



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-60
Petition of David C. Wiswall
Lots 3, 4 and 5, Greenbough Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 26, 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 DAVID C. WISWALL requesting that the Special Permit for LOTS 3, 4 AND 5, GREENBOUGH CIRCLE, in a Single Residence District, previously obtained pursuant to the provisions of Section XIXB and Section XXV of the Zoning Bylaw, no longer requires renewal as reduced frontage for lots on the bulb of a subdivision cul-de-sac are now allowed by right pursuant to the 1989 amendment of Section XIXB of the Zoning Bylaw. Said lots have less than the required frontage, a sideline radius of less than 100 feet, and are located on the bulb of a subdivision cul-de-sac.

On July 9, 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.

Representing David C. Wiswall at the hearing was Nancy Erne, who said she was not too familiar with the nature of the request.

A discussion regarding the necessity for the request ensued. It was noted that the petitioner was requesting that the Board of Appeals state that the Special Permit previously granted was no longer required due to the change in Section XIXB of the Zoning Bylaw which now allowed lots on the bulb of a subdivision to have reduced frontage by right, whereas, prior to 1989, reduced frontage of lots on a curved streetline could only be allowed by Special Permit. The petitioner would be able to file the decision at the Registry of Deeds to prevent future problems with sales of the lots due to a lapsed and unrenewed Special Permit on file.

Paul Catinella, 25 Lehigh Road, expressed concern regarding the possibility of a cluster zoning situation in the future, and felt that the petitioner should be required to renew the Special Permit every two years in case there was another change in zoning before homes were built on the three lots.

Nancy Catinella, 25 Lehigh Road, was also concerned that the zoning should be upheld.

No other person present had any comment on the petition.

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Statement of Facts

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The properties in question are Lots 3, 4, and 5 in a subdivision located at Greenbough Lane, in a Single Residence District, and owned by David C. Wiswall. On June 14, 1988, the Planning Board voted to approve a definitive subdivision plan for Greenbough Lane designated PB-86-G-1.

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. All 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.

In August, 1988, the petitioner requested and was granted a Special Permit (ZBA 88-56) pursuant to the provisions of Section XIXB of the Zoning Bylaw that the three lots 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.

In 1989, Town Meeting voted to amend Section XIXB to allow lots having their only frontage on the curved sideline of a cul-de-sac bulb having a sideline radius of less than 100 feet, to have reduced frontage by right, if the frontage was at least 50 feet, and the number of lots on the bulb of the cul-de-sac was no more than three.

The petitioner is requesting that the Board of Appeals state that the Special Permit granted for the three lots in question to have reduced frontage is no longer necessary and does not have to be renewed due to the current provisions of Section XIXB of the Zoning Bylaw which allows no more than three lots on the cul-de-sac bulb to have reduced frontage by right as long as the frontage has at least 50 feet, the minimum front yard width is maintained at the street setback line, and all other dimensional zoning requirements are satisfied.

The Planning Board, on July 17, voted to recommend that certification not be given unless the applicant waived the zoning protection currently in effect with regard to his subdivision.

Decision

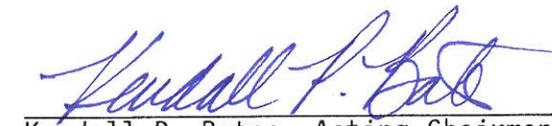
This Authority has made a careful study of the evidence presented. It is the opinion of this Authority that Lots 3, 4, and 5, Greenbough Circle meet the current requirements of Section XIXB of the Zoning Bylaw which allow reduced frontage of lots having their only frontage on the curved sideline of a cul-de-sac bulb having a sideline radius of less than 100 feet by right, as all three lots have their only frontage on the curved sideline of a cul-de-sac bulb having a sideline radius of less than 100 feet; have a minimum frontage of 50 feet; can maintain the minimum front yard width at the street setback line; are no more than three in number; and can comply with all other dimensional zoning requirements.

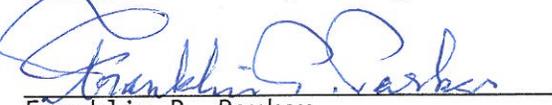
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Therefore, in the opinion of this Board, the renewal of the Special Permit previously granted under the provisions of Section XIXB in 1988 is unnecessary and renewal is no longer required.

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


Kendall P. Bates, Acting Chairman


Franklin P. Parker


William E. Polletta

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