

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS 2001 JUN -5 A 8:22

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ZBA 2001-32  
Petition of George Donnelly and Bethany Smith  
23 Cottage Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 24, 2001 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of GEORGE DONNELLY AND BETHANY SMITH 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 deck and construction of a one-story 14 foot by 13 foot 10 inch addition and a 17 foot by 22 foot deck, both of which will have less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback at 23 COTTAGE STREET, in a Single Residence District and an Historic District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 7, 2001, the petitioners 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 George Donnelly, who said the one-story addition, which has been approved by the Historic District Commission, will be 16.4 feet from the right side line. The house is already nonconforming as the right side is 13.5 feet from the lot line.

The Board noted that the Historic District Commission had approved the plans "as revised", and questioned what the revisions had been. Mr. Donnelly said the changes had involved window treatments and a steeper roof pitch.

The Board commented that the Planning Board had no objection to the granting of the request.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming property is located at 23 Cottage Street on a 13,200 square foot lot in a Single Residence District and an Historic District, and has a minimum right side yard setback of 13.6 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing nonconforming deck and construction of a 14 foot by 13 foot 10 inch one-story addition, with a minimum right side yard setback of 16.4 feet and a 22 foot by 17 foot deck, with a minimum right side yard setback of 13.6 feet,

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shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 2, 2001, stamped by Peter A. Lothian, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 12/18/00, drawn by Hendren Design Associates; and photographs were submitted.

On April 10, 2001, the Historic District Commission issued a Certificate of Appropriateness for the proposed construction.

On May 15, 2001, the Planning Board reviewed the petition and offered no objection to granting the request.

Decision

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

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

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the one-story addition and the deck in accordance with the submitted plot plan and construction drawings which were approved by the Historic District Commission.

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.

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*

Kendall P. Bates, Chairman

*Richard L. Seegel*

Richard L. Seegel

*Cynthia S. Hibbard*

Cynthia S. Hibbard

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