

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-70  
Petition of Oak St Holdings LLC  
25 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2022, at 7:30 p.m. in the Great Hall, 525 Washington Street, Wellesley, on the petition of Oak St Holdings LLC requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of a two unit duplex that will meet setback requirements on an existing 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 September 29, 2022, 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 at the public hearing was Victor Corda, representing Oak St Holdings LLC, the Petitioner.

Mr. Corda said that he tried to make this a single family house but it did not work out. He said that after the definition of two family and townhouses was resolved, he decided to put a two family home at this location. He said that it will be within the TLAG trigger of 3,600 square feet, with a first and second floor. He said that he would like to develop the basement, which is not included in the TLAG. He said that there will be nothing on the third floor, including windows. He said that the structure will be just over 30 feet tall, approximately 31 feet to grade. He said that he kept it low, with single car garages in the middle of the structure.

Mr. Corda said that letters were submitted from neighbors in the five units behind the property. He said that he did not realize that a fence and hemlocks were a big concern of theirs. He said that those properties are substantially higher than this lot, with a three foot stone wall on the neighbors' property with hemlocks on top, fence and patios. He said that he will comply with the neighbors' wishes to close off a section of fence. He said that the rest of the fence is in good shape. He said that he prefers to not have to paint it. He said that he told the neighbor on the right who lives in a single family home that he will replace her fence as well.

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A Board member discussed abutters' concerns about screening and drainage. Mr. Corda said that his work will not affect the neighbors' tree line because his lot is quite a bit below it. He said that the site plan shows two drainage structures that he will tie the downspouts into. He said that he will install the fence behind and on the right side of the property.

A Board member discussed concerns about guest parking. Mr. Corda said that the garages are in the middle of the building. He said that they can park one vehicle inside and one outside. He said that he will add a backup for the vehicles to turn around. He said that the shared driveway is 20 feet wide and goes to his property and to the property behind. He said that both properties have the right to drive on either side. He said that overflow parking can park on the drive where there is ample room to get by. The Board member said that it will be difficult for emergency vehicles to get by if cars are parked on the right of way. Mr. Corda said that there will be enough room for three cars on each side.

A Board member said that DPW Engineering submitted a letter that talked about requiring a new water service connecting to the existing 2 inch main and likely a video inspection of the sewer service. Mr. Corda said that he is aware of DPW's requirements.

A Board member asked about space in the attic. Mr. Corda said that mechanicals will be the only thing in the attic.

A Board member confirmed that no hemlocks will be disturbed.

There was no one present at the Public Hearing 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 5.1 and Section 6.3 of the Zoning Bylaw that construction of a two unit duplex that will meet setback requirements on an existing nonconforming lot with less than required frontage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/5/22, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 12/20/20, prepared by Paul Apkarian Architects, Inc., and photographs were submitted.

On November 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA approve the Special Permit/Finding.

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 construction of a two unit duplex that will meet setback requirements on an existing nonconforming lot will not result in the intensification of an existing nonconformity, 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 construction of a two unit duplex that will meet setback requirements on an existing nonconforming lot, subject to the following conditions:

1. The Applicant shall replace the sections of fence that are no longer existing along the fence line between 25 Oak Street and the neighbors at 19A Oak Street.
2. The mature hemlocks on the property shall be maintained and protected.

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.

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

RECEIVED  
TOWN CLERK'S OFFICE  
MELVIN STREY, MA 02462  
2022 NOV 17 AM 10:54

ZBA 2022-70  
Petition of Oak St Holdings LLC  
25 Oak Street

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

  
Walter B. Adams

  
Richard L. Seegel

ZBA 2022-70  
Applicant Oak St Holdings LLC  
Address 25 Oak Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2022 FEB 17 AM 10:54  
TOWN OF WELLESLEY MASSACHUSETTS  
RECEIVED BY MAIL

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

