

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

MAR 19 12 52 PM '81

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Petition of Judge and Mrs. James Langan

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, February 24, 1981 at 8:30 PM on the Petition of Judge and Mrs. James Langan, requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a single family dwelling to be located on the building lot adjacent to Wellesely Avenue and adjacent to the lot at 47 Amherst Road. A Variance is needed because the proposed dwelling will extend to within the twenty (20) foot side yard.

On February 2, 1981 the Petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of this request was Judge Langan who stated that the proposed dwelling if allowed, would be in keeping with the existing homes in the neighborhood. The house would be single floor living, a retirement home, for he and his wife as they presently reside at 47 Amherst Road and would like to continue to live in this neighborhood as they become senior citizens. The Variance is being sought to allow the proposed house to face Wellesely Avenue. Judge Langan points out that the distance from the proposed house to the lot line is 5 feet, the abutting property has a 10 foot easement running 12 feet from the lot line. Judge Langan maintains there is a distance of 27 feet that is unbuildable by anyone.

Frederick Glover, architect, stated the design of the house incorporates passive solar heating which requires the front of the house face onto Wellesely Avenue to take full advantage of the southern exposure to the rear.

The following persons were present at the Public Hearing: Bill Light of 39 Amherst Road; Madelone Hart of 11 Southgate Road; Alli Baghai of 3 Southgate Road; and Evelyn Walker of 2 Southgate Road. These abutters question if a precedent would be set in granting this Variance, some of them felt the size of this Variance was large, and one opposed any construction so as to avoid the loss of a lot with trees. Mr. Baghai stated that this Variance would necessitate the leveling of the natural tree barrier that presently exists at the lot line.

Letters favoring this request were received from Richard E. Marchetti of 50 Wellesely Avenue and Gilbert Strang of 7 Southgate Road.

The Planning Board in their letter of February 24, 1981 notes that the statutory Variance criteria do not appear to be present.



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Petition of Judge and Mrs. James Langan, continued

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Statement of Facts

The property in question is located in a Single Residence District requiring 10,000 square feet for a building lot, the subject property having 13,170 square feet. The proposed plan meets all of the Zoning Bylaws except the eastern side yard does not conform to the required twenty (20) feet, having only five (5) feet from dwelling to the lot line.

The proposed dwelling will be a single floor, single family residence. The eastern most part of the proposed structure will include a two car garage. The dwelling as proposed would have a five (5) foot side yard on the eastern side of the house. The locus is a square shaped lot, flat, with no apparent unusual soil or topographical conditions.

Decision

This Authority has made a careful study of all the evidence submitted. At least one member of the Board has taken a view of the locus. This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D 1 a., as required by General Laws, Chapter 40 A, Section 10.

This Authority is concerned with the encroachment of the proposed dwelling on the eastern side yard and is not persuaded that a single family dwelling, suitable for the intended purpose, could not be constructed without the need of such a Variance.

It is the unanimous opinion of this Authority that this request for a Variance be denied. This petition is hereby dismissed.

William F. Cullinane

William F. Cullinane, Chairman

Stephen S. Porter

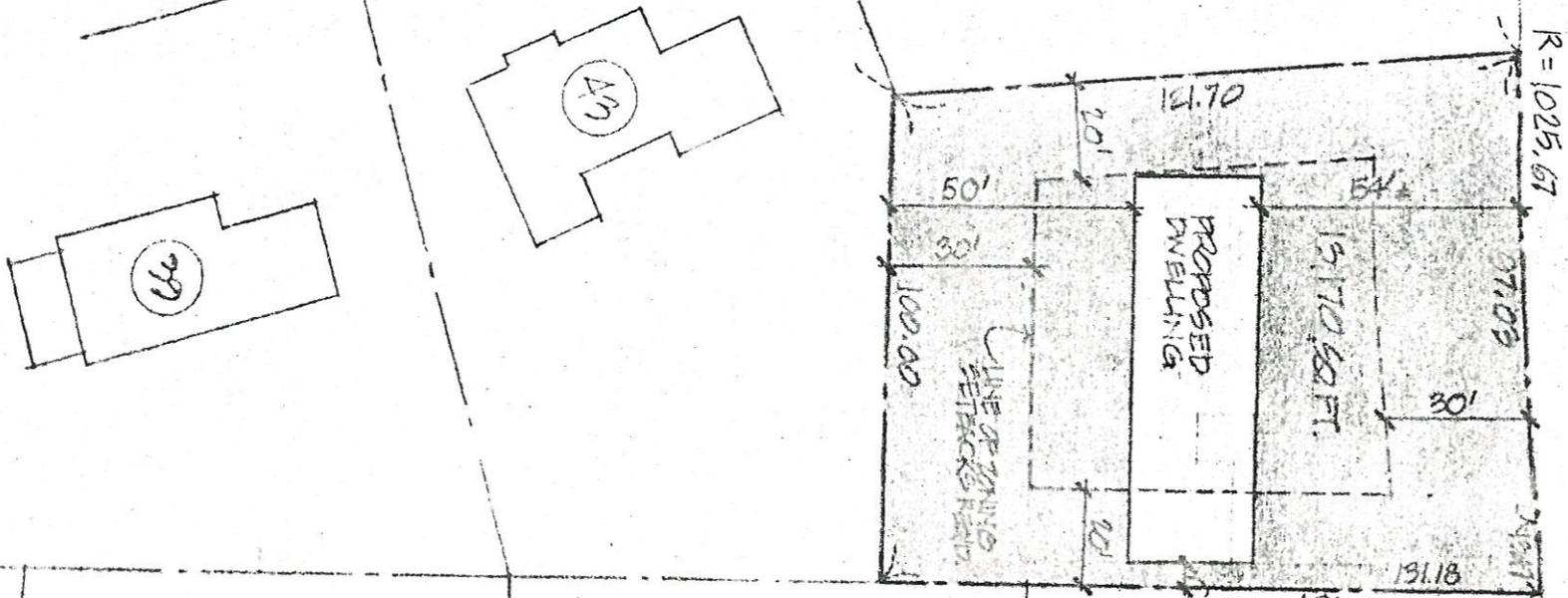
Stephen S. Porter

John A. Donovan, Jr.

John A. Donovan, Jr.

AMHERST

WELLESLEY AVENUE



PROPOSED DWELLING

15.70 x 8.0 FT.

50'

30'

100.00

30'

20'

20'

121.70

54'

30'

131.18

101.67

86.67

R = 1025.67

R = 2110.82

159.05

22,452 SQ. FT.

207.91

10" DRAIN
EASEMENT

54' ±
20'
51' (REPLACED)
50'

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