



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-54

Petition of Albro/Wellesley Limited Partnership
789 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on July 21, 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 ALBRO/WELLESLEY LIMITED PARTNERSHIP requesting renewal of a Special Permit pursuant to the provisions of Section XIXB and Section XXV of the Zoning Bylaw to allow Lot #3 in the subdivision at 789 Worcester Street to be designated as a buildable lot with less than the required frontage on a curved street line and having a sideline radius of less than 100 feet. Said property is in a Single Residence District.

On July 5, 1988 the petitioner requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was George Seeley, Director of Development of Albro Construction Company, a general partner in Albro/Wellesley Limited Partnership. Mr. Seeley read a letter, dated July 21, 1988, regarding the petition, copies of which he submitted to the Board. Mr. Seeley said that the redesign of the drainage system of the subdivision has not received approval from the State Department of Public Works, but he expected it would be forthcoming within the next 30 days. He said that in the final design, Lot #1 would have to be used as a retention pond in order to satisfy the drainage requirements of the State DPW. Mr. Seeley demonstrated on an enlarged site plan that Lot #3 satisfied all the requirements of Section XIXB.

Virginia Cutler, 7 Mansfield Road, asked if Mr. Seeley would be adhering to the same site plan as had been approved in 1986 because at that time, the State DPW had turned down the petition for a sewer drainage connection based on the 1986 site plan. Mr. Seeley said that Albro had redesigned the drainage system to meet the state criteria to minimize the discharge of water from the site into the state drainage system. The State DPW had mandated that the water be retained on site until the State system could handle the overflow. Mr. Seeley said he expected State DPW approval of the redesigned plan within 30 days.

Ms. Cutler felt that the application for the Special Permit was premature and should not have been submitted until State approval had been given for the drainage plan. Ms. Cutler said that Mansfield Road has a severe drainage problem which might be increased due to water from the subdivision and questioned the reality of securing state approval for the new drainage system. Mr. Seeley responded that the original Special Permit was granted with the condition that it would not be effective until the Planning Board had granted definitive approval which was conditional on approval by the State DPW, and registration of the subdivision at the Registry of Deeds.

No other persons had any comments on the petition.

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Statement of Facts

The property in question, known as Lot #3 in the subdivision at 789 Worcester Street in a Single Residence District, contains 15,020 square feet; has a frontage of 58.725 feet, the requirement being 80 feet; and a sideline radius of 50 feet, the requirement being less than 100 feet. The previous owners, Oak Hill Trust, Calla Jean Schaefer, Trustee, subdivided the property into six lots in 1986. On May 12, 1986, Oak Hill Trust was granted a Special Permit to allow Lot #3 to be designated as a buildable lot (ZBA 86-25).

According to Section XXVC of the Zoning Bylaw:

"A Special Permit shall lapse within two (2) years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except for good cause...

The Special Permit (ZBA 86-25) expired on May 12, 1988. Since the original Special Permit was granted, the subdivision property, including the lot in question, was purchased in August, 1987 by the petitioner, Albro/Wellesley Limited Partnership. The petitioner is requesting renewal of said Special Permit pursuant to Section XIXB which will allow Lot #3 to be designated as a buildable lot.

A Plot Plan dated October 22, 1985, revised December 2, 1985, revised January 22, 1986, drawn by Douglas L. Liston, Registered Land Surveyor, was submitted.

The Planning Board, on July 12, 1988 voted to offer no objection to the request. On February 28, 1986, The Planning Board voted to approve a definitive subdivision plan designated PB-85-A-1 with conditions noted in the "Certificate of Approval of a Definitive Plan." Final approval of the subdivision plan has not yet been granted.

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting renewal of a Special Permit to allow Lot #3 in the subdivision at 789 Worcester Street to be designated as a buildable lot with less than the required frontage on a curved streetline and a sideline radius of less than 100 feet.

It is the opinion of this Authority that the petitioner's plans meet the requirements for a buildable lot according to Section XIXB and that the petition is in harmony with the general intent and purpose of the Zoning Bylaw. Therefore, a Special Permit is hereby granted to allow Lot #3, owned by Albro/Wellesley Limited Partnership to be designated a buildable lot in accordance with the Plot Plan described in the foregoing Statement of Facts and subject to the following conditions:

1. That said Special Permit will not become effective until final approval of the subdivision plan of 789 Worcester Street by the Planning Board has been granted and until said plan is recorded with the Registry of Deeds, a copy of said recording to be submitted to the office of the Zoning Board of Appeals.

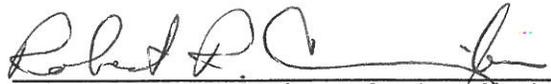
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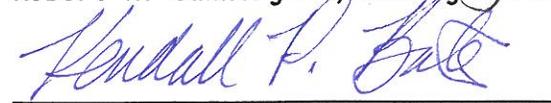
2. That the minimum front yard width is maintained at the street setback line (house line) and that all other dimensional zoning requirements are satisfied when a dwelling is proposed for the lot.
3. That all requirements of the Fire Department, the Town Engineer and the State Department of Public Works shall be complied with concerning the property.
4. That said Special Permit shall lapse two years from the date of this decision.

When the above conditions are satisfied, the Inspector of Buildings is hereby authorized to issue a permit for the construction of a dwelling on Lot #3 upon his receipt and approval of a building application and 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


Robert R. Cunningham, Acting Chairman


Kendall P. Bates


William E. Polletta

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