



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-29

Petition of Robert A. and Caterina C. Morvillo
145 Great Plain Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 30, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT A. AND CATERINA C. MORVILLO requesting a Finding pursuant to Section XVII and Section XXV of the Zoning Bylaw that the demolition of their one-story conforming dwelling and construction of a new two-story conforming dwelling approximately 62 feet by 30 feet on a 57,286 square foot lot with less than the required frontage of 100 feet in a 20,000 square foot district, at 145 GREAT PLAIN AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing structure.

On March 13, 1995, the petitioners filed a request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Robert and Caterina Morvillo. Mr. Morvillo said that they had recently purchased the property, and had intended to renovate the house and add a second floor. They have found severe termite damage, which has damaged the structural members. The cost of repair and potential risks make it more practical to demolish the house and build another one, which would also be totally conforming. Only the frontage of the lot is nonconforming and that was nonconforming when the property was purchased.

The Board stated that extreme hardship would result if the petition was not granted, but it would condition that the existing house be razed before any new construction was begun.

Ronad Haigh, 153 Great Plain Avenue, asked to see the plans. After reviewing the plans, Mr. Haigh stated that he had no objection to the petition.

Statement of Facts

The subject property is located at 145 Great Plain Avenue, in a 20,000 square foot district and a Single Residence District. The lot has 57,286 square feet, a minimum frontage of 57.96 feet, and contains a one-story conforming dwelling.

Prior to 1935, the lots at 145 and 141 Great Plain Avenue composed one lot with a frontage of 197.96 feet. At some time prior to 1952, the lot was subdivided into two lots: the ZBA

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WELLESLEY MA 02181

property at 145 Great Plain Avenue with a frontage of 57.96 feet and the property at 141 Great Plain Avenue with a frontage of 140 feet. In 1952, the existing dwelling at 145 Great Plain Avenue was constructed. At that time, the minimum frontage required in a 20,000 square foot district was 40 feet. The frontage requirement in said district was not increased to 60 feet until 1964. Currently, the minimum frontage required is 100 feet.

The petitioners are requesting a Finding that the proposed demolition of the existing dwelling and construction of a two-story conforming dwelling approximately 62 feet by 30 feet on a lot with minimum frontage of 57.96 feet, shall not be substantially more detrimental to the neighborhood than the existing structure.

A Plot Plan dated March 7, 1995, drawn by George N. Giunta, Registered Land Surveyor; Floor Plans and Elevations dated March 7, 1995, drawn by Robert A. Morvillo; and photographs were submitted.

On March 28, 1995, the Planning Board voted to recommend approval of the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject lot has a frontage of 57.96 feet in a 20,000 square foot district in which the current frontage requirement is 100 feet pursuant to Section XIX of the Zoning Bylaw.

It is the opinion of this Authority that the lot conformed to the frontage requirement of 40 feet in 1952 when the existing dwelling was constructed. The petitioners are requesting to demolish an existing conforming dwelling and construct a new conforming dwelling. However, the frontage requirement pursuant to the current Zoning Bylaw is 100 feet.

It is the opinion of this Authority that the denial of this petition would create substantial hardship for the petitioners, and that as the frontage of the lot was in compliance with the Zoning Bylaw in 1952 when the original dwelling was constructed, the subsequent increase in the frontage requirement should not be used to deny this petition.

It is the Finding of this Authority that the demolition of the existing one-story dwelling and construction of a two-story conforming dwelling on a lot with less than the frontage presently required pursuant to Section XIX of the Zoning Bylaw, shall not be substantially more detrimental to the neighborhood than the existing structure, subject to construction in accordance with the submitted Plot Plan and construction sketches, and subject further to the demolition of the existing dwelling prior to the issuance of any building permit.

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145 Great Plain Avenue

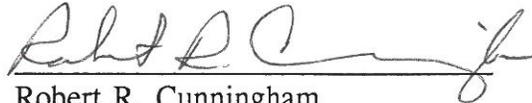
The Inspector of Buildings is hereby authorized to issue a demolition permit and, following demolition of the existing dwelling, a permit for construction of the two-story dwelling, upon receipt and approval of a building application and detailed construction plans.

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.

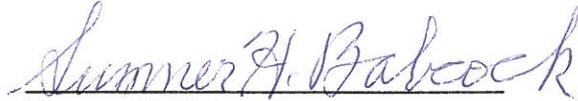
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates
Kendall P. Bates, Acting Chairman

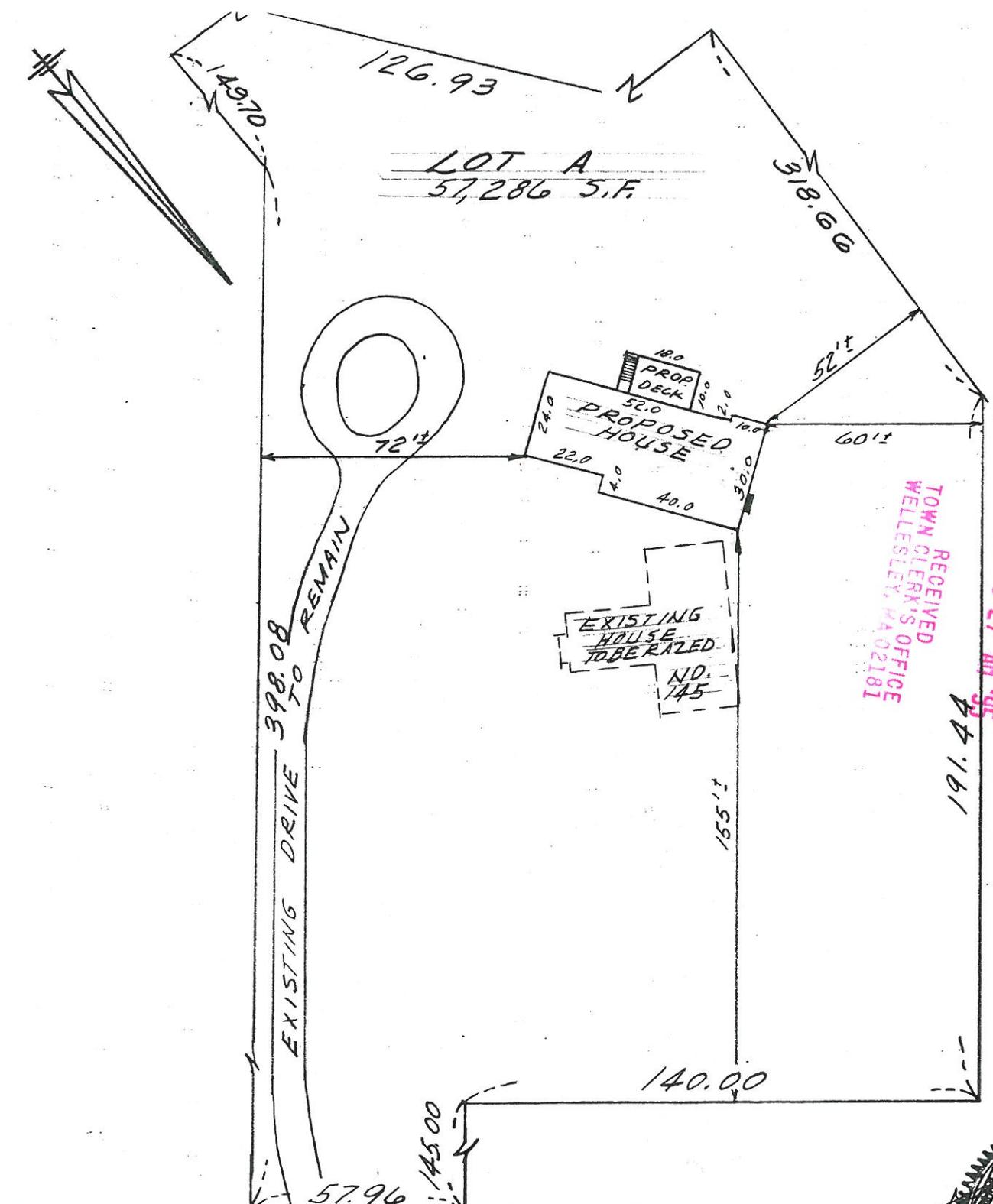


Robert R. Cunningham
Robert R. Cunningham



Sumner H. Babcock
Sumner H. Babcock

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GREAT PLAIN AVE.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

MAR. 7, 1995 SCALE 1"=40'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.