

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
JAN 13 1973

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Clarence N. Holman, Trustee
of the C. E. Holman Trust

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 8:25 p.m. on February 1, 1973, on the appeal of Clarence N. Holman, Trustee of the C. E. Holman Trust, from the refusal of the Inspector of Buildings to issue a permit for the construction of a one-story commercial building on the premises at 595 Washington Street. The reason for such refusal was that said building would violate Section 311.6, Location of Buildings, of the BOCA Basic Building Code of Wellesley which requires that all such buildings shall be placed at least forty feet from the center line of any public or private street.

On December 26, 1972, the appellant filed an application for a building permit to construct the building involved and on January 8, 1973, the Inspector of Buildings notified the appellant in writing that a permit could not be issued for the proposed building for the above-mentioned reasons. Thereafter, an appeal was taken and notice of the hearing was given by mailing and publication.

Gordon P. Ramsey, attorney for the appellant, spoke in support of the appeal at the hearing.

Barbara H. Whitcomb, daughter of the appellant, spoke in favor of the request.

Nancy Erne, 52 Leighton Road, also spoke in favor of the request.

Letters favoring the request were received from James T. Deuel, Innkeeper of the Treadway Wellesley Inn, 576 Washington Street, and Frank S. Waterman, 3rd, President of J. S. Waterman & Sons, 592 Washington Street.

An inquiry was made by David C. Wiswall, owner of adjacent property on Wiswall Circle, relative to the manner in which the drainage problem will be handled.

Subsequent to the hearing a letter was received from Barbara H. Whitcomb, in which she stated that she had checked with Mr. Clarence Holman regarding the possibility of a drainage problem on the site and was assured by Mr. Holman that work had been done on the property and the drainage problem on the parking lot had been corrected.

Statement of Facts

The property involved, which contains 68,972 square feet has two business blocks located on it as well as two small accessory buildings and an old market building which has not been used for fifteen years.

The appellant intends to raze the old building and seeks permission to construct in its place a one-story building to be used for business purposes

The proposed building has been designed to extend from the southerly boundary line to the existing block of stores on the lot and will fill in a twenty-foot open space which now exists between the two buildings. If built, it will be 46' across the front, 25' across the rear and 10 1/2' deep and will be located 28' back from Washington Street at the southeasterly corner and 30' from the center line of Washington Street at the nearest point rather than 40' as required by Section 311.6, of the BOCA Basic Building Code of Wellesley.

At the hearing the attorney for the appellant stated that, it was his opinion, that the Building Inspector was incorrect in his ruling relative to the application of the setback restriction of the BOCA Building Code of Wellesley, however, if the Board agreed with the ruling, he requested that a variance be granted which would allow the building to be constructed as described above.

He further stated that the proposed building has been designed to continue approximately the line of the existing block of stores on the lot and if it were to be located back an additional ten feet, as required by the by-law, it would be difficult to be seen by those approaching it and would be less attractive. The appellant would also be losing approximately 360 square feet of business space which he felt would not only be beneficial to the appellant but to the public as well.

A plot plan was submitted, drawn by Alexander Crucoli, Land Surveyor, which showed the existing buildings on the lot as well as the proposed building.

An architectural plan, consisting of floor plans and elevations was also submitted. Said plan was drawn by Marilyn Fraser, Architect, dated October 27, 1972.

Decision

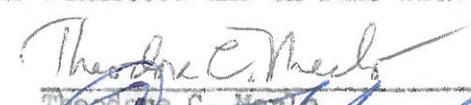
The Board has made a careful study of the plans submitted and has taken a view of the locus. In its opinion, the construction of the proposed building in the desired location will not create any fire risk in the area, and will not injure the community from the point of view of general appearance. In fact, it is the unanimous view of the Board that the community will benefit aesthetically from the construction of the new building.

The Board has given due regard to the general intent and purpose of the Code with respect to the setback requirement, and in its opinion, it was not contemplated to apply along a street such as in this case, where a line has been established with buildings already located less than the required setback. The result of granting a variance in this case will merely permit the construction of another building in line with similar buildings on the street. In addition, the proposed construction is in an area where no street widening is contemplated and sidewalks are sufficiently wide to accommodate the public.

It is, therefore, the opinion of this Board that the requested variance may be granted for the proposed construction of the building involved and the Building Inspector is authorized to issue a permit for the construction of the proposed building in accordance with the plans submitted and on file with this Board.

Filed with Town Clerk

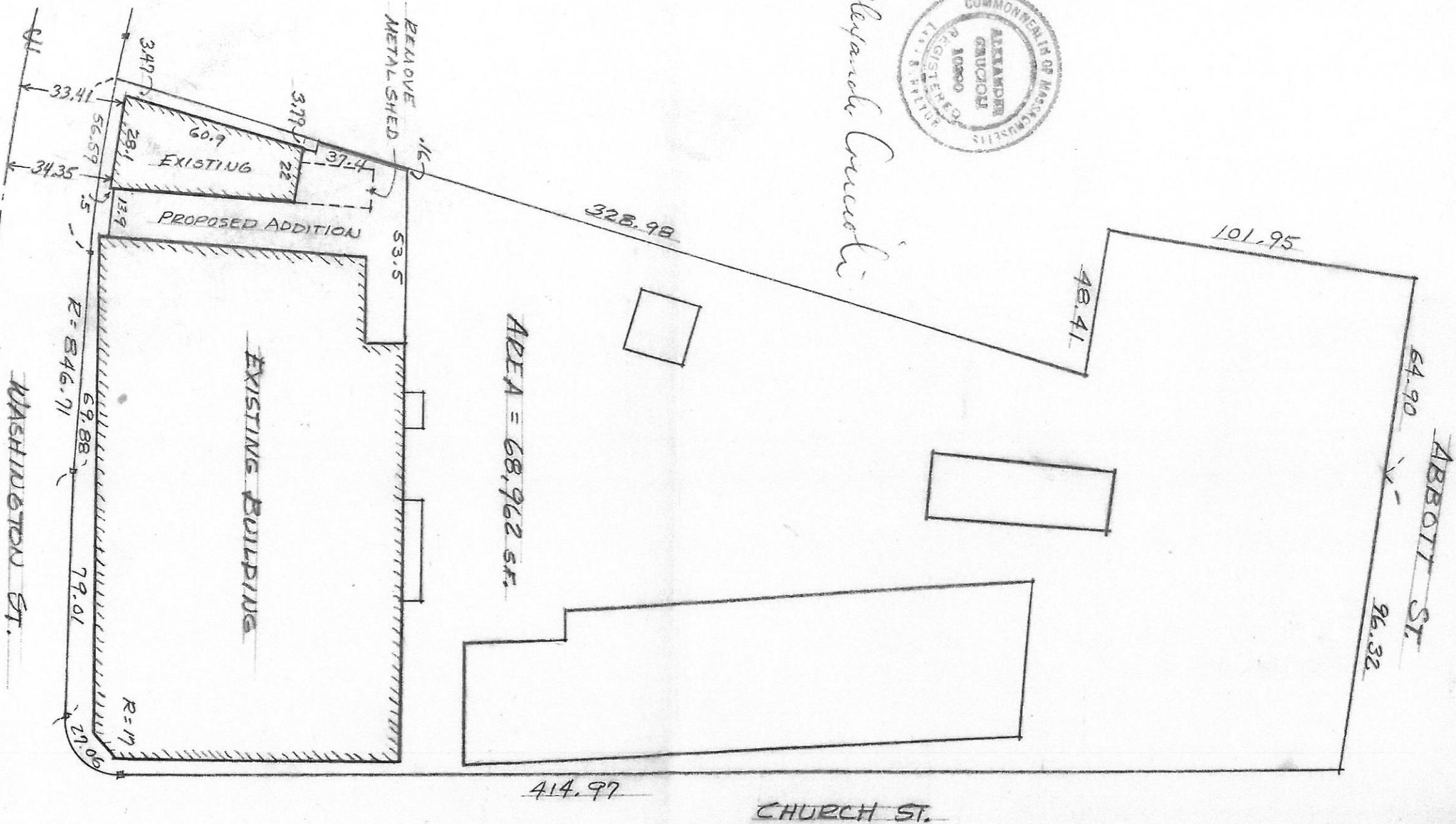

F. Lester Fraser


Theodore C. Merlo


Dana T. Lowell



Alexander Gaudin



AREA = 68,962 S.F.

EXISTING BUILDING

PROPOSED ADDITION

REMOVE METAL SHED

WASHINGTON ST.

CHURCH ST.

ABBOTT ST.

12-2-74