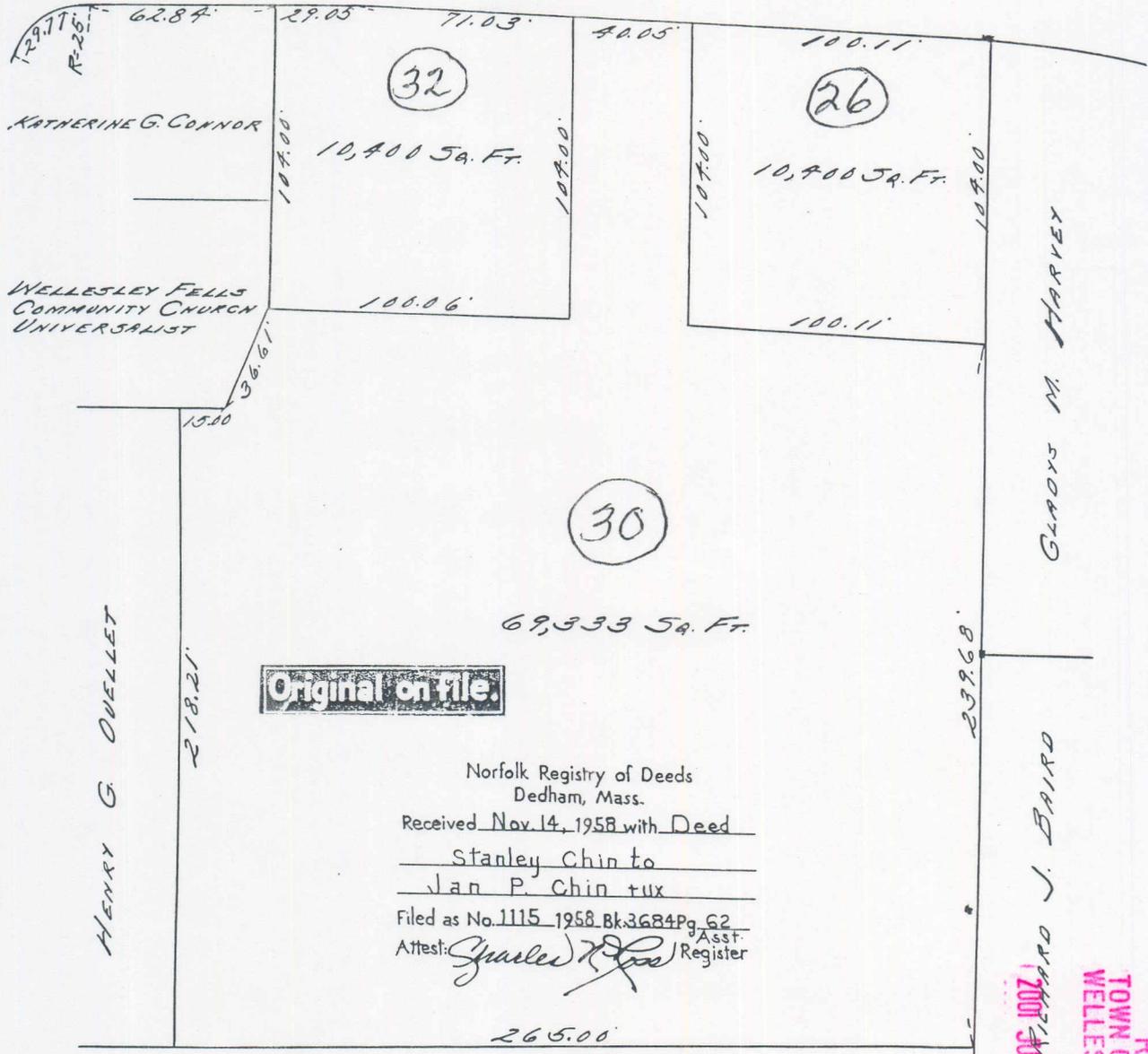


Cynthia S. Hibbard



Robert W. Levy

LEXINGTON ROAD



Original on file.

Norfolk Registry of Deeds
 Dedham, Mass.
 Received Nov. 14, 1958 with Deed
Stanley Chin to
Jan P. Chin ux
 Filed as No. 1115 1958 Bk. 3684 Pg. 62
 Attest: Charles J. Baird Asst. Register

GLADYS M. HARVEY

HENRY G. OUELLET

EDWARD J. BAIRD
 2001 JOL - 9 A 8 07

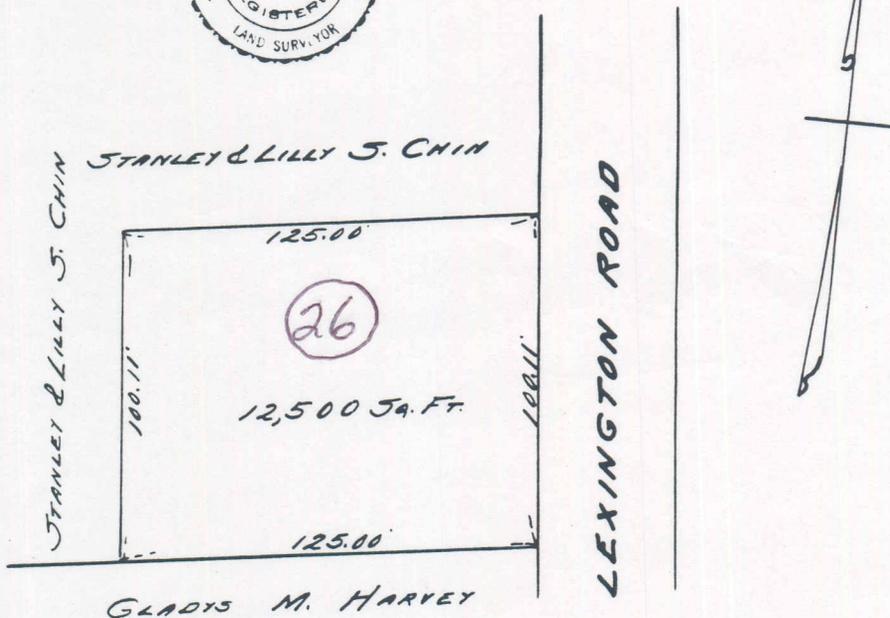
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PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
STANLEY CHIN
 SCALE 40 FEET TO AN INCH
 OCTOBER 10, 1958.
 GLEASON ENGINEERING COMPANY

Plan A

PLANNING BOARD APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW	
<u>Charles D. Bouson</u>	
<u>John C. Rhone</u>	
<u>Angus MacNeil</u>	
	October 17, 1958
PLANNING BOARD	
WELLESLEY PLANNING BOARD	

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
FRANK F. & CAROL M. CHIN
SCALE 40 FEET TO AN INCH
DECEMBER 3, 1968.
GLEASON ENGINEERING COMPANY



ORIGINAL ON FILE.

Norfolk Registry of Deeds
Dedham, Mass.
Received Mar 5 1969 with

Filed as No. 142 1969 BK 4578 Pg. 300
Attest: *James R. [Signature]* ASST. Register

PLANNING BOARD APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW

James P. [Signature]
Carol M. [Signature]
James R. [Signature]
James [Signature]

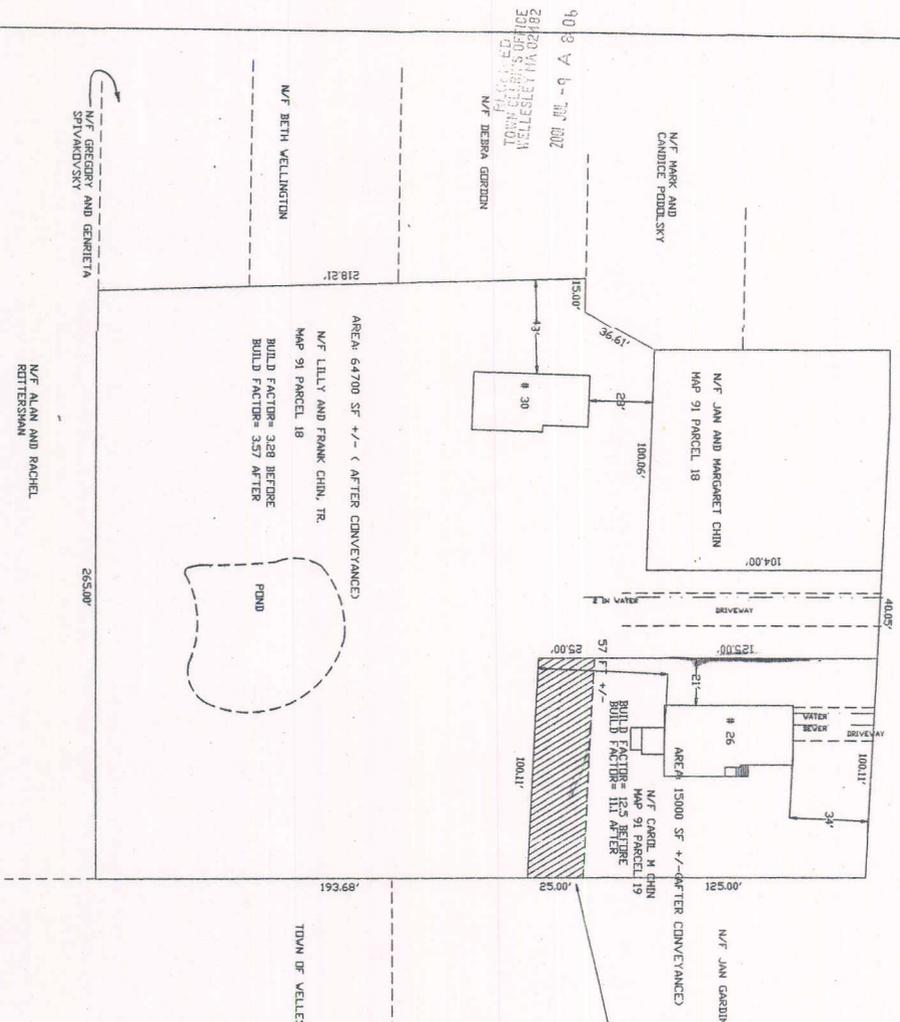
FEB 3 1969
WELLESLEY PLANNING BOARD

2001 JUL -9 A 8:07

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Plan B

LEXINGTON ROAD PUBLIC 40 FT



THE PURPOSE OF THIS PLAN IS TO CONVEY THE SHARED AREA OF LAND SHOWN AND CONSISTS OF 6300 SQUARE FEET.



THIS ENDORSEMENT SHALL NOT BE DEEMED TO CONSTITUTE A DETERMINATION OF COMPLIANCE IN ANY WAY WITH THE PROVISIONS OF THE ZONING BY-LAW.

DEED REFERENCE: BOOK 9405 PAGE 579
 PLAN REFERENCE: NORFOLK REGISTRY
 PLAN OF LAND IN WELLESLEY, MA
 DATED OCTOBER 29, 1965 BY WILLIAM GEASON,
 NORFOLK REGISTRY IN
 BOOK 4336 PAGE 157



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Frank Ierba
 FRANK IERBA, PROFESSIONAL LAND SURVEYOR
 DATE: 6-11-01

FOR REGISTRY USE ONLY

ZONE: SR-10 AND WATER SUPPLY PROTECTION DISTRICT

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

Rose Mary Donahue
Robert Hubert
John D. Pender
 PRS-01-6
 6/19/01

WELLESLEY PLANNING BOARD

PLAN OF LOT LINE ADJUSTMENT
 30 LEXINGTON ROAD
 WELLESLEY, MASSACHUSETTS

SCALE: 1" = 40'
 MAY 25, 2001

RECORD OWNER

N/F LILLY AND FRANK CHIN, TR.
 MAP 91 PARCEL 18

MASS BAY SURVEY
 259 WALNUT STREET
 NEWTONVILLE, MA

781-553-0299
 617-965-3859