



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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ZBA 90-69  
Petition of Gordon T. and Margaret M. Greer  
24 Windsor Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 30, 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 GORDON T. AND MARGARET M. GREER 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 one-story addition approximately 12.2 feet by 10.8 feet with a basement/garage below at their non-conforming dwelling at 24 WINDSOR ROAD, in a Single Residence District, with less than the required right side yard.

On August 13, 1990, the petitioners 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 Jane Miller, Mrs. Greer's mother, who said that the Greers were in California on vacation. Mrs. Miller stated that the petition had been previously approved by the Zoning Board in 1983 and in 1986 by the Zoning Board for the prior owners. The Greers are requesting the same variance as was approved in 1986 and are using the same plans as were previously submitted.

Thomas and Joan Cody, 28 Windsor Road, spoke in opposition to the petition. They felt that there was no hardship; that construction of the addition would exacerbate a serious drainage problem; and that probable removal of an existing standpipe and the underground oil tank to which it is connected in order to pour footings for the addition foundation could result in problems in containing the leachate which would occur in the event of a rainstorm during the time of construction. Mr. Cody stated that the leaching problem is significant at present.

Mrs. Miller responded that the Greers plan to permanently remove the oil tank, and that their contractor was aware of the problem and would request the necessary permits from DEQE at the appropriate time. The Greers plan to repave the driveway, but that construction must be completed before this can occur.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 24 Windsor Road, in a Single Residence District, on a 16,770 square foot lot, with a minimum right side yard clearance of 15.4 feet.

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A variance was granted to the prior owners, Kenton and Susan Sicchitano, in 1983, allowing a two-story addition 11 feet by 13.2 feet (ZBA 83-5). This variance was never exercised, and in 1986, the Sicchitanos requested and were granted a variance to construct a one-story addition with a garage below, approximately 10.8 feet by 12.2 feet, leaving a right side yard of 14.1 feet (ZBA 86-19). This variance was not exercised as the Sicchitanos sold the property to the Greers, who are now requesting the same variance as was granted in 1986, using the same architectural and construction plans.

A Plot Plan, dated February 14, 1986, drawn by John P. Hurney, Registered Land Surveyor; construction plans and elevations dated 3/12/86, updated 8/3/90, drawn by Munkittrick Associates; and photographs were submitted.

The Planning Board, on August 21, 1990, voted to recommend that the addition be allowed no closer to the sideline than the existing house which is 15.4 feet from the sideline.

#### Decision

This Authority has made a careful study of the evidence submitted. The subject house does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition with the garage below conforms to the existing lines of the house, and that the additional encroachment of 1.3 feet on the right side yard can be allowed.

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 petitioners 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 subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts, said addition coming no closer than 14.1 feet from the right side lot line; and subject to the following condition:

1. Prior to the removal of the underground oil tank on the premises, a permit from the Wellesley Fire Department shall be obtained. A copy of said permit shall be submitted to the office of the Zoning Board of Appeals.

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.

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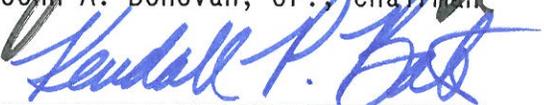
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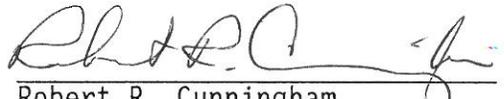
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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  
Steve Black, Wellesley Fire Chief  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

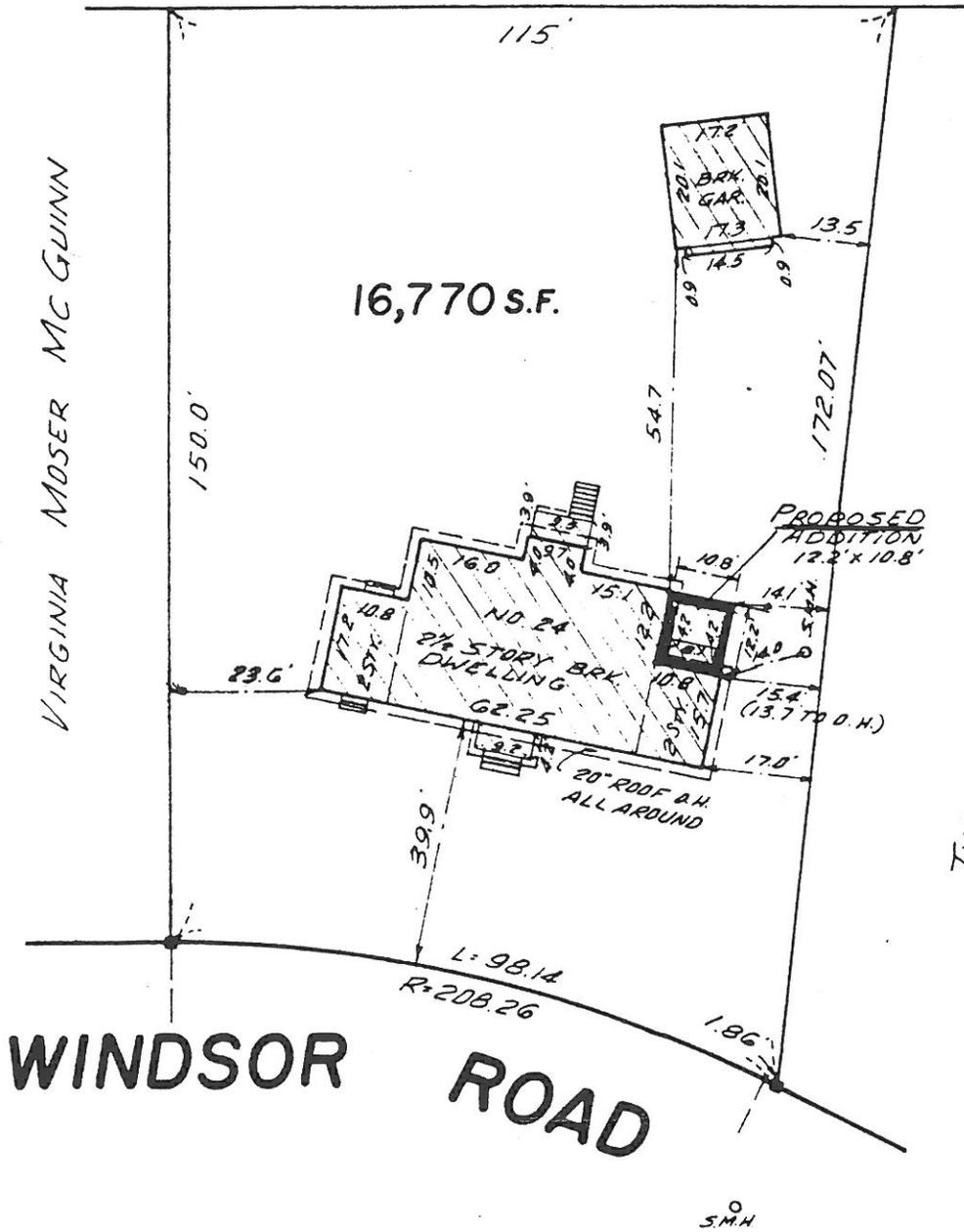
  
Robert R. Cunningham

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COMMONWEALTH OF MASSACHUSETTS  
REGIONAL COLLEGE.

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WINDSOR ROAD

PLOT PLAN  
OF LAND IN

**WELLESLEY, MASS.**

OWNER:

Kenton J. & Susan H. Sicchitano

DEED REF:

Book 6006, Page 647

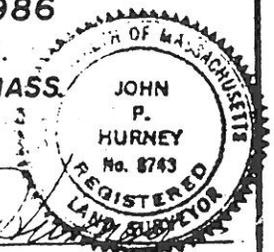
ZONE DISTRICT:

Single Residence (20)

SCALE 1 IN. = 30 FT. FEB. 14, 1986

BARNES ENGINEERING COMPANY, INC.

411 LEXINGTON ST. AUBURNDALE, MASS.



I CERTIFY THAT THESE BUILDINGS ARE LOCATED AS SHOWN.