

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-68  
Petition of Oak Street Holdings LLC  
25 Oak Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 2, 2021 at 7:30 pm, on the petition of Oak Street Holdings LLC requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition and reconstruction of a two story structure that will meet setback requirements, on a nonconforming lot with less than required frontage, at 25 Oak Street, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 22, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present on behalf of the petition was Victor Corda, who said that the request is for a special permit/finding for a pork chop lot that does not have adequate frontage. He said that he previously withdrew plans for construction of a duplex. He said that the current proposal is to replace a single family home with a single family home that will be compliant with Zoning regulations except for frontage.

Mr. Corda said that the house will conform to the 3,600 square foot TLAG threshold for the General Residence District. The Board discussed inserting a condition that a TLAG Affidavit be submitted that shows TLAG at 3,600 square feet or less.

Mr. Corda discussed installation of water infiltrators and downspouts.

Mr. Corda said that he spoke with some of the neighbors, who seemed to be much happier with the single family home. The Chairman said that a letter that was submitted to the Board was consistent with that.

A Board member asked about the setback to the north. Mr. Corda said that Michael. Grant, Building Inspector, said that the structure has side yard setbacks of 20 feet all around.

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There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 25 Oak Street, in a General Residence District, with minimum frontage of 19.8 feet where 60 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition and reconstruction of a two story structure that will meet setback requirements, on a nonconforming lot with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, and a Tree Protection & Preservation Plan, dated 7/13/21, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 6/21/21, prepared by Paul Apkarian Architects, Inc., Letter dated 7/13/21, from Kray A. Small, Massachusetts Certified Arborist #1797 and a photograph were submitted.

On August 25, 2021, the Planning Board reviewed the petition and recommended that action on the special permit be delayed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition and reconstruction of a two story structure that will meet setback requirements, on a nonconforming lot with less than required frontage will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of a two story structure that will meet setback requirements, on a nonconforming lot with less than required frontage, subject to the following condition:

- A completed TLAG Affidavit shall be submitted that shows TLAG at 3,600 square feet or less.

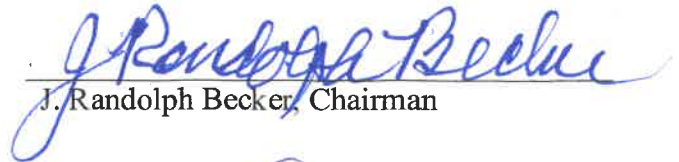
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.

  
J. Randolph Becker, Chairman

  
Robert W. Levy

  
Walter B. Adams

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ZBA 2021-68  
Applicant Oak Street Holdings LLC  
Address 25 Oak Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

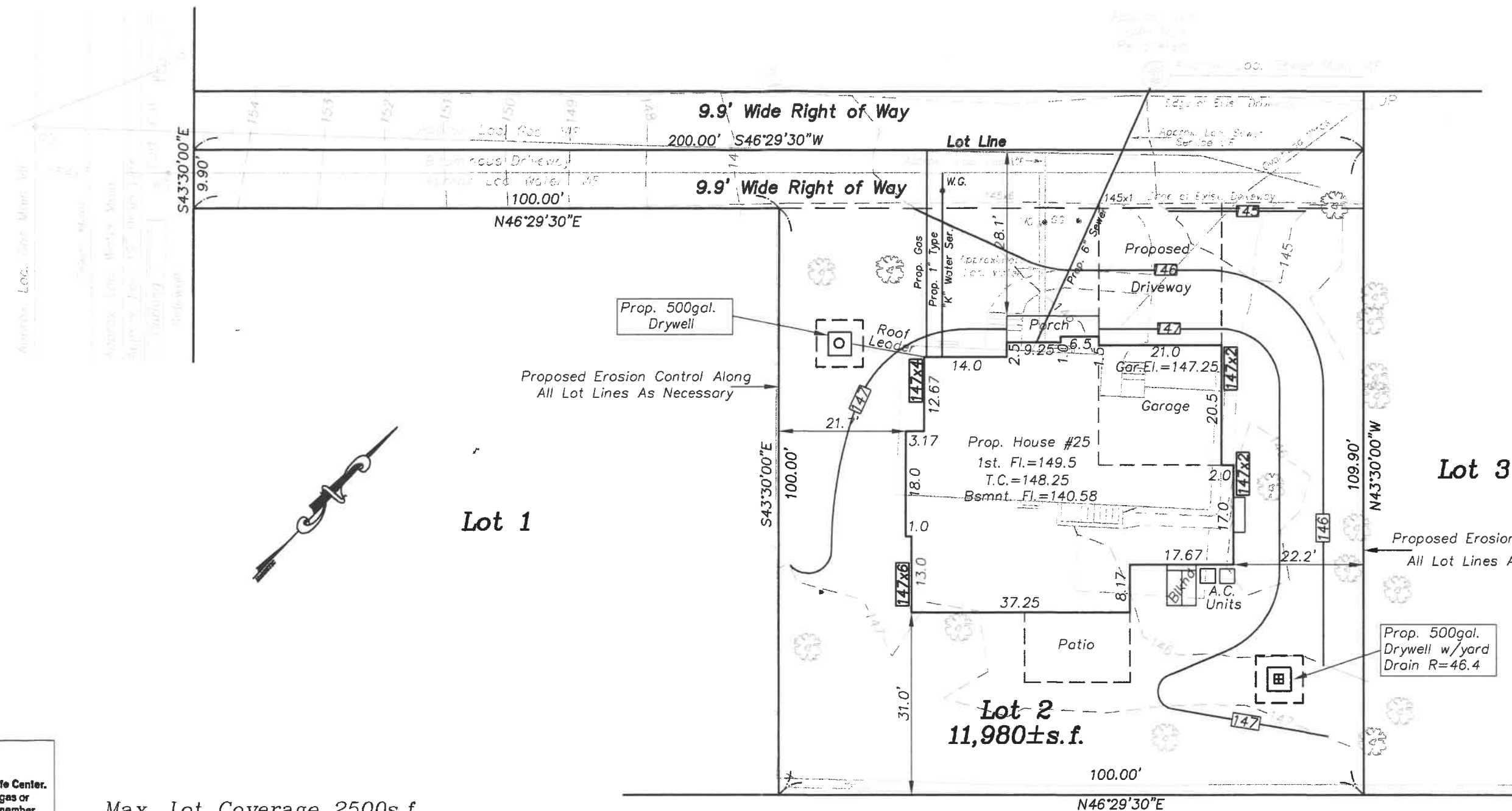
Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

# Oak Street

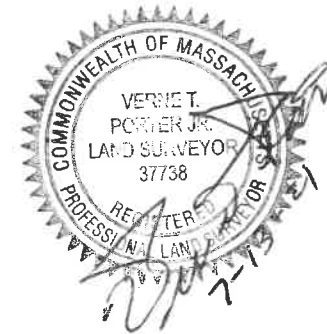


**Dig Safe**  
 Excavators  
 Before you dig contact the Dig Safe Center.  
 To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free  
 Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



Max. Lot Coverage 2500s.f.  
 Existing Lot Coverage=11.05%/1,324s.f.  
 Proposed Lot Coverage=20.20%/2420s.f.  
 Zoning District General Residence

NOTE  
 UTILITIES SHOWN WERE COMPILED FROM ACTUAL FIELD LOCATIONS,  
 CONTRACTORS NOTES, BEST AVAILABLE INFORMATION AND MAY OR MAY NOT  
 BE CORRECT. FIELD VERIFY PRIOR TO ANY EXCAVATION.



**Proposed Conditions Plot Plan**  
 25 Oak Street  
 Wellesley, Massachusetts  
 Scale: 1"=20' July 13, 2021  
 Verne T. Porter Jr., PLS  
 354 Elliot Street, Newton, MA 02464