



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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85-33

Petition of Gifford Construction Company
278 to 286 Linden Street, 20 Kingsbury Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 20, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of Gifford Construction Company requesting a Special Permit for Site Plan Approval under Section XVIA for the construction of three dwelling units which would be attached to four existing dwelling units at 278 to 286 Linden Street to create one structure containing a total of seven dwelling units and one detached dwelling unit at 20 Kingsbury Street (Eunice H. Wright, Owner). Total lot area is 41,518 square feet to contain eight dwelling units. Said property is located in a General Residence District, request is pursuant to Section IV of the Zoning Bylaws.

The petitioner also requests separately a Density Bonus under Section IIIA-A-2(k), IV, and Section XVIII-D to allow a total of ten dwelling units on the above-mentioned property by the following proposed plan: 1) alterations to the existing single family dwelling at 20 Kingsbury Street to create one additional dwelling unit, 2) alterations to the existing garage and breezeway at 284 Linden Street to create one additional dwelling unit.

On May 31, 1985, the petitioner requested a hearing before this Authority.

Presenting the case was Gordon Gifford, who presented site plans for the project and gave a brief history of the development of the project. He stated that there would be off-street parking for 24 cars, 20 for residents and 4 guest spaces, that the open space factor would be 73%. No additional ground coverage or parking spaces would be utilized for 10 units, if the Density Bonus were granted, than for the proposed 8 units. Mr. Gifford proposed at the hearing to create a small landscaped public area at the corner of Donazette and Linden Streets with two benches for public use.

Present at the hearing and opposed to the request were: Daniel Harper, 13 Donazette Street, Mr. and Mrs. Sam Diamond, 8 Donazette Street, Louis and Luciana Corticelli, 23 Kingsbury Street, Gilbert Wright, 24 Kingsbury Street, Adelaide Maccini, 6 Donazette Street, Andrew Pearson, 19 Kingsbury Street. Opposition focused on concern about the increased traffic in the area, conversion of 20 Kingsbury Street to a two-family dwelling, increased density of people if the Density Bonus were granted, concern that the property acquisition has evolved in a piecemeal fashion. David Fitzgerald, 300 Linden Street, had questions about the project and about the Density Bonus section of the Bylaws.

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278 to 286 Linden Street, 20 Kingsbury Street

Statement of Facts

The property in question is located at 278 to 286 Linden Street and 20 Kingsbury Street, containing 41,518 square feet of land, located in a General Residence District, extending from Donazette Street to Kingsbury Street.

Five dwelling units presently exist at the site, at 278 Linden Street, 280 Linden Street, 282 Linden Street, 284 Linden Street, and 20 Kingsbury Street. A variance was granted to Alan J. Gifford on October 31, 1984 (ZBA Case #84-57) to allow the construction of an additional dwelling unit attached to the existing dwelling at 280 Linden Street (a non-conforming structure with less than the required side yard). The new unit became #278 Linden Street. Mr. Gifford subsequently purchased the property at 284 Linden Street and constructed 282 Linden Street which is attached to it. Eunice H. Wright is the current owner of 20 Kingsbury Street, for which a Purchase and Sale agreement has been executed to transfer ownership to Gordon Gifford on August 30, 1985.

Gordon B. Gifford, President of Gifford Construction Company, is requesting a Special Permit for Site Plan Approval under Section XVIA to construct three additional units which would be attached to the four existing units at 278, 280, 282 and 284 Linden Street to create one structure containing seven dwelling units and one detached dwelling unit at 20 Kingsbury Street. The construction project constitutes a Major Construction Project under Section XVIA because it includes construction of 2,500 or more square feet gross floor area. Two proposed units (280A and 280B) would connect 280 and 282 Linden Street, one unit would be attached to 284 Linden Street and known as 286 Linden Street. There would be more than 5,000 square feet of land for each dwelling unit.

The petitioner requests separately a Density Bonus under Section IIIA 2(k) to allow ten dwelling units on the site with approximately 4,152 square feet per dwelling unit by the following plan: 1) alterations to the existing single family dwelling at 20 Kingsbury Street to create one additional dwelling unit; 2) alterations to the existing garage and breezeway at 284 Linden Street to create one additional dwelling unit.

Twenty-four parking spaces would be provided to serve eight or ten units. Open space on the site would be 73.31%.

The following plans were submitted: Plan #1, site plan, drawn by Charles D. Thompson, Registered Land Surveyor of Everett M. Brooks Co., Newtonville, Ma., dated March 26, 1985, revised on 4/4/85, 4/23/85, 5/1/85, 5/23/85 and 6/13/85; Plan 2, Building plans, floor plans, elevations, by John C. Stanionas, AIA, 44 Washington Street, Wellesley, dated April 4, 1985; Plan 3 and 4, grading, drainage, utility site plans, by Albert Schiavone, RPE, dated 5/5/85; Plan 5, landscaping plan.

Site plans and other submission materials were sent to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health and Fire Chief, as required by Section XVIA. Written responses were received and are on file at the Board of Appeals office.

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The Design Review Board held preliminary reviews on April 25, 1985 and May 9, 1985 and conducted a final review on May 30, 1985, at which time the Board accepted the final plans as presented, commenting on them in a letter of May 31, 1985.

The Fire Chief, in a letter of June 4, 1985, recommended that the three curb cuts on Linden Street should be a minimum of 20 feet wide for adequate turning of fire apparatus.

The Planning Board, at its regular meeting of June 4, 1985, voted to recommend approval of site plans and stated it has no objection to the granting of a Density Bonus as outlined in a letter of June 6, 1985.

Decision

This Authority has made a careful study of the evidence presented. The petitioner has two separate requests in this petition concerning the site at 278 to 286 Linden Street and 20 Kingsbury Street. The petitioner also has a request (Case 85-34) for a variance at 20 Kingsbury Street.

Request #1: Site Plan Approval for a total of eight (8) units.

It is the opinion of this Authority that the construction of three dwelling units which would be attached to four existing units at 278 to 286 Linden Street to create seven attached dwelling units, in addition to the detached one-family dwelling at 20 Kingsbury Street, as shown in Site Plan #1 by Everett M. Brooks, dated March 26, 1985 with final revision on 6/13/85, can be allowed under Section XVIA of the Zoning Bylaw. It is the opinion of this Authority that the plans meet all of the requirements of the Zoning Bylaws of the Town.

A Special Permit is hereby granted and Site Plan Approval is given for the construction of three dwelling units shown as #280A, 280B and 286 Linden Street and for related parking and landscaping as shown in Site Plans by Everett M. Brooks, dated March 26, 1985, revised 6/13/85, subject to the conditions attached hereto as Addendum A.

Request #2: Special Permit for a Density Bonus to allow ten (10) units on the site.

It is the opinion of this Authority that the Special Permit for a Density Bonus as requested under Section IIIA-2 (k) cannot be granted.

This Board is concerned with the serious congestion in the area in question. This Board realizes that the petitioner would not be increasing the ground coverage on the site if ten units were allowed. However, the number of families living on the site and the number of vehicles in the area would be increased. The property borders on a Single Residence District and is close to the Wellesley Middle School. Traffic at the Kingsbury Street/Linden Street intersection is already intense. This Board sees no justification for increasing the density of residents and vehicles in this heavily congested location.

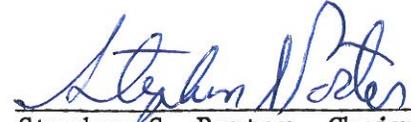
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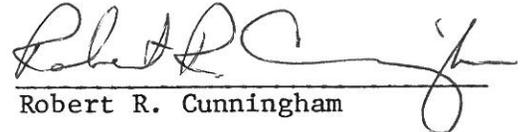
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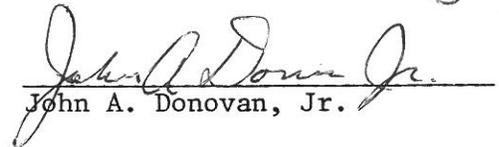
Therefore, the Special Permit for a Density Bonus under Section IIIA 2 (k) to allow ten dwelling units on the site containing 41,518 square feet of land is hereby denied.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Building Inspector


Stephen S. Porter, Chairman


Robert R. Cunningham


John A. Donovan, Jr.

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Addendum A.

1. That there shall be no more than eight dwelling units on the site which contains 41,518 square feet of land.
2. That this Special Permit shall be contingent upon the transfer of the 20 Kingsbury Street property to Gifford Construction Company. The petitioner must present a copy of the deed as recorded in the Registry of Deeds to this Authority prior to applying for a Building Permit. The petitioner must record the Site Plan as presented to this Authority at the Registry of Deeds showing one lot containing 41,518 square feet of land.
3. That all work shall be performed in accordance with plans submitted and on file with this Authority.
4. That all design and construction must comply with all applicable state and local codes.
5. That all requirements of the Fire Department shall be complied with, including the requirement that the three curb cuts on Linden Street be a minimum of 20 feet wide.
6. That all requirements of the Department of Public Works shall be complied with. That electric, water and sanitary sewer service connections together with storm drainage shall be installed in accordance with current DPW standards. "As Built" site utility and drainage plans shall be submitted to the Town Engineer upon completion of the project.
7. That upon completion of the entire project, a complete set of "As Built" plans including a complete set of mechanical plans shall be submitted to the Inspector of Buildings.
8. That a copy of the Occupancy Permit issued by the Inspector of Buildings shall be submitted to this Authority at the time of issuance.

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PARKING PLAN
LINDEN PLACE CONDOMINIUMS

SCALE: 1 IN. = 20 FT.
EVERETT M. BROOKS CO.
NEWTONVILLE

REVISED 4/4/85
MARCH 26, 1985
LAND SURVEYORS
MASS.

REVISED 4/23/85
5/1/85
5/23/85
6/13/85
8/1/85



Charles R. Thompson

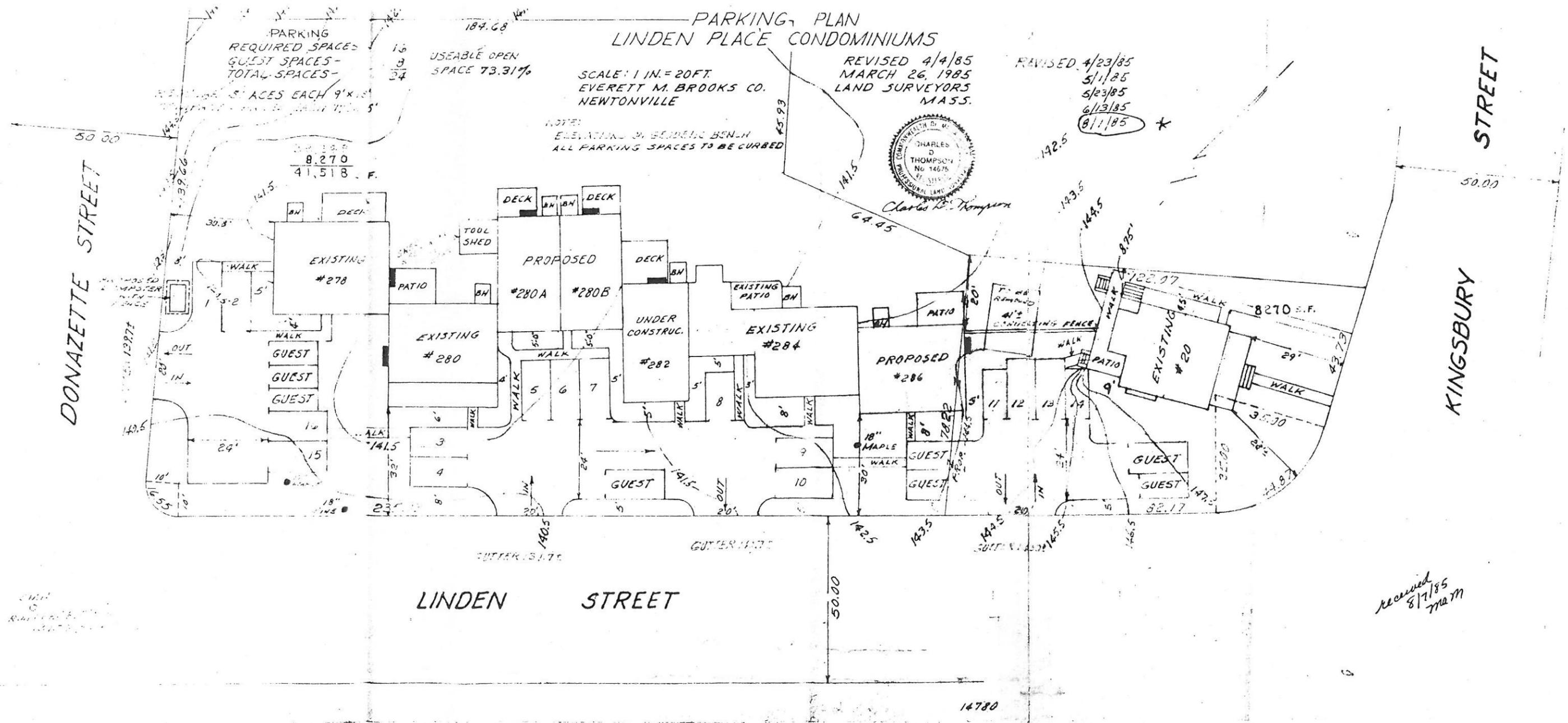
NOTE:
ELEVATIONS ON BEARING BENCH
ALL PARKING SPACES TO BE CURBED

PARKING
REQUIRED SPACES 15
GUEST SPACES 3
TOTAL SPACES 18

USEABLE OPEN
SPACE 73.31%

SPACES EACH 9' X 18'

8,270
41,518 S.F.



DONAZETTE STREET

KINGSBURY STREET

LINDEN STREET

14780

Received 8/7/85
TMA/TH