TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 97-93
Petition of L. Grignaffini & Sons, Inc.
2 Westerly Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 30, 1997 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 L. GRIGNAFFINI & SONS, INC. requesting the following variances from the terms of Section IV and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a four-unit Townhouse with 4 one-car garages under and a two-car detached garage at 2 WESTERLY STREET, in a General Residence District:

1. To allow construction on a lot that has less than the required frontage of 120 feet as the Westerly Street frontage has a minimum 85.55 feet.

2. To allow the detached two-car garage to have a minimum setback of 5 feet from the Business/Industrial District from which 25 feet is the minimum required setback.

On October 14, 1997, 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 Louis and Joseph Grignaffini. Joe Grignaffini presented a site plan with revisions due to the suggestions made by DPW in regard to the location of a transformer and a curve in the road to increase vehicle safety.

Joe Grignaffini stated that the project meets all the requirements for 4 townhouses in a General Residence District, except for the frontage, which is impossible to meet because of the way the lot is situated. He submitted a letter in support of the petition from Leonard Montanari, 1 Westerly Street, one of the two immediate abutters.

The Board expressed concern about setting a precendent in regard to frontage, which might be used in the future by others in situations that might be less appropriate.

Joe Grignaffini responded that this situation is unique because the entire western side of the property abuts a commercial area. They plan to create buildings that will tie into the existing townhouses to form a courtyard. The building will face Diehl's parking lot, and will be set back from Oak and Westerly Streets. The frontage will be heavily landscaped so that the building will be inconspicuous. The abutting property, which they also own, has a right-of-

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way going to the new property. They were forced to buy the property, because if it had different ownership, the owner would have the right to cross through the original lot.

Walter Davis, 1 Oak Street, a direct abutter, said that he supported the petition, but wanted to know if the area fronting Oak Street would be screened. Mr. Grignaffini said that it would be heavily screened.

Mr. Davis also expressed concerned about elevation changes because, in a heavy rain, the stormwater drain overflows toward his property. Any change in the elevation will worsen the problem. Mr. Grignaffini said that they are working hard to keep the natural contours of the land because they do not want to remove any existing trees.

Mr. Grignaffini said that if the lots were combined, he would have more than enough frontage, but they could not meet the open space requirement. Possibly a statement could be inserted in the decision that the property line is adequate, but the configuration of the street does not allow the owner to take advantage of the frontage dimension. At one time, Westerly Street was a paper street going through to Diehl's.

The Board noted that this is a reverse corner lot with only half the frontage allowed to be counted. If the road had been continued the full length of the frontage, there would be no problem.

The Board then discussed the variance requested for the garage location. Mr. Grignaffini said that the garage abuts Diehl's property. Large arborvitae have been planted along the lot line of the existing townhouses to separate them from the Linden Store building. They will continue the plantings to screen the new property from the Radio Shack building. Because of the distance between garages and residential units required by the Building Code, they felt that this was the best placement of the garage, which would also act as a buffer to Diehl's property. Diehl's has no objection to the location.

Statement of Facts

The subject property is located at 2 Westerly Street, in a General Residence District, and contains 29,343 square feet. The southern and western boundaries abut Commercial/Industrial Districts. The eastern property line abuts the property at 3-11 Everett Street, a parcel containing 11 townhouse units, which is owned by the petitioner and contains a 12 foot right-of-way extending through this property from Everett Street to 2 Westerly Street. The northern boundary fronts Westerly Street for a distance of 85.55 feet to the 90 degree intersection of Oak Street. The remaining 84.45 feet of frontage abuts the Davis property at 1 Oak Street.

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The petitioner is requesting a variance to construct four townhouse units with one-car garages under and a detached two-car garage on a lot with a minimum 85.55 foot frontage, which is less than the required 120 feet and a variance to locate the detached garage 5 feet from the Commercial/Industrial District, which is less than the 25 foot required setback. All other requirements listed in Section IV-A for Category A Townhouse Units have been met.

A Site Plan of Land dated August 25, 1997, drawn by George Guinta, Registered Land Surveyor; Floor Plans and Elevations (A-1 through A-6) dated September 10, 1997, except for A-1 dated August 19, 1997, drawn by Wellesley Design Service; and photographs were submitted. A plan showing the properties at 3-11 Everett Street and 2 Westerly Street with locations of buildings, garages, patios, easements and landscaping was also submitted.

On October 21, 1997, the Planning Board reviewed the petition and recommended approval of the variance requests.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The property does not meet the requirement of Section IV of the Zoning Bylaw in regard to 120 feet of frontage and the requirement of a 25 foot setback of any structure abutting other zoning districts than Single Residence.

In regard to the variance requested for minimum frontage, it is the opinion of this Authority that the configuration of Westerly Street denies the property owner the use of the full lot frontage to meet the frontage requirement and that the use of the property for 4 townhouse units is compatible in density and nature with the surrounding uses.

In regard to the variance requested for placement of the two-car detached garage at a minimum of 5 feet from the commercial/industrial district, it is the opinion of this Authority that said placement will serve to provide a buffer from said district, and that the configuration of the lot leaves the petitioner no other recourse as the garage must be a minimum of 30 feet from the footprint of the townhouse structure.

It is the further opinion of this Authority that literal enforcement of the provisions of Section IV of the Zoning Bylaw would involve a substantial harship to the petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, both of the requested variances are granted, as voted unanimously by this Authority at the Public Hearing.

If the rights authorized by these variances are not exercised within one year of the date of grant of said variances, they shall lapse, and may be re-established only after notice and a

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new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

As the proposed four unit townhouse structure contains more than 2,500 square feet of floor area, the project is deemed a Major Construction Project pursuant to the provisions of Section XVIA of the Zoning Bylaw. Review by the Design Review Board and the grant of a Special Permit for Site Plan Approval by the Zoning Board of Appeals are required prior to the issuance of any building permit.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

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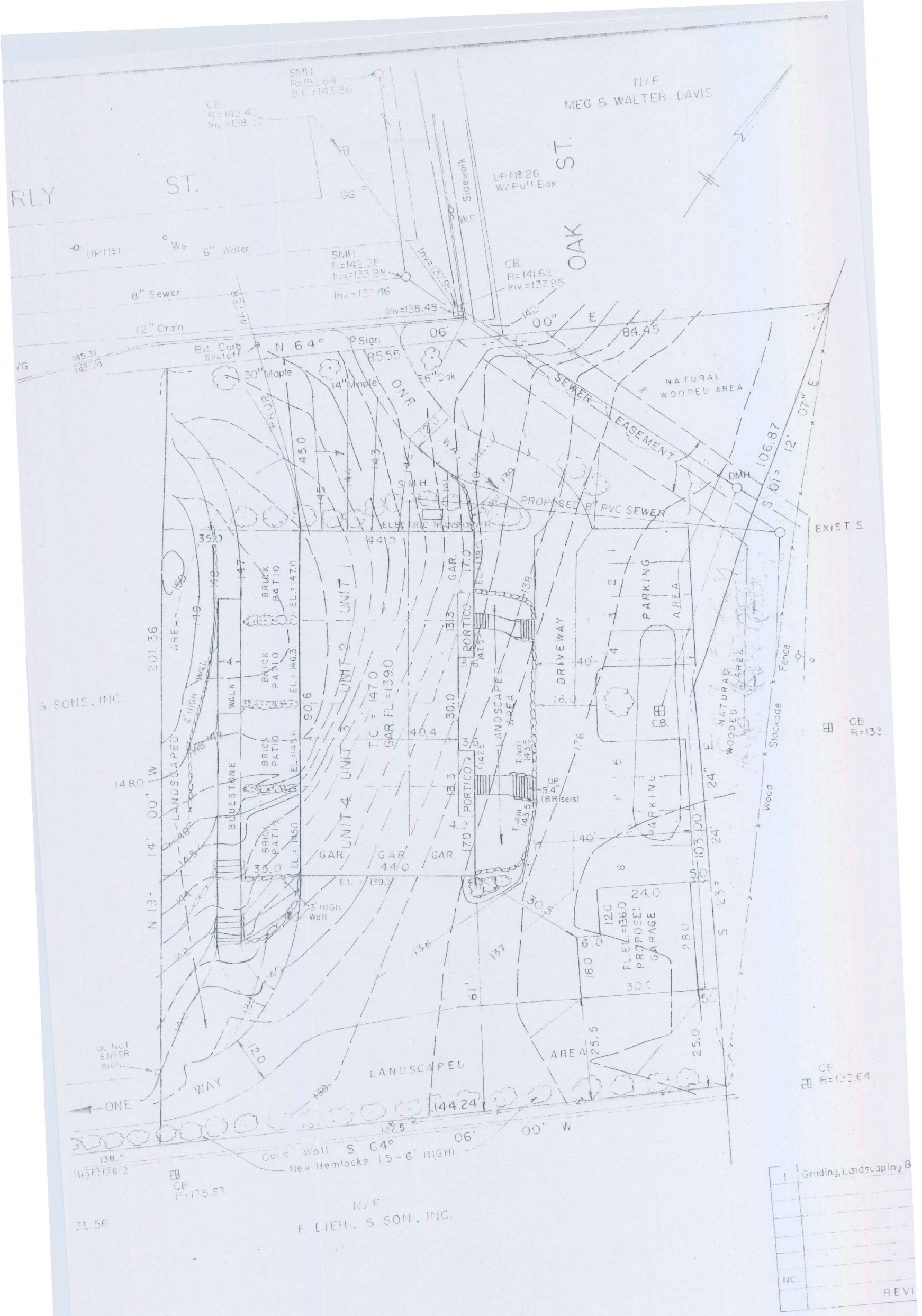

N/F
MEG & WALTER DAVIS
OAK ST.
RLY ST.
UP No 26
W/ Pull Box
Sidewalk
W.S.
SMH
R=152.64
B.C.=143.86
CB
R=142.42
Inv.=138.27
GG
UP No 1
Ws
6" Water
8" Sewer
12" Drain
SMH
R=142.38
Inv.=133.88
Inv.=133.46
Inv=138.48
CB
R=141.62
Inv.=137.95
Bit. Curb
Shutoff
N 64°
Sign
85.55
30" Maple
14" Maple
6" Oak
06'
00" E
84.45
NATURAL
WOODED AREA
SEWER EASEMENT
PROPOSED 8" PVC SEWER
S.M.H.
ELECTRIC TRANSFORMER
DMH
EXIST. S.
S 01° 12' 07" E
106.87
BRICK PATIO
EL.=147.0
EL.=146.3
EL.=145.6
EL.=145.0
UNIT 1
UNIT 2
UNIT 3
UNIT 4
T.C. = 147.0
GAR. FL.=139.0
GAR.
PORTICO
LANDSCAPED AREA
DRIVEWAY
PARKING AREA
NATURAL WOODED AREA
Fence
Stockade
Wood
CB.
CB
R=133
UP
5'4"
(8 Risers)
T. Wall
143.5
EL.=139.0
3' HIGH Wall
BLUESTONE
WALK
LANDSCAPED AREA
2' HIGH WALL
201.36
N 19° 14' 00" W
148.0
103.00
24"
S 23°
FL. EL.=136.0
PROPOSED GARAGE
DO NOT ENTER SIGN
ONE WAY
LANDSCAPED AREA
144.24
S 64° 06' 00" W
Conc. Wall
New Hemlocks (5-6' HIGH)
CB
R=135.63
CB
R=133.64
N/F
F. DIEHL & SON, INC.
35.56
Grading, Landscaping &
NO.
REVI