



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
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TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

ZBA 90-45
Petition of Hewins Farm Realty Trust
Lot #6/Hewins Farm Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 24, 1990 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 HEWINS FARM REALTY TRUST, requesting renewal of a Special Permit pursuant to the provisions of Section XIX and Section XXV of the Zoning Bylaw to continue to allow LOT #6, HEWINS FARM ROAD, in a Single Residence District, to have reduced frontage as said lot has its only frontage on a curved street line having a sideline radius of less than 100 feet.

On May 7, 1990, 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 Timothy Sorrell, trustee of Hewins Farm Realty Trust. Mr. Sorrell stated that due to a change in the Zoning Bylaw in 1988 eliminating the Special Permit process for reduced frontage building lots on a curved sideline of a cul-de-sac bulb in a subdivision, Lot #6 is the only building lot in town which has been left unprotected. Lot #6 is on a curved street line, but not on the bulb of a cul-de-sac. However, MGL Chapter 40A, Section 6 provides that building lots in a subdivision will received the benefit of zoning in effect when the subdivision was approved for a period of 8 years.

Mr. Sorrell stated that although the Special Permit granted for Lot #6 does not lapse until July, he is applying for renewal now, because if the Special Permit were not renewed, he would have to begin construction shortly. He would prefer not to have to build due to the current state of the real estate market.

The Board stated that when the Special Permit was granted two years ago, it was concerned that the curve was self-created and that the lot was not on the bulb of the cul-de-sac. That situation is still present.

Mr. Sorrell responded that in redefining the bylaw, it was obvious to the Planning Board that the most simplistic approach would be to restrict reduced frontage to three lots on the bulb of the cul-de-sac. However, according to State law, Lot #6 still falls under zoning in effect when the subdivision was approved, provided that the Board of Appeals still agrees that the lot complied with zoning in effect when the Special Permit was granted. The building lot has not changed.

William Mone, attorney for the Hewins Farm Realty Trust, spoke in support of the request.

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Statement of Facts

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The subject lot located on Hewins Farm Road, in a Single Residence District, contains 20,013 square feet. It has frontage of 50 feet and a sideline radius of 99.0 feet, and is part of the Hewins Farm subdivision which received definitive subdivision approval from the Planning Board on June 28, 1988 (PB-88-E-1).

In July, 1988, the petitioner was granted a Special Permit (ZBA 88-51) to allow Lots 2, 3, 4, and 6 to be used as a building lots, said lots having their only frontage on a curved street line, and having a sideline radius of less than 100 feet. In 1988, the Town adopted an amendment to Section XIXB which eliminated the Special Permit process for lots on the bulb of a cul-de-sac in a subdivision. Lot #6 was the only lot left unprotected as it is on a curved street line, rather than the bulb of a cul-de-sac. The petitioner is now requesting renewal of the Special Permit to continue to allow Lot #6 to be a buildable lot with reduced frontage on a curved street line.

A Definitive Subdivision Plan dated June 22, 1988, drawn by William F. Drake, Professional Land Surveyor; and a copy of Section XIX of the Zoning Bylaw in effect in June, 1988 was submitted.

The Planning Board, on May 15, 1990, voted to offer no objection to renewal.

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting renewal of a Special Permit to allow Lot #6, Hewins Farm Road to continue to be designated as a buildable lot with less than the required frontage.

It is the opinion of this Authority that Lot #6 meets the requirements for buildable lots as stated in Section XIXB and that the petition is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore a Special Permit is granted to allow Lot #6, Hewins Farm Road to be allowed as a buildable lot with 50 foot frontage as shown on the Definitive Subdivision Plan noted in the foregoing Statement of Facts, subject to the following conditions:

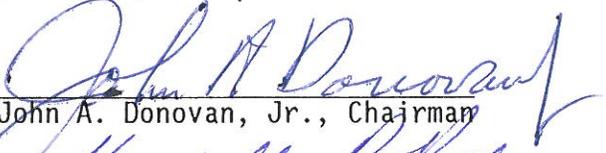
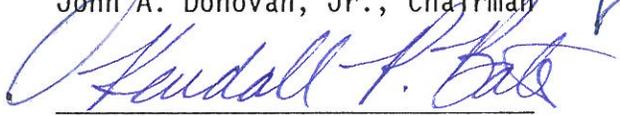
1. That the minimum front yard width is maintained at the street setback line (house line) and that all other dimensional zoning requirements are satisfied when a dwelling is proposed for the lot.
2. That this Special Permit shall lapse two years from the date of this decision.

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If the above conditions are satisfied, the Inspector of Buildings is hereby authorized to issue a permit for the construction of a dwelling on said lot upon his receipt and approval of a building application 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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

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