



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

AUG 3 9 04 AM '90

RECEIVED  
WELLESLEY TOWN OFFICE  
WELLESLEY, MA 02181  
WILLIAM E. POLVETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 90-57

Petition of Anthony J. Lambert  
123 Worcester Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 28, 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 ANTHONY J. LAMBERT requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a deck approximately 20 feet 1/2 inch by 14 feet 6 1/2 inches at his non-conforming dwelling at 123 WORCESTER STREET on the corner of MAPLE ROAD, in a Single Residence District, with less than the required left side yard and less than the required front setback from MAPLE ROAD. Said deck is under construction without a Building Permit and has less than the required left side yard.

On June 11, 1990, the petitioner requested 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 Anthony Lambert, who said that he did not know he was required to have a building permit to construct the deck.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 123 Worcester Street, on the corner of Maple Road, in a Single Residence District, on a 21,200 square foot lot, with a minimum left side yard clearance of 10.21 feet and less than the required front setback from Maple Road.

On May 22, 1990, the Inspector of Buildings notified the petitioner that, as he had not filed for a Building Permit for the construction of the deck which was under way, a "Stop Work" notice had been posted on the job site until such time as the required permits had been issued.

The petitioner is now requesting a variance to complete construction on the deck, approximately 14 feet 6 1/2 inches by 20 feet 1/2 inch which would have a minimum left side yard clearance of 14.78 feet.

A Plot Plan dated May 24, 1990, drawn by John J. Regan, Registered Land Surveyor; construction drawings and elevations; and a photograph were submitted.

The Planning Board, on June 19, 1990, voted to recommend denial of the variance.

ZBA 90-57  
Petition of Anthony J. Lambert  
123 Worcester Street

AUG 3 9 04 AM '90

Decision

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02157

The Board has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed deck conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

This Authority does not look with favor, nor does it condone the initiation of any construction without securing the requisite permits. However, it is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

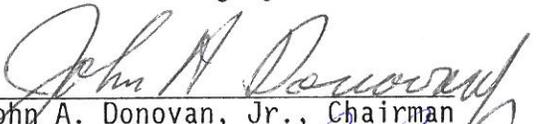
Therefore, the requested variance is granted to construct the deck subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

Harlow H. Rogers, Est.  
Mary E. Rogers, Mtg.

Judith A. Cook  
76.28

JUN 11 9 52 AM '90

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

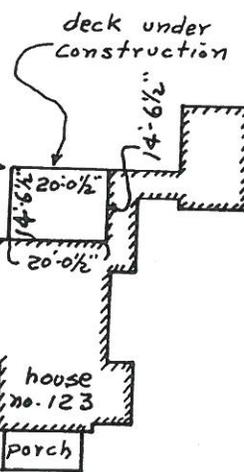
Antonio  
Lamberti

271.35

ROAD



*John J. Regan*



21,200 s.f.

MAPLE

Albert B. Morse  
&  
Ingrid Schroeter

284.75

Note:  
Lot coverage is 1965 s.f.  
or 9.3%.

WORCESTER STREET

PLAN OF LAND  
IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
ANTHONY J. LAMBERT  
123 WORCESTER STREET  
WELLESLEY

SCALE 1 IN = 40 FT  
JOHN J. REGAN  
NEWTON HIGHLANDS

MAY 24, 1990  
LAND SURVEYOR  
MASS.