



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

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

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DEC 29 9 30 AM '88

ZBA 88-102  
Petition of John and Louise Areano  
16 Sunnyside Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 15, 1988 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 JOHN AND LOUISE AREANO requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of an addition approximately 16 feet by 20 feet at their dwelling at 16 SUNNYSIDE AVENUE, in a Single Residence District, said addition to have less than the required front setback.

On November 29, 1988, 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 Louise Areano, who said she was requesting a variance of 9 feet from the front setback of the addition. The addition is proposed on the right side of the house as there is insufficient land on the left side.

Valerie Isaacs, 20 Sunnyside Avenue, said that she would not oppose an addition that conformed to zoning guidelines, but that the size of the proposed addition did not conform nor was it in character with the homes in the neighborhood. She expressed concern regarding the proximity of the addition to her property.

The Board stated that due to the lot configuration, no addition could be built on the property that would comply with zoning requirements.

Margaret Gerails, 12 Sunnyside Avenue, expressed concern that the granting of the variance would set an unwanted precedent in a neighborhood in which the lots are very small.

Jackie Green, 21 Sunnyside Avenue, opposed the request on the grounds that the addition would be an unnecessary intrusion into a very crowded area. Mrs. Green expressed concern about the impact of the additional coverage of land on a street that presently has a severe run-off problem. She expressed further concern that the addition would have an adverse impact on the already inadequate parking area of the existing house. Cars belonging to the Areanos are presently parked on the street or the sidewalk as the driveway is inadequate. The proposed addition would compound the problem as the existing driveway would be able to accommodate only one car.

Mrs. Areano said that she felt that the addition would be an improvement to the property. She added that they had considered making new parking arrangements after the addition had been completed. Mrs. Areano described her lot as a piece of pie.

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### Statement of Facts

The subject dwelling is located at 16 Sunnyside Avenue, in a Single Residence District, on a 10,000 square foot lot.

The petitioners are requesting a variance to construct a one-story addition approximately 16 feet by 20 feet at the front right side of their dwelling which would leave a minimum front setback of 22 feet at the front right corner of the addition.

A Plot Plan dated November 22, 1988, drawn by Verne T. Porter, Registered Land Surveyor; Construction plans and elevations dated 9/8/88, revised 9/28/88, drawn by Bissanti Design & Building; and photographs were submitted.

The Planning Board, on December 6, 1988, voted to offer no objection to the request.

### Decision

This Authority has made a careful study of the evidence presented. The subject house is presently conforming, but the construction of the proposed addition would render the dwelling non-conforming, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house, and although it alters the relationship of the house to the front property line, this alteration is due to the location of the house on the lot in relation to said property line.

It is the opinion of this Authority that because of the unusual 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 petitioner 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 22 feet with a one foot overhang to the front property line and subject to the following conditions:

1. That permanent off-street parking be provided at 16 Sunnyside Avenue sufficient for all cars belonging to the residents of the property.
2. That pictures showing the new parking arrangements to be sufficient be submitted to the office of the Board of Appeals prior to the issuance of a Building Permit.

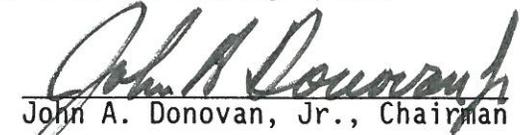
The Inspector of Buildings is hereby authorized to issue a permit for the construction, subject to completion of the above-stated conditions, and upon his receipt and approval of a building application and construction plans.

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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.

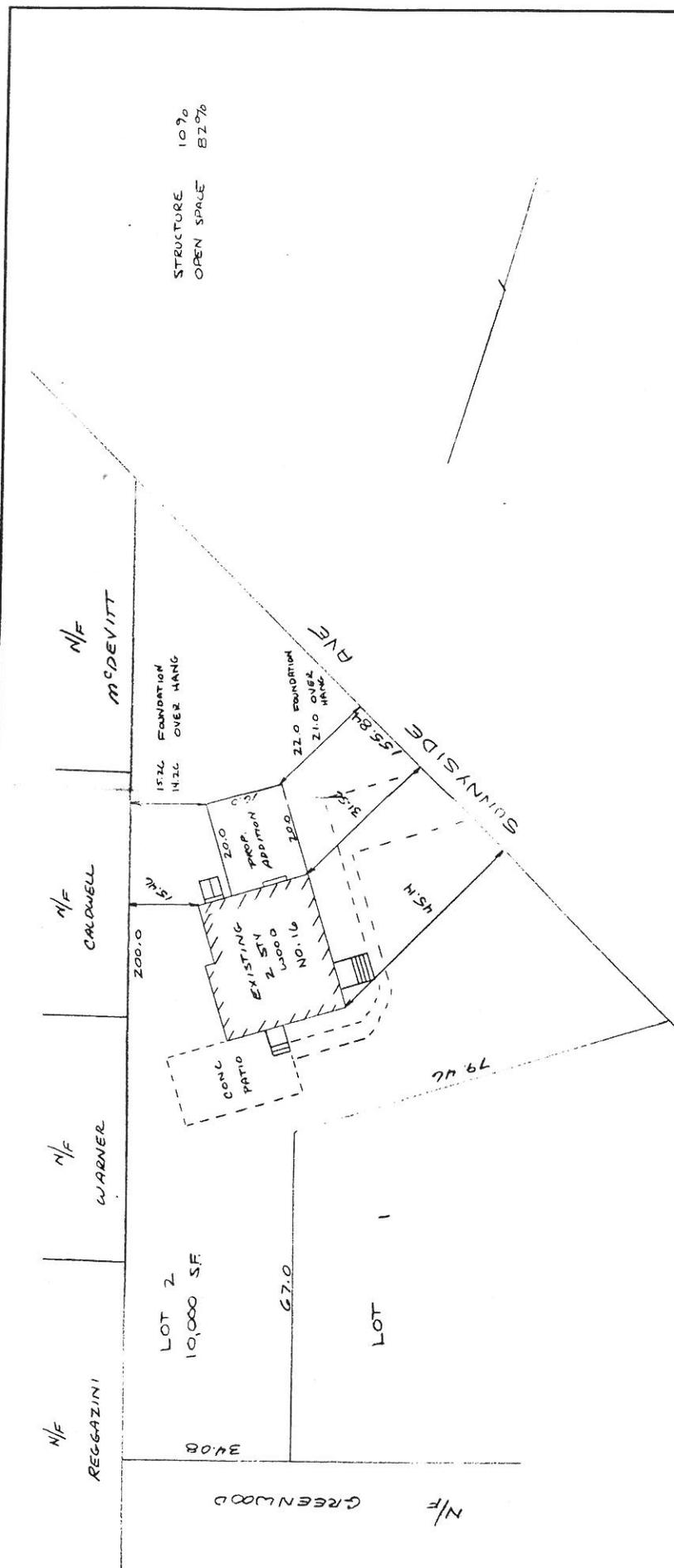
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Franklin P. Parker

  
William E. Polletta

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WELLINGTON, MA 02181  
DEC 29 9 36 AM '88



STRUCTURE 10.9%  
 OPEN SPACE 82.0%

### PLOT PLAN

SCALE: 1 IN. = 30 FT. DATE: 11-22-88 PLAN REFERENCE: BEING LOT 2 ON A PLAN BY  
 MACCARTHY ENG. SERV. DATED 1-18-83 RECORDED IN NORFOLK CO.  
 REGISTRY OF DEEDS DEED BOOK 368 PAGE 179 DEED 485-153

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN.  
 AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF WELLESLEY

I CERTIFY THAT THIS LOCUS DOES NOT LIE  
 WITHIN THE FLOOD HAZARD ZONE AS  
 DELINEATED ON MAP FLOOD PLAIN  
 COMMUNITY WELLESLEY

VERNE T. PORTER PE, RLS  
 282 LANGLEY RD.  
 NEWTON CENTER, MA 02159



THIS PLAN MADE FROM AN  
 INSTRUMENT SURVEY.

VTP ASSOCIATES  
 NEWTON, MA 02159 332-8271

TOWN OF WELLESLEY



MASSACHUSETTS

ALBERT S. ROBINSON, TOWN COUNSEL

40 GROVE STREET  
WELLESLEY, MA 02181  
(617) 235-3300

November 15, 1989

Ellen D. Gordon, Executive Secretary  
Zoning Board of Appeals  
Town Hall  
Wellesley, MA 02181

Re: Issacs et als v. Donovan et als

Dear Ellen:

The parties in the referenced action have informed me that they have reached agreement to have the Board's decision annulled. Presuming that the Board has no objection, I will sign a Stipulation for an Agreement for Judgment to complete the matter.

Would you let me know.

Very truly yours,

Albert S. Robinson

ASR/dmr  
File: WJ-257  
(0390k)

11/21/89 Telephone call to A.S.R.  
Agree to sign Stipulation

COMMONWEALTH OF MASSACHUSETTS

COPY

NORFOLK, SS.

TRIAL COURT  
LAND COURT DEPARTMENT  
CIVIL ACTION NO. 131556

ROBERT ISAACS, VALERIE-LYNN CURTISS )  
ISAACS, JOSEPH R. GERACE, MARGARET )  
T. GERACE, MALCOLM R. GREENE and )  
JACQUELINE S. GREENE, )

Plaintiffs )

v. )

JOHN A. DONOVAN, JR., FRANKLIN P. )  
PARKER, WILLIAM E. POLLETTA, ROBERT )  
R. CUNNINGHAM, KENDALL P. BATES and )  
SUMNER J. BABCOCK, AS THEY ARE )  
MEMBERS OF THE ZONING BOARD OF )  
APPEALS OF THE TOWN OF WELLESLEY, )  
and JOHN AREANO and LOUISE AREANO, )

Defendants )

AGREEMENT FOR  
JUDGMENT

It is hereby agreed that the following entry may be made in  
the above-entitled action:

"The decision of the Zoning Board of Appeals is annulled.  
All rights of appeal waived."

Dated: November 9, 1989

*G. Michael Peirce*

G. Michael Peirce, Esquire  
MOFENSON & NICOLETTI  
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Newton, MA 02159  
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BBO# 393220  
Attorney for Defendants  
John and Louis Areano

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BBO# 062500  
Attorney for Plaintiffs

*Albert S. Robinson*

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GRINDLE, ROBINSON & KERTZMAN  
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Wellesley, MA 02181  
(617) 235-3300  
BBO# 422820

Attorney for Defendants John A. Donovan, Jr.,  
et als as they are members of the Zoning  
Board of Appeals of the Town of Wellesley

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