

TOWN OF WELLESLEY



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BOARD OF APPEAL

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Administrative Secretary
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Petition of L. Grignaffini & Sons, Inc.

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 January 23, 1975, on the petition of L. Grignaffini & Sons, Inc., requesting a variance from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will allow the construction of a four unit house at 36 Oak Street, with an area less than the minimum required of 5,000 square feet for each dwelling unit. Said petition was made under the provisions of Section XVIII of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On December 30, 1974, the petitioner filed its request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

C. Joseph Grignaffini, Treasurer of the firm, represented the petitioner at the hearing.

Eight letters favoring the request were submitted at the hearing.

Statement of Facts

The property involved is located within a General Residence District requiring a minimum lot area of 10,000 square feet and not less than 5,000 square feet for each family for whose habitation each building is designed or adapted. The property contains an area of 48,000 square feet with one five-unit Town house and a single-family house.

The petitioner seeks permission to add four units to the existing single-family dwelling. It was pointed out at the hearing that three units could be added without a variance, but it would not be economically feasible due to the construction costs versus the rental market. The area is short 2,000 square feet or 200 square feet per unit, which, in the opinion of the petitioner, is not a substantial amount. It is proposed, if permission is granted, to construct the new units in the same design and quality of the existing five-unit building. A garage for each unit will be provided which it is felt, will not only benefit the area, but will also benefit the Town in taxes.

Decision

The Board has viewed the premises and the neighborhood in which the proposed four new town houses would be located. The present six town houses (which include the refurbished older house at #38 Oak Street) are an attractive development and are in harmony with the neighborhood as a whole.

The petitioners contend, and this Board has no reason to disagree, that they could not economically develop the recently acquired lot to the same attractive standards as the existing town houses if they were permitted to build no more than three additional units. Therefore, the Board finds that substantial hardship would result from a literal enforcement of the area regulations of the Zoning By-law.

In this case desirable relief may be granted without substantial detriment to the public good. From its inspection the Board has determined that even with a density of one unit per 4800 square (instead of the required 5000 square feet) there will still be ample light, air, and space around the buildings.

The variance petitioned for may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. The area of 4800 square feet is only four percent less than the required minimum. However, the Board does not propose with this appeal (or any other appeal) to establish standards for what exceptions are "de minimis". Given the neighborhood in which the petitioners' town houses are located it is the Board's opinion that an exception of 200 square feet per unit is not a substantial variance from the Zoning By-law.

Accordingly, the requested variance is hereby granted, and the Building Inspector is authorized to issue a permit for the proposed four units in accordance with the plan submitted and on file with this Board, subject to the following condition:

1. That upon completion of the building a complete set of architectural plans, including a complete set of mechanical plans, shall be submitted to this Board at least ten days prior to occupancy of the building.

Henry H. Thayer
Henry H. Thayer

F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

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