

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2000 MAR -1 P 12:14

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ZBA 2000-14
Petition of Mary Lou DiAngelis
58 Russell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 17, 2000 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 MARY LOU DIANGELIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming 16.9 foot by 14.2 foot enclosed porch with less than the required front setback; and construction of a one-story addition with the same dimensions and setback, at her nonconforming dwelling with less than the required front setback, at 58 RUSSELL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On January 31, 2000, 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 was Mary Lou DiAngelis, who said that a tree fell on the porch, which is the reason for the petition. She would like to remove the entire porch and construct a one-story addition which would be part of the living area of the house.

The Board noted that the Planning Board recommended denial of the petition, as the porch could be reconstructed. The street is only 15 feet wide, and in the opinion of the Planning Board, if the Town were ever to widen the street, this would be hindered by an improved building.

The Board stated that the property across the street from the site is Town property. If a widening were to take place, the Town could use its own land. The rear of the DiAngelis property drops off about 25 feet beyond the cellar. Although the plot plan shows a back yard of 100 feet, most of it is unusable.

The Board further stated that the Town has not been very diligent in improving roads to the status of legal or accepted streets. If Russell Road were to be improved, it would be necessary, not only to use Town land, but to demolish the front of every house on the street.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 58 Russell Road, in a Single Residence District, on a 9,339 square foot lot and has a minimum front yard clearance of 1.3 feet.

During a storm which occurred in the fall of 1999, a tree limb, which fell on the left corner of the porch, did extensive damage. The petitioner is requesting a Special Permit/Finding that the demolition of the existing nonconforming 16.9 foot by 14.2 foot porch, with a minimum front yard clearance of 1.3 feet and the construction of a one-story addition with the same dimensions and front yard clearance, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated 12/26/99, drawn by Peter M. Ditto, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 1/7/00, drawn by F. Verhoorn; and photographs were submitted.

On February 15, 2000, the Planning Board reviewed the petition and recommend denial of the request. Although there is no change in the footprint, the existing porch to be improved is essentially right at the edge of the street. Not apparent from the plan submitted, the street layout is only about 15 feet wide. If at any time in the future, street widening is contemplated, this would be hindered by encroachment on the street edge by an improved building.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that there is little likelihood of Town improvement occurring on Russell Road, as improvement from a width of 15 feet to 40 feet would require demolition of more structures on Russell Road than the improved one-story addition requested by the petitioner.

It is the finding of this Authority that the proposed demolition of the existing nonconforming enclosed porch and construction of a one-story addition on the same footprint shall not be substantially more detrimental to the neighborhood than the existing structure, as the proposed addition will neither intensify the existing nonconformance nor will it create new nonconformity.

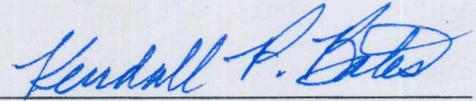
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing porch and construction of the one-story addition in accordance with the submitted plot plan and construction drawings.

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.

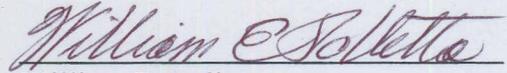
Petition of Mary Lou DiAngelis
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

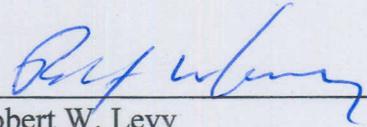
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman

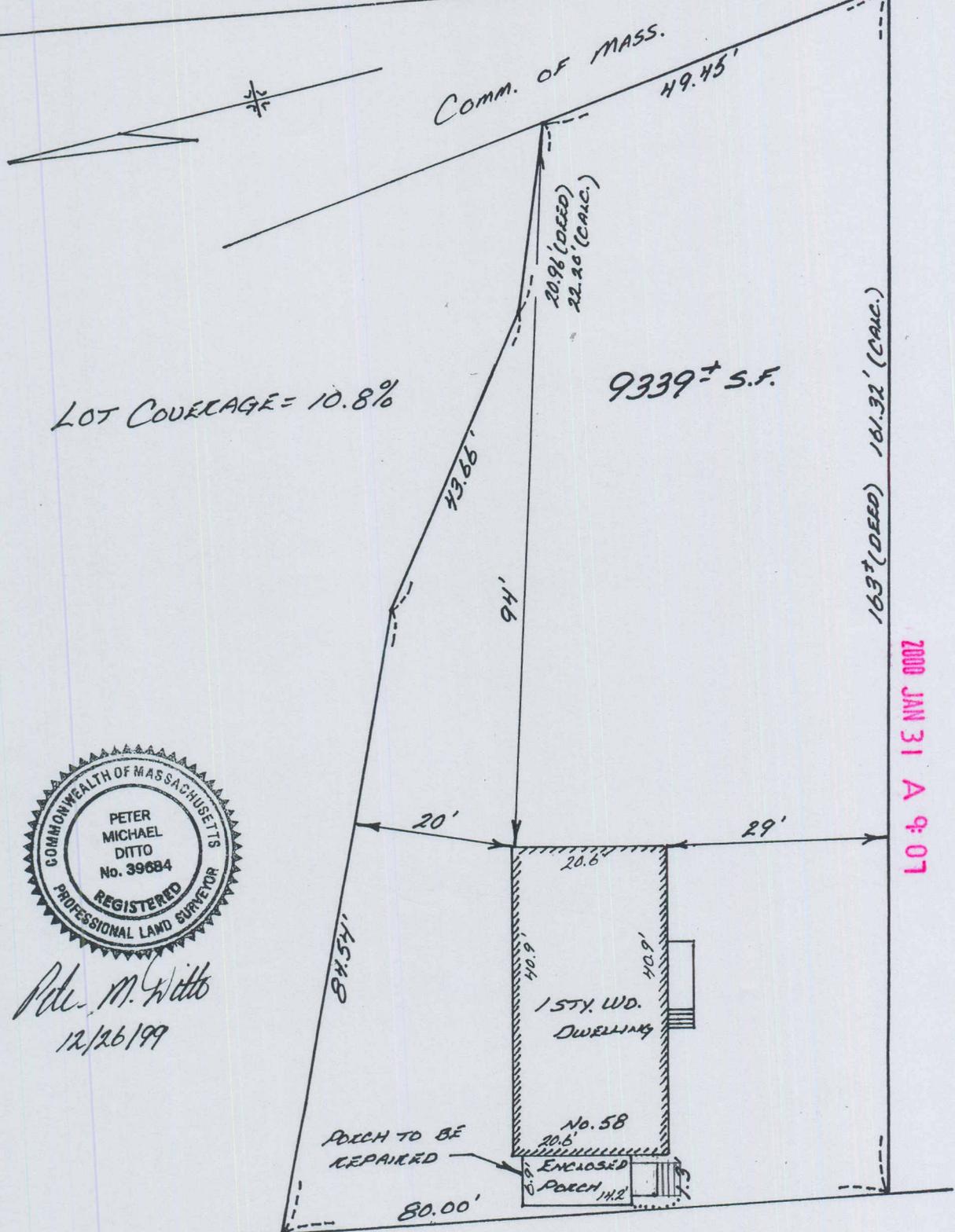


William E. Polletta



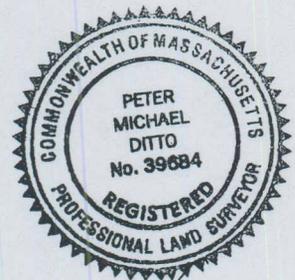
Robert W. Levy

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LOT COVERAGE = 10.8%

9339± S.F.



Peter M. Witto
12/26/99

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2000 JAN 31 A 9:07

RUSSELL ROAD

PLAN SHOWING
PORCH REPAIR
WELLESLEY, MA.

SCALE: 1" = 20' DATE: 12/26/99

PREPARED BY: PETER M. DITTO
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