



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

SEP 16 3 06 PM '96

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

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Executive Secretary
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431-1019 X208

RECEIVED WILLIAM E. POLLETTA
TOWN CLERK'S OFFICE FRANKLIN P. PARKER
WELLESLEY, MA 02151 SUMNER H. BABCOCK

ZBA 96-60
Petition of Landworks Properties, Inc.
145 Great Plain Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 22, 1996 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 LANDWORKS PROPERTIES, INC. requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed change in footprint and construction plans for a two-story 62 foot by 30 foot conforming dwelling with an 18 foot by 10 foot deck on a 53,359 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, previously allowed by the Board of Appeals (ZBA 95-29) shall not be substantially more detrimental to the neighborhood than the allowed structure. The proposed change involves an increase in the dimensions of the dwelling to 60 feet by 39 feet and in the deck to 16 feet by 20 feet.

On August 5, 1996, the petitioner 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 Cynthia Loker and Michael Tedoldi, principals of Landworks Properties, Inc. Ms. Loker said that the Board had granted a special permit to the Morvillos, the current property owners, a year ago in April to demolish an existing structure and build a new house. The house has been demolished. Subsequently, they decided not to build, but to sell the property. The sale will be completed on August 27, 1996. The purchase is for future resale. Landworks is asking to build a dwelling which has a slightly modified footprint and elevations. The setbacks will not be affected, nor will the use.

The Board said that it would include a condition that the decision will not be effective until the sale has been completed, and furthermore, would like documentation that the demolition which had been allowed by the previous special permit, had been completed in compliance with all demolition requirements.

Mr. Tedoldi said that Landworks Properties had not been involved in the demolition. He further stated that a certificate of compliance has been issued by the Building Department regarding the demolition. The Board said that a copy of that certificate must be filed with the office of the Board of Appeals, so that it became part of the record proving compliance with aforesaid conditions.

No other person present had any comment on the petition.

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Statement of Fact

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The subject property is located at 145 Great Plain Avenue, in a Single Residence District, on a 53,395 square foot lot with a minimum frontage of 57.96 feet in a 20,000 square foot district, in which the minimum frontage is 100 feet.

Prior to 1935, the lots at 145 and 141 Great Plain Avenue comprised one lot with a frontage of 197.96 feet. At some time prior to 1952, the lot was subdivided into two lots: the subject 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, a dwelling was constructed at 145 Great Plain Avenue. At that time, the minimum required frontage in a 20,000 square foot district was 40 feet. The frontage requirement in said district was not increased to 60 feet until 1964. The current frontage required is 100 feet.

In 1995, Catherine and Robert Morvillo requested 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 a minimum frontage of 57.96 feet, would not be substantially more detrimental to the neighborhood than the existing structure.

At the Public Hearing on March 30, 1995, the Morvillos stated that they had recently purchased the property, with plans to renovate and add a second floor. They had found severe termite damage to the structure. It was more practical to demolish the house and construct a new conforming dwelling, than to attempt to repair it. The Board found that the demolition and construction of a new conforming dwelling would not be substantially more detrimental to the neighborhood than the existing structure with less than the required frontage (ZBA 95-29).

The Morvillos have demolished the house, but rather than constructing a new dwelling, have decided to sell the property to Landworks Properties, Inc. Had Landworks Properties chosen to conform to the plot plan and construction drawings submitted with the Morvillo petition, a new petition would not have been required. However, Landworks Properties, Inc. is requesting to increase the footprint of the dwelling and deck, to change the location of the footprint on the lot, and to change the construction elevations. Since these changes are substantial, a new Special Permit is required.

Landworks Properties, Inc. is requesting a Finding that the proposed change in the footprint and construction plans shall not be substantially more detrimental to the neighborhood than the previously allowed structure. The proposed two-story 60 foot by 39 foot dwelling with a 16 foot by 20 foot deck will conform to all zoning requirements.

A Plot Plan dated July 31, 1996, drawn by Anthony M. Dellorca, Professional Land Surveyor; Floor Plans and Elevations, dated 1/31/96; and photographs were submitted.

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On August 20, 1996, the Planning Board reviewed the petition and voted to recommend no objection to granting the petition.

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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 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 original dwelling was constructed. The prior owners had received permission to demolish that dwelling and construct a new conforming dwelling. Landworks Properties is requesting a Finding to relocate and expand the footprint of the previously allowed dwelling on a lot that has minimum frontage in accordance with the current Zoning Bylaw.

It is the opinion of this Authority that the denial of this petition would create a substantial hardship for the petitioners, and as the frontage of the lot was in compliance with the Zoning Bylaw 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, as unanimously voted at the Public Hearing, that the 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 previously allowed structure subject to the following conditions:

1. Documentation of the sale of the property to Landworks Properties, Inc. shall be submitted to the office of the Board of Appeals prior to the issuance of any building permit.
2. A certificate of compliance that the demolition of the structure at 145 Great Plain Avenue, allowed by Permit Number 28593, issued to Robert Morvillo on July 25, 1995, has been satisfactorily completed shall be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

Following compliance with the aforesaid conditions, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

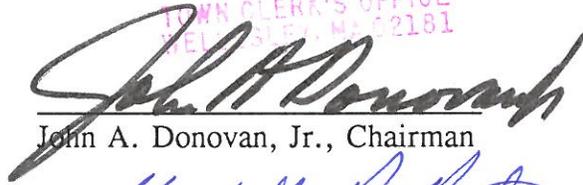
ZBA 96-60
Petition of Landworks Properties, Inc.
145 Great Plain Avenue

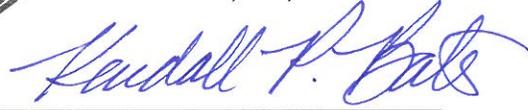
SEP 16 3 06 PM '96

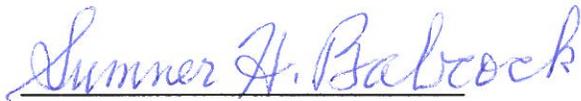
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

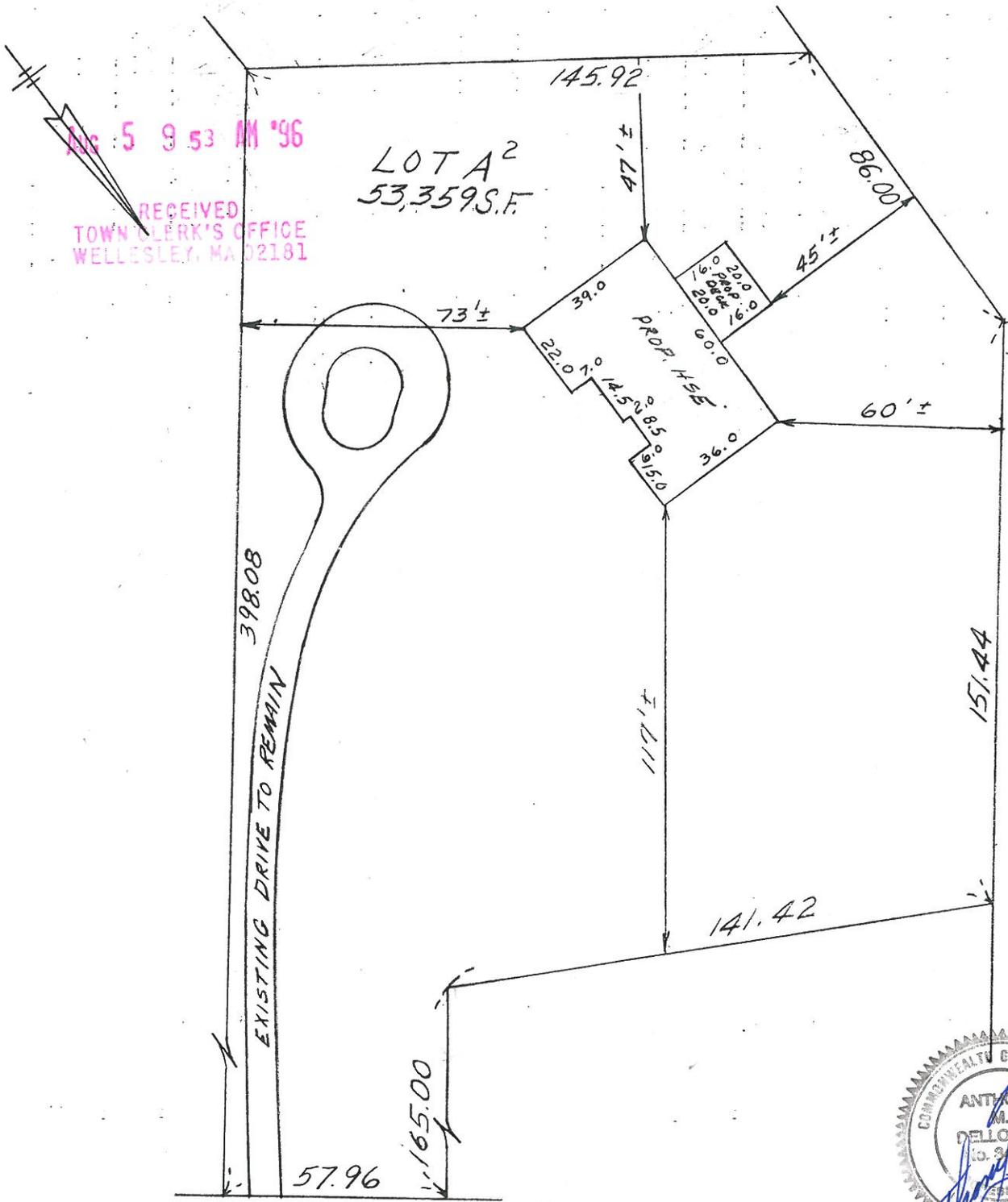
cc: Planning Board
Inspector of Buildings
edg

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John A. Donovan, Jr., Chairman


Kendall P. Bates


Sumner H. Babcock



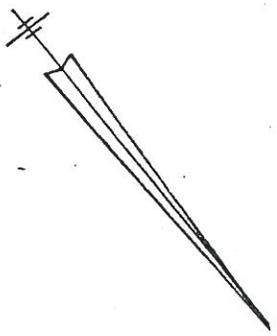
GREAT PLAIN AVE.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JULY 31, 1996 SCALE 1" = 40'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.

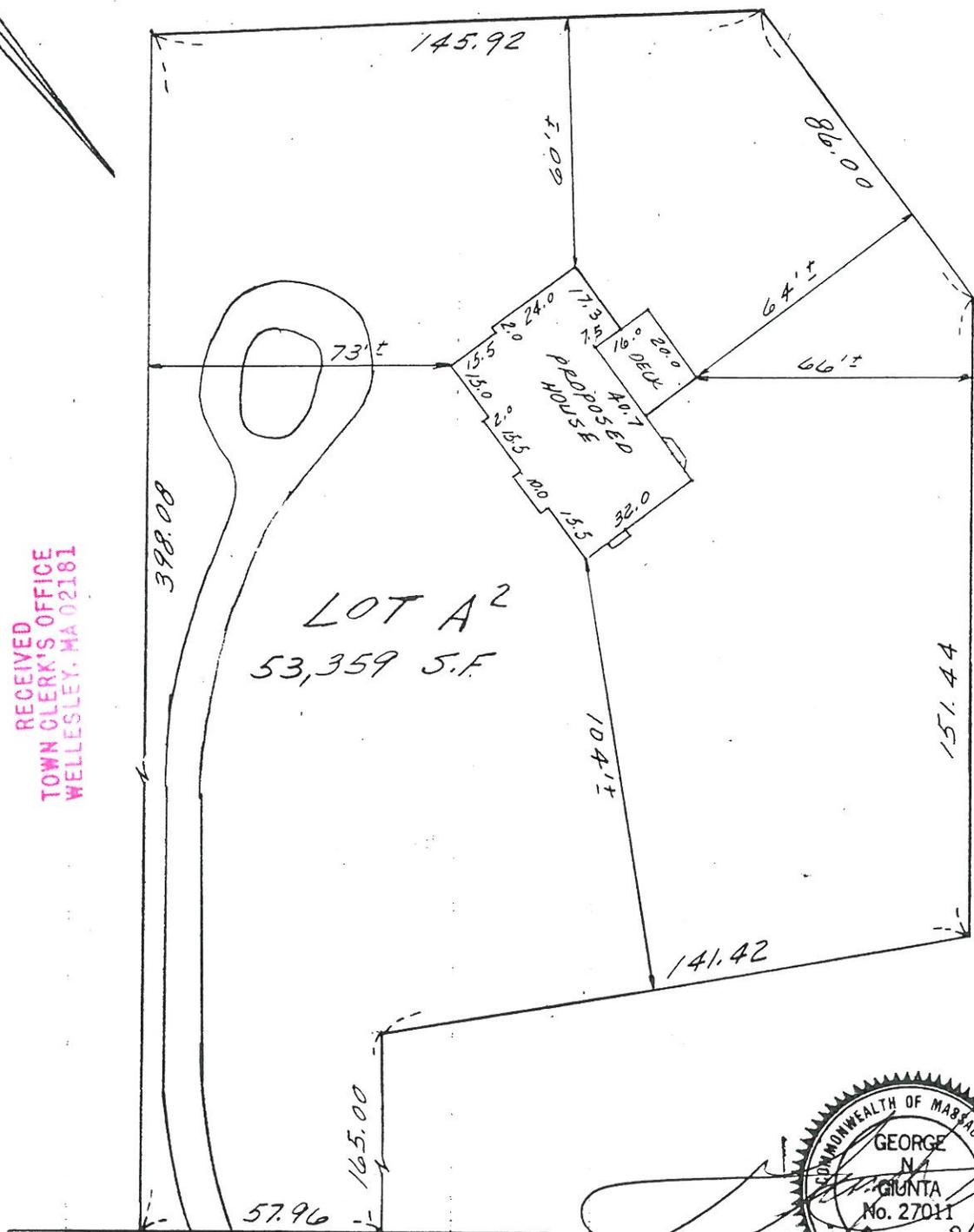


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Lambworks Properties
145 Great Plain Ave



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GREAT PLAIN AVE.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

OCT. 9, 1996

SCALE 1" = 40'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS