

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2003-12
Petition of Thomas and Alice Peisch
37 Pine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 13, 2003 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 THOMAS AND ALICE PEISCH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming detached garage and construction of a new 20 foot by 21 foot garage with less than the required left and rear yard setbacks, on their property at 37 PINE STREET, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 24, 2003, 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 Thomas Peisch, who was accompanied by his builder, Stephen Gagsosian. In response to the Board's question, Mr. Peisch stated that the existing garage would be razed and a new foundation poured.

The Board noted that it had received two letters: one in opposition to the petition from Dr. and Mrs. Dente, 37 Bay State Road; and one in support of the petition from William Warmington, 39 Pine Street.

The Board asked if the new garage could be moved forward so it would be more in compliance with the rear setback. Mr. Peisch said he had discussed this issue with Dr. Dente. If the garage were moved forward, they could not get the cars out and down the driveway. The proposed garage will not come any closer to the rear lot line than the existing structure.

Mr. Peisch explained that the 33 foot distance between the garage and the house would be used for a turning area. The driveway will be straight off Pine Street with a jog to the right side garage bay.

The Board asked if the roof could be a hip roof rather than a peaked roof. Mr. Peisch said they would like to use the space above the garage for storage, which would not be possible with a hip roof. The Board stated that a condition would be added that the second story of the new garage shall never be used as habitable space. The use of the space shall be limited to only storage.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Pine Street, in a 15,000 square foot Single Residence District, on a 13,969 square foot lot containing a single dwelling and a nonconforming detached garage with a minimum left side yard setback of 15.8 feet and a minimum rear yard setback of 4.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the nonconforming detached garage and construction of a 20 foot by 21 foot detached garage with the same minimum left side and rear yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated December 18, 2002, stamped by Evan A. Wilmarth, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated December 20, 2002, drawn by Stephen Gagosian; and photographs were submitted.

On January 28, 2003, the Planning Board reviewed the petition and had no objection to granting the request as the proposed garage does not further decrease the left and rear yard setbacks. Mass and bulk do not appear to be an issue and the lot coverage is within the 20% maximum allowed.

A letter dated February 5, 2003, drawings and photographs were submitted by Dr. and Mrs. Mark Dente, 37 Bay State Road, who expressed opposition to the petition. A letter dated February 10, 2003 was submitted by William Warmington, Jr., 39 Pine Street, who expressed support for the petition.

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 garage and construction of a new 20 foot by 21 foot garage with less than the required left side and rear yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for although the nonconformance shall be slightly intensified, no new nonconformity shall be created.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing garage and construction of the new garage in accordance with the submitted plot plan and construction drawings, subject to the following condition:

1. The space above the proposed garage shall never be used as habitable space, and shall be used only as storage space.

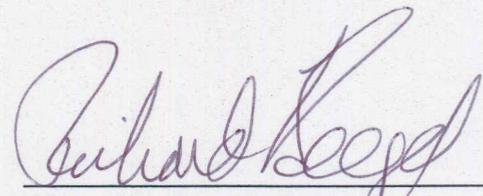
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

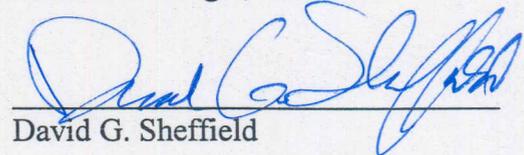
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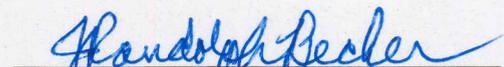
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Chairman


David G. Sheffield


J. Randolph Becker

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