



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-56

Petition of David C. Wiswall
Greenbough Lane, Lots 3, 4, 5

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of DAVID C. WISWALL requesting a Special Permit pursuant to Section XIXB and Section XXV of the Zoning Bylaw to allow Lots 3, 4, and 5 in the subdivision at GREENBOUGH LANE to be designated as buildable lots with less than the required frontage on a curved street line and having a sideline radius of less than 100 feet.

On July 5, 1988 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David C. Wiswall who stated that the subdivision had received definitive approval from the Planning Board, and that all dimensional requirements stated in Section XIXB had been satisfied in regard to each of the three lots.

No other persons had any comment on the petition.

Statement of Facts

The properties in question are Lots 3, 4, and 5 in a subdivision located at Greenbough Lane in a Single Residence District. The owner, David C. Wiswall, has subdivided the property into seven lots.

Lot 3 contains 20,035 square feet, has a frontage of 80 feet and a sideline radius of 60 feet. Lot 4 contains 22,756 square feet, has a frontage of 80 feet and a sideline radius of 60 feet. Lot 5 contains 21,051 square feet, has a frontage of 80 feet and a sideline radius of 60 feet. The three lots are in a 20,000 square foot district in which the required frontage is 100 feet. All three lots have a sideline radius of less than 100 feet and frontage of more than 50 feet, but less than 100 feet. The petitioner is requesting a Special Permit pursuant to Section XIXB which will allow Lots 3, 4, and 5 to be designated as buildable lots.

Section XIXB, Table 2 of the Zoning Bylaw states:

- "Provided however, that a lot having its only frontage on a curved street line having a sideline radius of less than 100 feet may have a reduced frontage upon the granting of a special permit in accordance with Section XXV provided:
- a. The minimum frontage shall be 50 feet.
 - b. The minimum front yard width is maintained at the street setback line (house line) and
 - c. All other dimensional zoning requirements are satisfied."

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The minimum frontage and sideline radius requirements have been met. Specific plans for the location of the dwellings on the lots have not been submitted to this Board.

A Plot Plan, dated January 30, 1987, drawn by Joseph R. Sullivan, Registered Land Surveyor, was submitted.

The Planning Board, on July 12, 1988, voted to offer no objection to the request. On June 14, 1988, the Planning Board voted to approve a definitive subdivision plan designated PB-86-G-1.

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting a Special Permit to allow Lots 3, 4 and 5 in the subdivision at Greenbough Lane to be designated as buildable lots with less than the required frontage.

It is the opinion of this Authority that the petitioner's plans meet the requirements for buildable lots stated in Section XIXB and that the petition is in harmony with the general purpose and intent of the Zoning Bylaw. Therefore, a Special Permit is hereby granted to allow Lots 3, 4 and 5, owned by David C. Wiswall, to be designated as buildable lots, each with 80 foot frontage as shown on the Plot Plan described in the foregoing Statement of Facts, with the following conditions:

1. That the minimum front yard width is maintained at the street setback line (house line) and that all other dimensional zoning requirements are satisfied when dwellings are proposed for the lots.
2. That all requirements of the Fire Department and the Town Engineer shall be complied with concerning the property.
3. That said Special Permit shall lapse two years from the date of this decision

If the above conditions are satisfied, the Inspector of Buildings is hereby authorized to issue permits for the construction of dwellings on said lots upon his receipt and approval of building applications and construction plans.

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.


Robert R. Cunningham, Acting Chairman


Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta