

TOWN OF WELLESLEY



MASSACHUSETTS  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE  
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ROBERT W. LEVY

ZBA 2002-15

Petition of Richard F. Woerner and Deirdre M. Waarich

11 Hunnewell Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 28, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD F. WOERNER AND DEIRDRE M. WAARICH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the subdivision of the 36,704 square foot lot, with a minimum frontage of 82.87 feet, at 11 HUNNEWELL STREET, in a 15,000 square foot Single Residence District, into two lots as follows shall not be substantially more detrimental to the neighborhood than the existing nonconforming lot:

1. A 15,306 square foot lot, which is designated as unbuildable due to the absence of any frontage on a public or private way; and
2. A 21,398 square foot lot containing an existing two-story dwelling with detached garage, which has a minimum frontage of 82.87 feet in a district in which 100 feet is the minimum frontage required.

On February 11, 2002, 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 Richard Woerner, who said he owns the property at 18 Hastings Street, as well as the property at 11 Hunnewell Street, which abuts 18 Hastings Street at the rear. The lot in question is a long, narrow lot, as are the two lots at 15 and 19 Hunnewell Street, which are both owned by another party. The houses on all three lots are sited close to the street, while the rear of the lots were wooded. Several years ago, the owner of 15 and 19 Hunnewell Street clear cut the woods on the two lots.

Mr. Woerner explained that they would like to subdivide the lot at 11 Hunnewell Street in order to sell the front portion of the lot containing the house and garage, but wish to retain the wooded area at the rear of 11 Hunnewell Street as a screen for their home on Hastings Street. The Planning Board has approved the subdivision plan, but because the newly created front lot has a minimum frontage, the subdivision requires relief from the Zoning Board.

The Board noted that the Planning Board had no objection to the granting of the petition. The "ANR" plan was endorsed by the Planning Board on January 29, 2002.

The Board asked if Mr. Woerner planned to combine the rear lot (Lot 1) with his abutting property. Mr. Woerner said he has no plans to do so at this time.

No other person present had any comment on the petition.

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11 Hunnewell Street

Statement of Facts

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
FEB 27 10 19 AM '02

The subject 36,704 square foot lot, which contains a two-story dwelling and detached garage, is located at 11 Hunnewell Street, in a 15,000 square foot Single Residence District, and has a minimum frontage of 82.87 feet in a district in which 100 feet is the minimum required frontage.

The petitioners are requesting a Special Permit/Finding that the subdivision of the 36,704 square foot lot into two lots; a 15,306 square foot lot without frontage on any public or private way rendering said lot as unbuildable; and a 21,398 square foot lot with existing two-story dwelling and detached garage, with a minimum frontage of 82.87 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming lot.

A History of the Property, a Subdivision Plan of Land dated December 13, 2001, stamped by Peter Ditto, Registered Land Surveyor, signed by four members of the Planning Board on January 29, 2002 (PBC 02-3); and photographs were submitted.

On February 26, 2002, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit.

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.

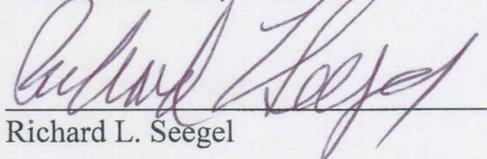
It is the finding of this Authority that the proposed subdivision of the 36,704 square foot lot into an unbuildable 15,306 square foot lot and a 21,398 square foot lot with minimum frontage of 82.87 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming lot as the subdivision shall neither intensify the existing nonconformance, nor shall it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to create two lots, an unbuildable 15,306 square foot lot and a 21,398 square foot lot containing the two-story dwelling and detached garage, which shall have a minimum frontage of 82.87 feet.

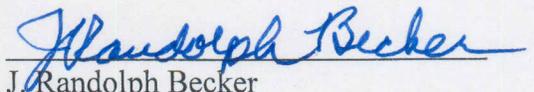
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Chairman

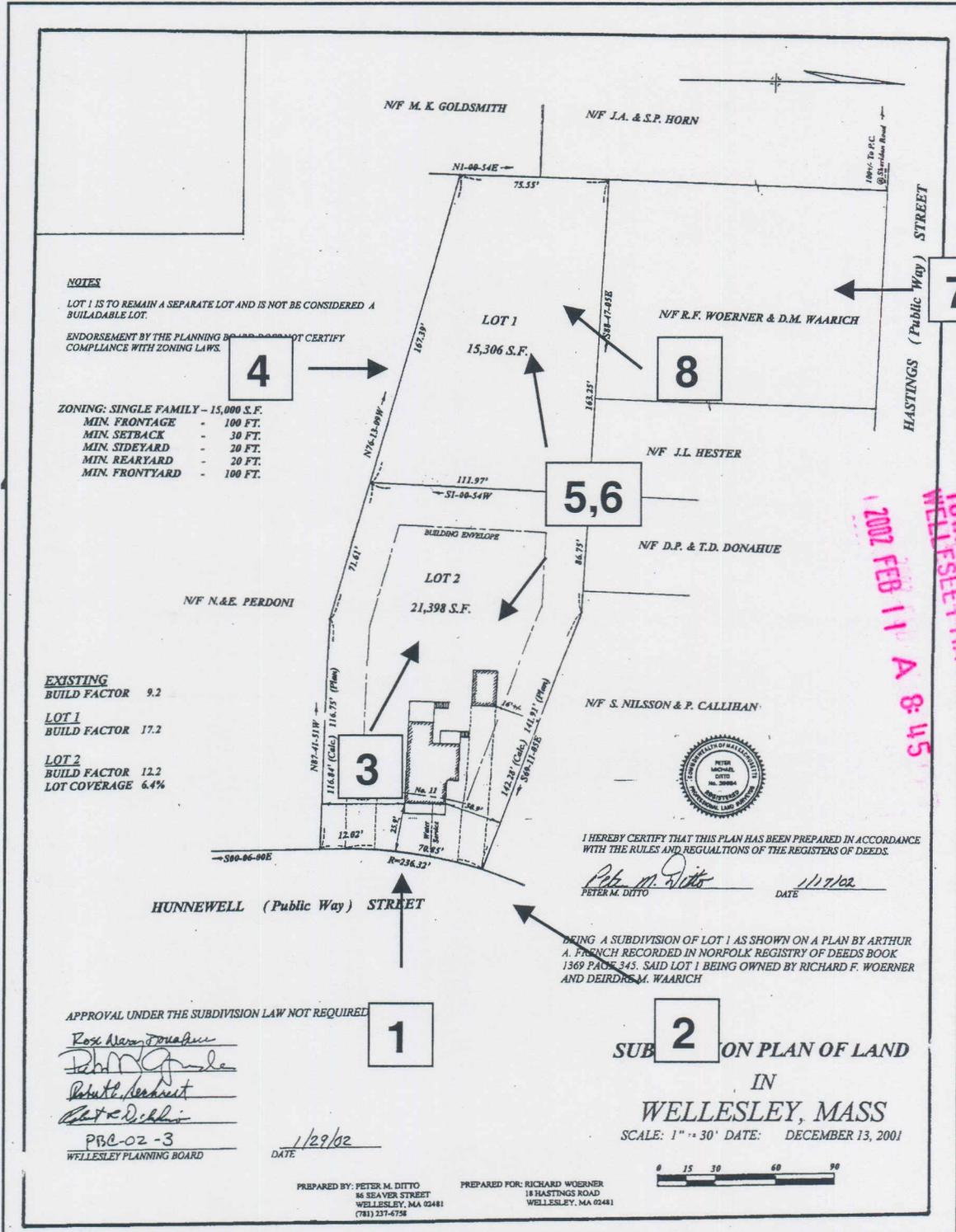


Richard L. Seegel



J. Randolph Becker

Cc: Planning Board  
Inspector of Buildings  
edg



**NOTES**

LOT 1 IS TO REMAIN A SEPARATE LOT AND IS NOT BE CONSIDERED A BUILDABLE LOT.

ENDORSEMENT BY THE PLANNING BOARD DOES NOT CERTIFY COMPLIANCE WITH ZONING LAWS.

- ZONING: SINGLE FAMILY - 15,000 S.F.**
- MIN. FRONTAGE - 100 FT.
  - MIN. SETBACK - 30 FT.
  - MIN. SIDEYARD - 20 FT.
  - MIN. REARYARD - 20 FT.
  - MIN. FRONTYARD - 100 FT.

- EXISTING**
- BUILD FACTOR 9.2
- LOT 1**
- BUILD FACTOR 17.2
- LOT 2**
- BUILD FACTOR 12.2
  - LOT COVERAGE 6.4%

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Peter M. Ditto*  
 PETER M. DITTO DATE 1/27/02

BEING A SUBDIVISION OF LOT 1 AS SHOWN ON A PLAN BY ARTHUR A. FRENCH RECORDED IN NORFOLK REGISTRY OF DEEDS BOOK 1369 PAGE 345. SAID LOT 1 BEING OWNED BY RICHARD F. WOERNER AND DEIRDRE M. WAARICH

APPROVAL UNDER THE SUBDIVISION LAW NOT REQUIRED

*Rox Ann Donahue*  
*Debra M. G... ..*  
*Robert A. ... ..*  
*Robert ... ..*  
 PBC-02-3  
 WELLESLEY PLANNING BOARD

DATE 1/29/02

PREPARED BY: PETER M. DITTO  
 88 SEAVER STREET  
 WELLESLEY, MA 02481  
 (781) 237-6758

PREPARED FOR: RICHARD WOERNER  
 18 HASTINGS ROAD  
 WELLESLEY, MA 02481

SUB **2** DIVISION PLAN OF LAND  
 IN  
 WELLESLEY, MASS  
 SCALE: 1" = 30' DATE: DECEMBER 13, 2001



Photo Location Guide

**NOTES**

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ENDORSEMENT BY THE PLANNING BOARD DOES NOT CERTIFY COMPLIANCE WITH ZONING LAWS.

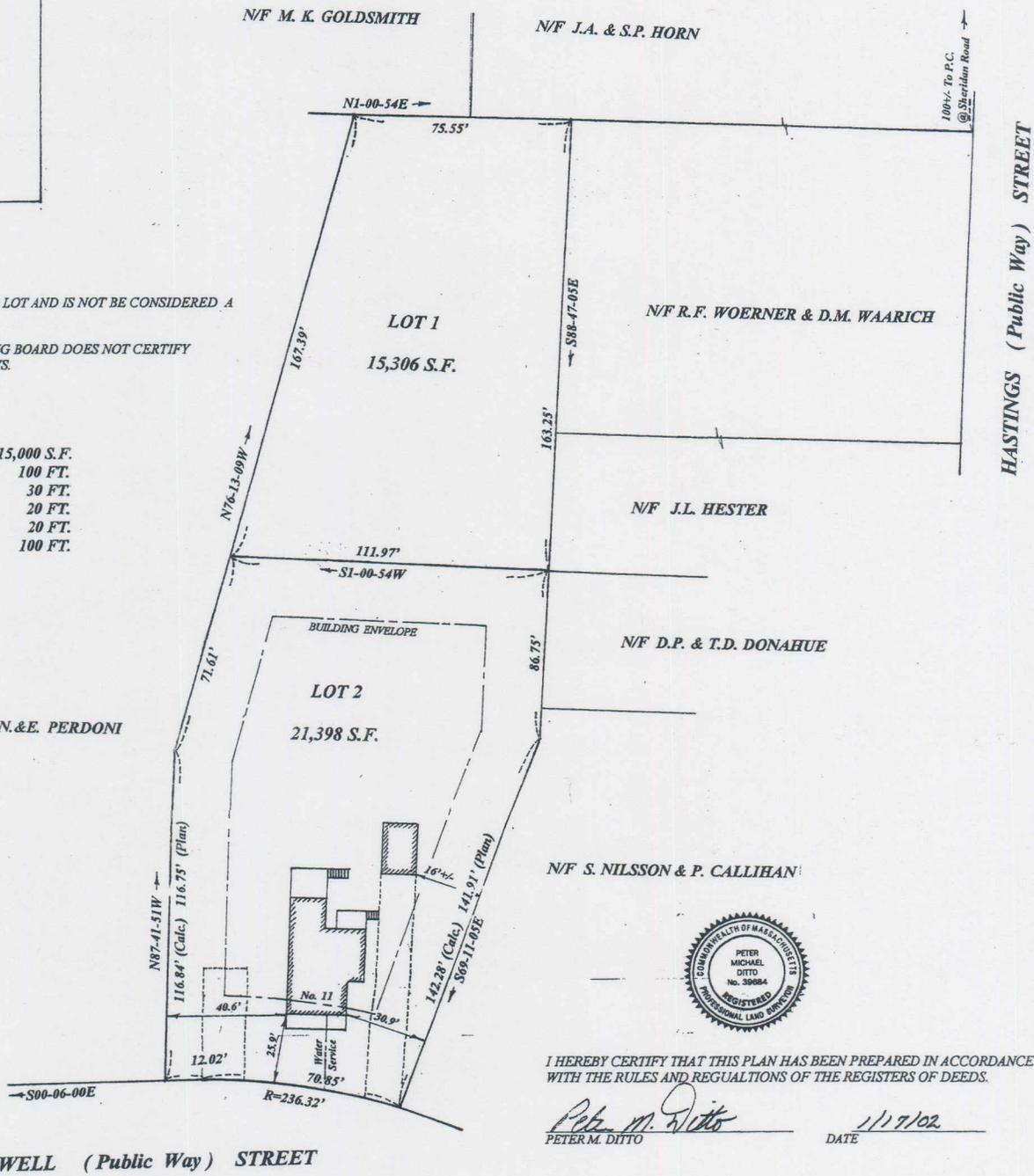
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- MIN. REARYARD - 20 FT.
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**EXISTING**  
BUILD FACTOR 9.2

**LOT 1**  
BUILD FACTOR 17.2

**LOT 2**  
BUILD FACTOR 12.2  
LOT COVERAGE 6.4%



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Peter M. Ditto*  
PETER M. DITTO DATE 1/17/02

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APPROVAL UNDER THE SUBDIVISION LAW NOT REQUIRED

*Rose Mary Donahue*  
*John M. Gonsky*  
*Robert L. Reschert*  
*Robert D. D'Alonzo*  
PBC-02-3  
WELLESLEY PLANNING BOARD

1/29/02  
DATE

**SUBDIVISION PLAN OF LAND**  
IN  
**WELLESLEY, MASS**

SCALE: 1" = 30' DATE: DECEMBER 13, 2001



PREPARED BY: PETER M. DITTO  
86 SEAVER STREET  
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