

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2002 OCT 18 A 9 30

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ZBA 2002-58
Petition of Nineteen Oakland Circle Realty Trust
19 Oakland Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 2002 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 NINETEEN OAKLAND CIRCLE REALTY TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 55 foot by 34 foot addition with less than the required front yard setback, to its nonconforming dwelling with less than the required front and left side yard setbacks at 19 OAKLAND CIRCLE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 10, 2002, 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 Thomas Fields, Trustee of the Nineteen Oakland Circle Realty Trust. Using an enlargement of the plot plan, Mr. Fields showed the portion of the proposed addition that would be nonconforming.

The Board read into the record the comments submitted by the Planning Board. In the opinion of the Planning Board, the project was effectively a "tear-down" and rebuild. Assuming this was correct, the applicant would require Planning Board approval of the adequacy of the way. Oakland Circle is an extremely narrow unaccepted street with little realistic prospect for widening based on the proximity of the buildings to the street. The Planning Board was of the opinion that it would be unwise of the town to approve such a project in view of the needs of emergency vehicles to access the site, and because the street is served by a 2 inch water line, which is inadequate for hydrant fire flow. The Planning Board opposed the granting of the request.

The Board discussed the issue of addition versus tear-down. Mr. Fields said that the Building Inspector had told him that as long as he left walls and a floor, or 51% of the structure, it would not constitute a tear-down. The Board stated that, based on the submitted drawings, it could not make that determination.

The Board further stated that the submitted plans were inadequate in that there is no indication of north, the location of the street or the relation of the addition to the existing house. The addition is in one configuration on the plot plan and 180 degrees to that in the construction drawings.

The Board was of the opinion that the proposed increase in lot coverage from 6.8% to 24.4% would be substantially more detrimental to the neighborhood on an undersized lot of 7,600 square feet, in a

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neighborhood the general feel of the neighborhood is small, cottage type older homes. The Board suggested that the hearing be continued to give Mr. Fields an opportunity to submit more complete plans. The hearing was continued to September 19, 2002.

Public Hearing – September 19, 2002

Presenting the case at the hearing was Thomas Fields, Trustee of the 19 Oakland Circle Realty Trust. Mr. Fields said that, based on the Board's comments at the June hearing, he has revisited the design and has eliminated the deck and a portion of the living room, thereby reducing the footprint by 244 square feet. The back of the house has been changed to have a pitch, and one of the gables above the garage has been removed. All the new setbacks are now conforming.

The Board noted that the Planning Board stated that its previous concerns had been addressed regarding the design of the house, but still expressed concern regarding the 2 inch water line and the very narrow right-of way and traveled way. The Planning Board recommended consultation with the Department of Public Works regarding these items.

Mr. Fields explained that the proposed plans show that the front door and windows will remain in place. The height of the roof has been lowered, and the front has been jogged in to break up the mass. In regard to the issue of tear-down versus addition, the entire basement and first floor will remain. The plans show what portions of the building will be changed. The rear wall will also remain due to structural reasons.

The Board complemented Mr. Fields on the revised plans, and stated that keeping the front door, windows, and the rear wall in their existing location confirms that the addition is truly an addition and not a tear-down and new construction.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 19 Oakland Circle in a 10,000 square foot Single Residence District on a 7,654 square foot lot, with a minimum front setback of 11.17 feet and a minimum left side yard setback of 13.78 feet.

The original petition was a request for a Special Permit/Finding that the construction of a 55 foot by 34 foot two-story addition with a minimum front yard setback of 20.35 feet, which would cover 24.4% of the lot, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure..

A Plot Plan dated June 3, 2002, stamped by Luis F. Bruno, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 10, 2002, drawn by Philip Minervino Associates; and photographs were submitted.

On September 6, 2002, a Plot Plan dated September 5, 2002, stamped by Jeffrey P. Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation drawings dated September 3, 2002, drawn by Philip Minervino Associates were submitted.

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The revised plans showed a 56 foot by 21.5 foot two story addition with a minimum front setback of 20.62 feet, which would cover 21.2% of the lot.

On September 10, 2002, the Planning Board reviewed the revised petition and stated acknowledgement and appreciation of the changes from the previous plan. The changes likely serve to maintain the character of the house. It is felt that any concerns that the Board had in this regard pertaining to the previous version of the project have been addressed. However, the Board remains concerned about the water service on the street being by a 2" water line and the very narrow right-of-way and traveled way. The potential for expansion of other properties on this street is also noted. The Board suggests consultation with the Department of Public Works on these issues.

Decision

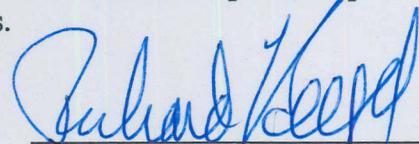
This Authority has made a careful study of the materials submitted and the information presented at both public hearings. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed construction of the two-story 56 foot by 21.5 foot two-story addition, with a minimum front setback of 20.62 feet, which would cover 21.2% of the lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for although the nonconformance will be intensified, no new nonconformance will be created as the left side yard setback of the addition is in compliance and the front setback is substantially less nonconforming than that of the existing structure.

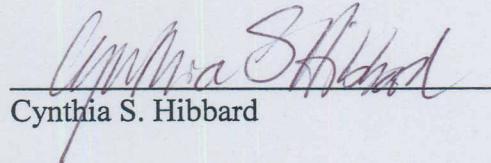
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the September 19, 2002 Public Hearing, for construction of the two-story 56 foot by 21.5 foot two-story addition in accordance with the Plot Plan dated September 5, 2002 and the construction drawings dated September 3, 2002. Although not required, the Board recommends consultation with the Department of Public Works prior to the onset of construction.

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.

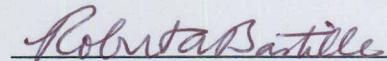
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERALS LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



Cynthia S. Hibbard



Robert A. Bastille

Cc: Planning Board
Inspector of Buildings
edg

N/F
SARA P. HARPER
BK 6275 PG 183

IRON PIPE WITH PIN
IN CONC. (HELD)



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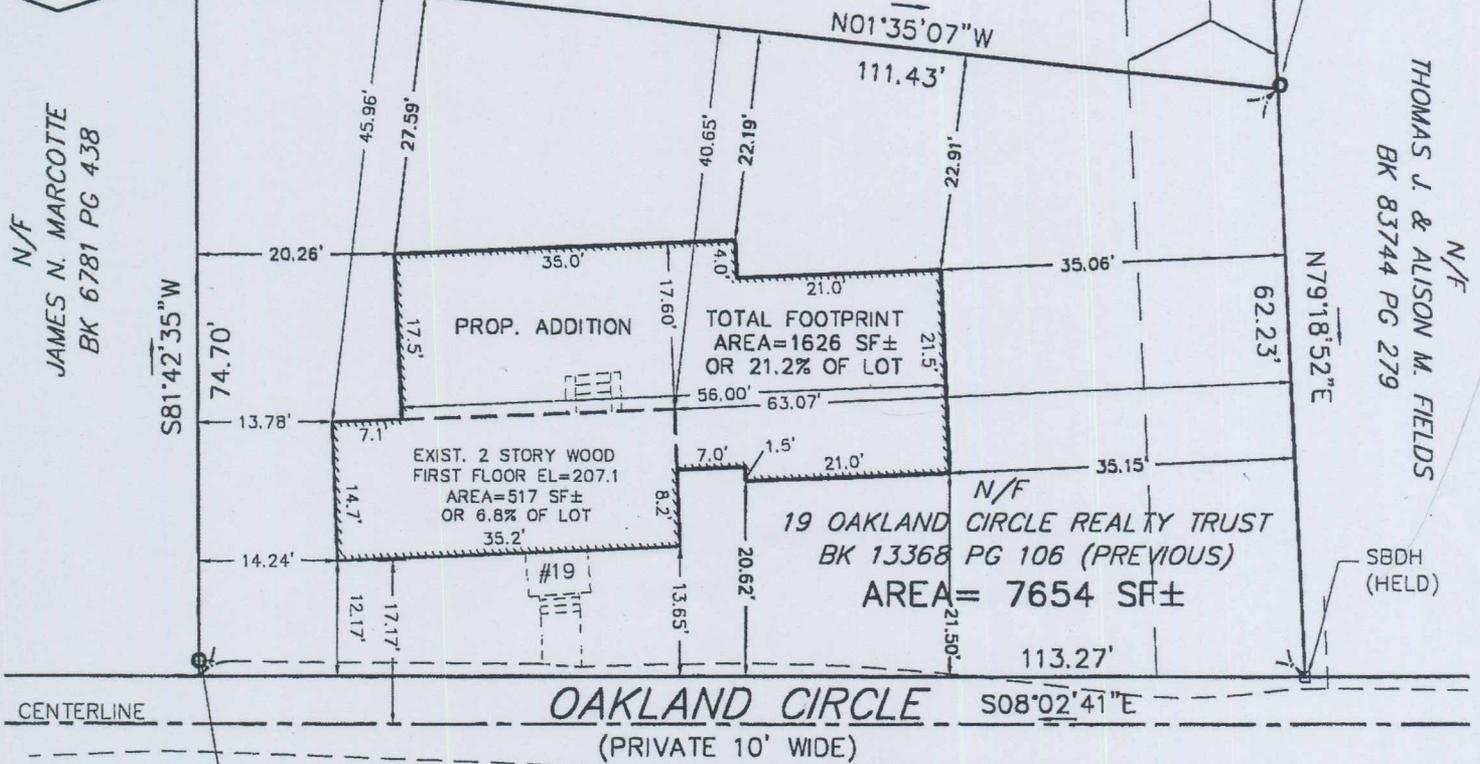
N/F
CHARLES V. & NORMA J. KAMAR
BK 5573 PG 372

QUALITY EASEMENT

IRON PIPE
(BENT)

N/F
JAMES N. MARCOTTE
BK 6781 PG 438

N/F
THOMAS J. & ALISON M. FIELDS
BK 83744 PG 279



REBAR BENT AT
GROUND (P.O.L. 1.6'
FROM CORNER)

UP #5/TBM#1 SPIKE
EL=204.90

N/F
EDITH F. LENTINI
BK 3424 PG 14

N/F
CHRISTINA M. BROWNE

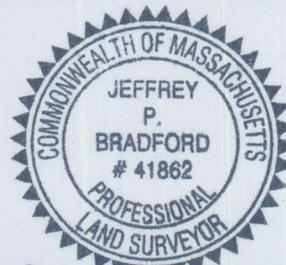
PLAN OF LAND IN WELLESLEY, MA

SHOWING PROPOSED ADDITION TO #19 OAKLAND CIRCLE

PREPARED FOR: 19 OAKLAND CIRCLE REALTY TRUST

SCALE: 1"=20' DATE: 9/05/02

I CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF
THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS



Jeffrey P. Bradford 9/5/02
REGISTERED LAND SURVEYOR

PLAN REFERENCES

- MIDDLESEX SOUTH REGISTRY—DEDHAM
- PLAN #262 OF 1924 BOOK 1596 PAGE END
- PLAN #093 OF 1923 BOOK 1548 PAGE 33
- PLAN #663 OF 1922 BOOK 1540 PAGE 86
- PLAN #XXX OF 1921 BOOK 1494 PAGE 243
- PLAN #583 OF 1975 BOOK 5155 PAGE 368
- PLAN #258 OF 1990 PLAN BOOK 391
- PLAN #279 OF 1927

THIS PLAN HAS BEEN COMPILED FROM AN
ACTUAL GROUND SURVEY AND RECORDED
DEEDS AND PLANS.

0 10 20 40 60



SCALE: 1" = 20'