

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

2003 SEP -5 A 8:19

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

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ZBA 2003-66

Petition of Paul and Emily Martin

50 Shore Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PAUL AND EMILY MARTIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required right side yard setback at 50 SHORE ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing nonconforming 17.5 foot by 12.1 foot walkway/deck, and construction of a 27.6 foot by 8.3 foot deck.
2. A one-story 10.7 foot by 7.3 foot addition.
3. A one-story 20 foot by 9 foot addition.

All three additions will have less than the required right side yard setback.

On July 28, 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 Paul Martin, who was accompanied by his wife, Emily, and their architect, Eben Kunz. Mr. Martin said they are trying to enlarge their 6 foot by 20 foot kitchen. In order to do this, the access way from the porch must be removed. They would also like to enlarge the living room.

Mr. Kunz said the adjustments being made will not affect the feeling of a small house. The rear of the house steps down by grade, with the basement on the lower level. The front of the house is not impacted, and the mass would not change. The house has had many additions over the years.

The Board asked if the deck, which sets the right side yard setback, had a building permit. Mr. Kunz said he didn't know, but it probably was original to the house. The new deck is a walkway to reach the kitchen.

The Board commented that the new deck improved the appearance of the house and was a good solution to the problem.

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

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 50 Shore Road in a 10,000 square foot Single Residence District, and a Watershed Protection District, on a 18,508 square foot lot and has a minimum right side yard clearance of 15.3 feet.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing nonconforming 17.5 foot by 12.1 foot walkway/deck and construction of a 27.6 foot by 8.3 foot deck with a minimum right side yard clearance of 15.5 feet.
2. A one-story 10.7 foot by 7.3 foot addition with a minimum right side yard clearance of 17.8 feet
3. A one-story 20 foot by 9 foot addition with a minimum right side yard clearance of 16.7 feet.

A Plot Plan dated August 10, 2002, revised July 22, 2003, stamped by James J. Abely, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated July 23, 2003, stamped by Eben Kunz, Architect; and photographs were submitted.

On July 17, 2003, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-435) for the project.

The Planning Board reviewed the petition and had no objection to the granting of 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 walkway/deck and construction of a new 27.6 foot by 8.3 foot deck, a one-story 10.7 foot by 7.3 foot addition and a one-story 20 foot by 9 foot addition, all with less than the required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the additions shall neither intensify the existing nonconformance, nor shall they create new nonconformity.

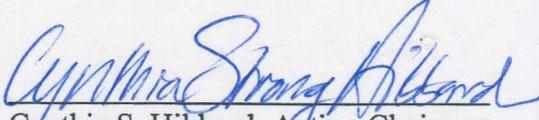
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and construction of the walkway/deck and two one-story additions in accordance with the revised plot plan and construction drawings, and subject to all conditions set forth in the Order of Conditions (DEP 324-435) issued by the Wetlands Protection Committee.

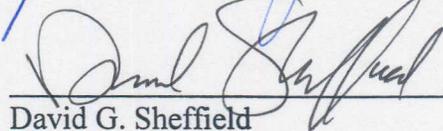
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

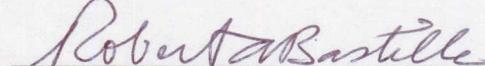
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


David G. Sheffield


Robert A. Bastille

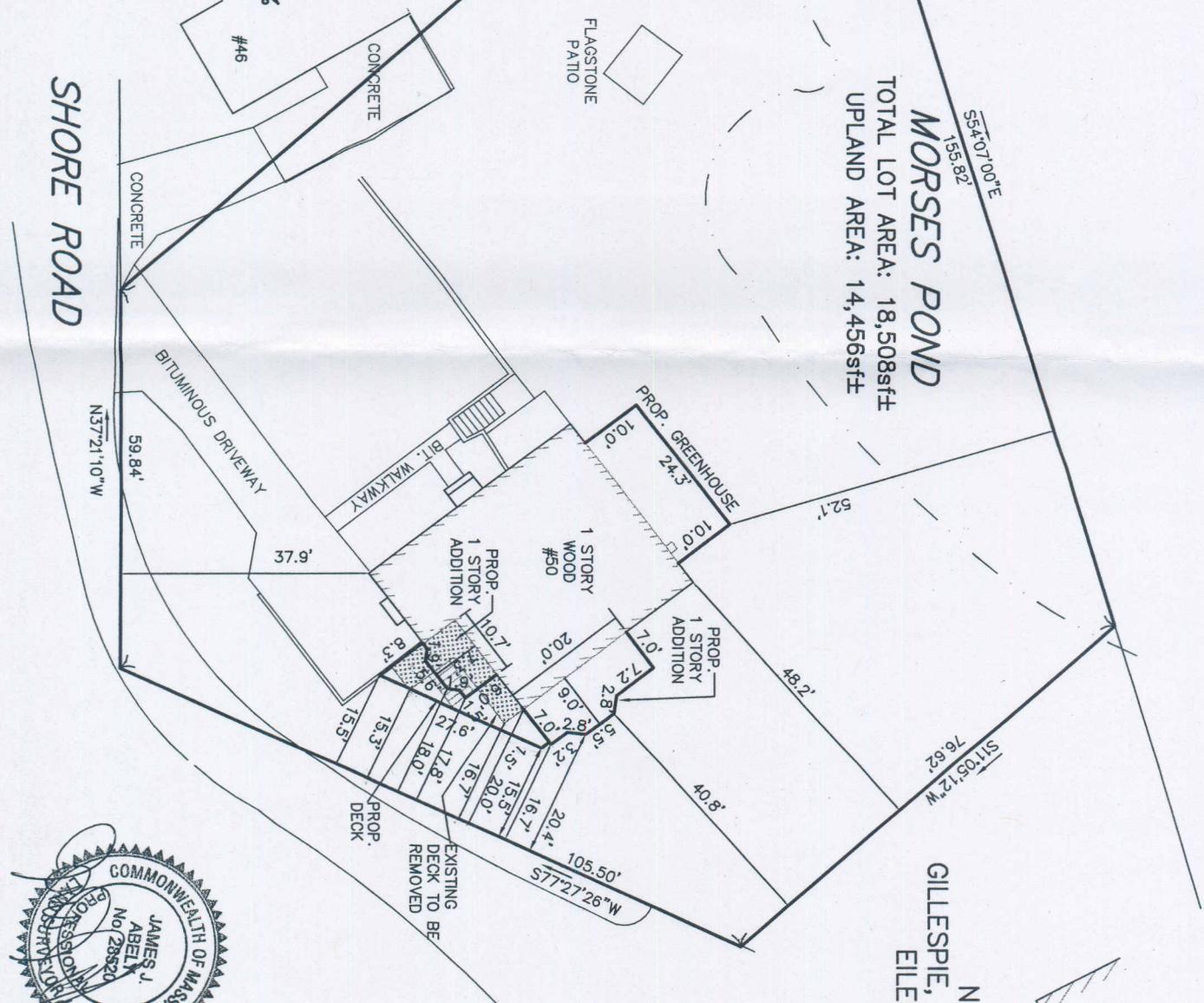
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MORSES POND
 TOTAL LOT AREA: 18,508sf±
 UPLAND AREA: 14,456sf±

N/F
 GOSS, ARTHUR S. &
 GILLESPIE, EILEEN

EXISTING BLDG. AREA: 1249sf±
 EXISTING RATIO OF BLDG. TO LOT AREA: 6.7%
 PROP. BLDG. AREA: 1739sf±
 PROP. RATIO OF BLDG. TO LOT AREA: 9.4%



N/F
 GILLESPIE, JOHN P. &
 EILEEN F.

N/F
 HAYS FRANK R. &
 MARY L.



SITE PLAN
WELLESLEY, MASSACHUSETTS

SHOWING PROPOSED CONDITIONS AT
 50 SHORE ROAD

SCALE: 1in.=20ft. DATE: AUGUST 10, 2002
 REVISED: JULY 22, 2003
 PROJECT: 02168

VTP
ASSOCIATES
 INC.

LAND SURVEYORS - CIVIL ENGINEERS,
 95B WATERTOWN STREET
 WEST NEWTON, MA 02465
 (617) 332-8271

AREA TO BE
 REMOVED
 ALONG WITH STAIRS

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 2003 JUL 28 A 10:53

