



BOARD OF APPEAL

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 FRANCIS L. SWIFT
 HENRY H. THAYER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Ovidio and Ines Verdelli

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 8:35 p.m. on May 6, 1976, on the petition of Ovidio and Ines Verdelli, requesting an exception from the terms of Section XVIII D. 1., Area Regulations, of the Zoning By-law, which will allow the construction of three town houses in addition to the existing dwelling on the property at 10 Everett Street. The fourth dwelling unit on the premises will have only 3,070 square feet rather than the required 5,000 square feet for each unit. Said petition was made under the provisions of Section XXIV of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On February 28, 1976, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Thomas J. Carens, Attorney, represented the petitioners.

Felix Juliani, 6 Sylvester Terrace, spoke in support of the request and stated that he felt the proposed town houses would enhance the neighborhood. He called attention to Oak Manor, which is a similar complex on Oak Street and felt that it has been an asset to that neighborhood. He further pointed out that there are many people in the Town who now find the need to live in town houses, such as the proposed units would provide, and he felt that they should have the opportunity to stay in the Town.

The Planning Board opposed the granting of the request, as it felt that by adding the fourth unit on the site, the increase in density would be too substantial for favorable action.

Statement of Facts

The parcel involved, which contains 18,070 square feet 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 third unit in the proposed construction will have only 3,070 square feet allocated to it and therefore violates the terms of Section XVIII D. 1.

The petitioners seek permission to construct three town houses to be attached to the existing single-family dwelling on the lot. It was stated that the property involved abuts business-zoned property on the south on which there is a four-story office building, across the street on the southeast corner of Linden Street and Everett Street is a business block devoted to various uses; adjacent to this block on the north is a parking lot used for commercial purposes and across the street from the property involved is a vacant lot with a car wash and Taylor Rental Service just beyond. To the southwest are located two three-family houses, on the west is a single family house and on the northwest is a two-family house and immediately to the north is a single-family house.

The main purpose of the proposed construction, it was stated, is to create an income producing property so that the petitioners will be able to support themselves in their retiring years in the absence of any pension benefits. Mr. Verdelli, it was stated, is a self-employed contractor and his wife is also employed. They came to this country from Italy in 1968 and acquired the property involved in 1969. Since then, they have lived in the house with their three children and feel that the proposed construction will not only continue to provide a home for them but will offer much needed space for residents of Wellesley.

Two units could be built, it was stated, without obtaining permission from the Board of Appeal, however, it would raise the price per unit to the point where the return would be less than 3% on their investment, which would make the project economically and advantageously impossible. It was also pointed out that the proposed density will have little effect on conditions in the area because of the basic business atmosphere of the neighborhood and its proximity to heavily travelled Linden Street. The proposal is for three parking spaces per unit which should provide ample off-street parking, as each of the proposed units will be relatively small with only two bedrooms.

Decision

Upon examination of the plans submitted and a view of the locus, it was found that the property involved abuts business-zoned property which is developed with an office building and is across the street from industrial-zoned property, which is used for various business uses and general-residence-zoned property, on which there is a single-family dwelling. It was also observed that to the north of the property involved, there is a single-family dwelling and beyond that a development of single and two-family dwellings. Everett Street is a short street which runs between Linden Street, a very heavily travelled road, on the south and Westerly Street, a residential street on the north, placing the property involved between a business area and a residential area. The third unit in the proposed complex will have only 3,070 square feet of lot space rather than 5,000 square feet as required and the existing structure together with the proposed three units will occupy 2,708 square feet of ground coverage. The evidence submitted relative to the feasibility of constructing the allowable two units and that it would be economically impractical has been studied carefully by this Board.

After considerable study of all the facts in this case, Mr. Glod would grant a special exception from the application of the area requirement of the Zoning By-law, as in his opinion, the facts satisfy the conditions set forth in Section XVIII of the Zoning By-law on which the Board's authority to grant a special exception depends.

Messrs. Swift and Fraser, however, do not agree and would deny the request. The plan, in their opinion, as proposed by the petition is in effect, a proposal to erect a second building on the lot presently containing a single-family dwelling, which second building is to house three dwelling units, each separate and distinct from the others and from the existing dwelling. Being attached, however, to the rear corner of the existing dwelling, serves to make the additional proposed structure, one unit of four dwellings.

The lot as described is located on a heavily travelled, narrow, short street, being the southern connector section of two other roadways

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connecting Linden Street and Worcester Street, both also heavily travelled highways.

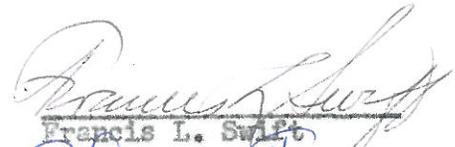
To construct three dwelling units in such a congested area would add an undue burden to existing conditions. As proposed the Board members Messrs. Swift and Fraser are of the opinion that there is insufficient space for access to and from the garage units to be constructed, and when seasonal weather conditions are added in, the in access space would be further diminished.

Messrs. Swift and Fraser are of the further opinion that fire protection cannot reasonably be afforded, and apparatus could not be accommodated on the proposed access.

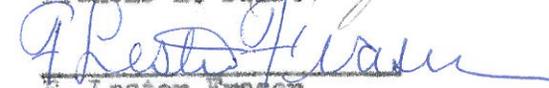
It is the view of these members that the economic and financial advantages to be gained by the petitioners must be weighed with the development of the Town and the safety of its residents.

Messrs. Swift and Fraser do not find that the lot would not be readily salable nor economically or advantageously used for building purposes. It does find that the plan as submitted would derogate from the intent of the Zoning By-law.

The request, therefore is denied and the petition dismissed.



Francis L. Swift



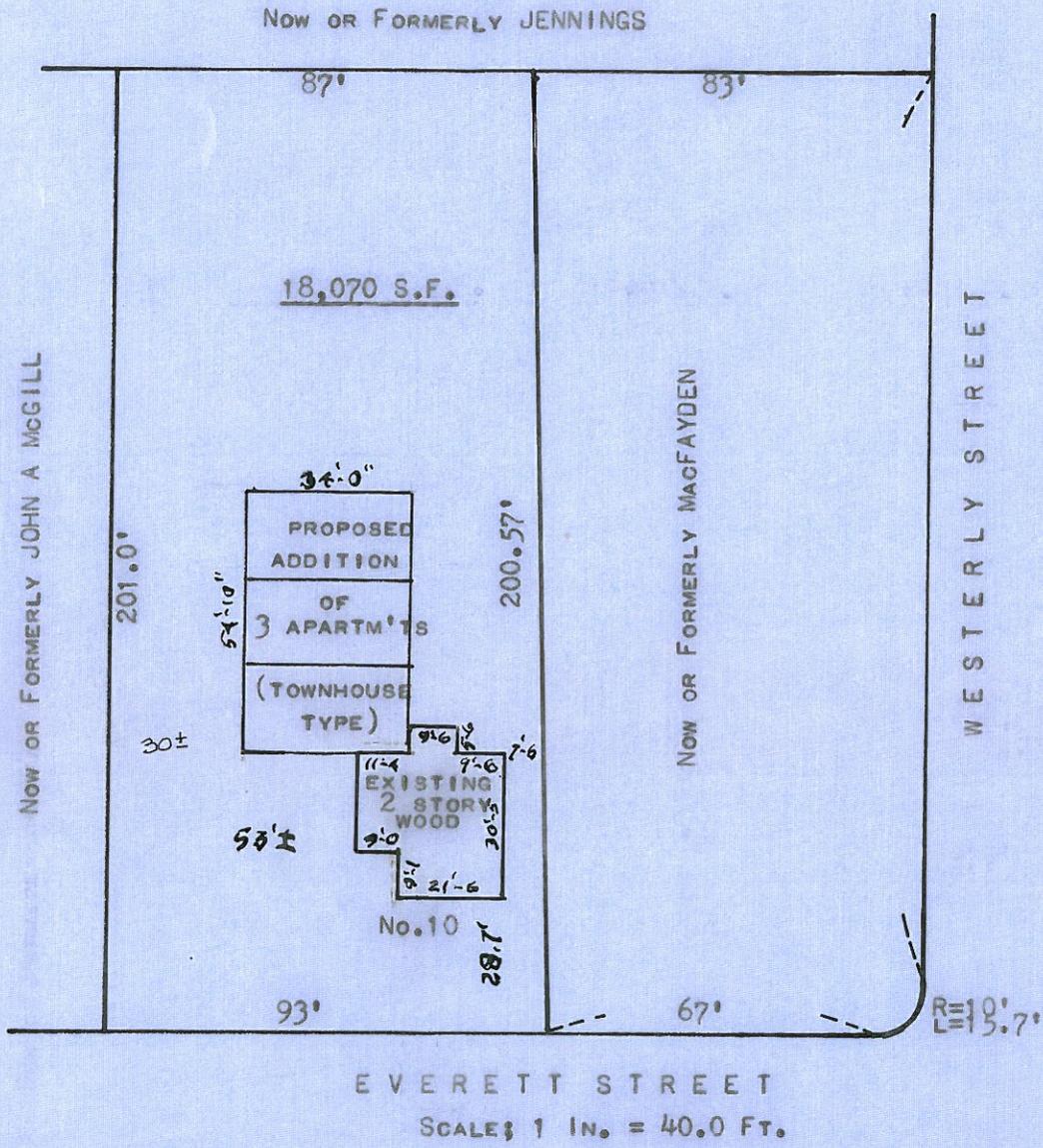
F. Lester Fraser



Stanley J. Glod

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THIS SURVEY PLAN TAKEN FROM
A PLAN BY
JOSEPH SELWYN, C.E.
14 LINDEN STREET
BELMONT, MASS.
DATED JAN. 31, 1969

PROPOSED ADDITION OF THREE APARTMENTS
TO THE EXISTING ONE FAMILY RESIDENCE

OF
OVIDIO AND INES VERDELLI
10 EVERETT STREET
WELLESLEY, MASSACHUSETTS

Richard B. Rubin

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