

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Malcolm Magnante

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:15 p.m. on December 28, 1971, on the petition of Malcolm Magnante, requesting a variance from the terms of Section XIX of the Zoning By-law which will permit him to enlarge and enclose the existing porch on the side of the dwelling at #11 Bobolink Road and provide a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On December 6, 1971, the petitioner filed his request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

At the hearing Norman Magnante spoke in support of the request.

Theodore and Margaret E. Dada, 59 Cedar Street spoke in opposition to the request. In their opinion, if such a variance were granted it would establish a precedent for other houses in the neighborhood.

Statement of Facts

The house involved, which was built in 1955, is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The lot involved contains 15,643 square feet.

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The petitioner seeks permission to construct an addition 4' x 12' on the side of the existing porch and convert same into a music room. The proposed addition, if built, will lie 16.3' from the slot line on the northerly side at the nearest point. It was pointed out that the existing porch is narrow, approximately 10' x 12', and to add to the length of the porch would result in a long narrow room which would not only be impractical but would not be attractive from the exterior. It was further pointed out that there is a sharp drop at the rear of the dwelling, possibly 20' or 30' which makes it almost impossible to construct a room at the rear of the dwelling. For these reasons, the petitioner feels that undue hardship will result unless the request is granted.

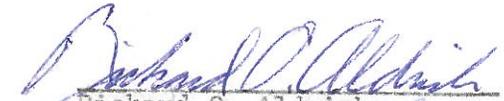
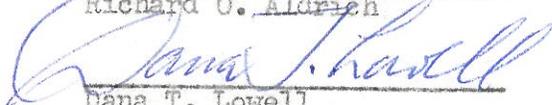
A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, which showed the existing dwelling on the lot as well as the proposed addition.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1955, on a lot which adjoined other land of the same owner on April 1, 1940. The Board, therefore, is not authorized to make a special exception under Section XIX of the Zoning By-law

as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15. Bobolink Road was developed during the past fifteen years, and it appears to the Board that all the dwellings in the area have side yards at least the minimum width of twenty feet. The Board feels that to allow an encroachment of this kind, even though slight, would be detrimental to the neighborhood and would establish an undesirable precedent. Moreover, the Board feels that the petitioner can provide the desired room in conformity with the Zoning By-law by constructing it at the rear, even though at some added expense, or on the other side of the dwelling which has ample space. Therefore, the Board finds no "substantial hardship" within the meaning of Chapter 40A, Section 15, of the General Laws.

Accordingly, the request is denied and the petition dismissed.

  
Richard O. Aldrich  
  
Dana T. Lowell  
  
Robert T. Colburn

Filed with Town Clerk \_\_\_\_\_

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MAY 2 1945

TEMPLE BETH ELOHIM



LOT 20A  
15,643<sup>4</sup>

JASON H. & ELEANOR SAMUELS

108.98'

30.45'

87.07'

FRANCIS J. &  
ANITA L. TREMBLEY

40.60'

ROSE P.

FEDELE

BOBOLINK

L=105.59'  
R=263.63'

EX. HSE.

PROP  
ADDITION  
4' x 12'

PROX  
PROX

163'

187'

119.61'

APPROVED BY:  
WELLESLEY BOARD OF  
APPEALS.

DATE: \_\_\_\_\_

BLUEBIRD  
RD.

R.D.

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

MALCOLM MAGNANTE

SCALE: 1" = 20'

NOVEMBER 9, 1971



JOSEPH R. SULLIVAN  
REGISTERED LAND SURVEYOR

PLAN BY:  
MAC CARTHY ENGINEERING SERVICE INC.  
NATICK & MARLBOROUGH, MASS.