

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WELLESLEY MA 02482  
2003 SEP 26 A 8:11

ZBA 2003-72  
Petition of Andrew and Ruth Frommer  
37 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 18, 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 ANDREW AND RUTH FROMMER 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 17.9 foot by 24.5 foot one-story garage at a height of 21 feet, with less than the required right side yard setback, and construction of a new garage with the same dimensions and setbacks, at a height of 26 feet, at their nonconforming dwelling with less than the required front and right side yard setbacks, at 37 APPLEBY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 19, 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 were Andrew and Ruth Frommer. Mr. Frommer said they would like to rebuild their existing garage, which is substandard in construction, and replace it with a new garage having the same footprint but a five foot higher ridgeline.

The Board noted that the elevation drawing of the garage shows a window on the upper level, and asked if there would be living space in that area. Mr. Frommer said there would not be. The Board decided to include a condition that there shall be no habitable space above the garage.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Appleby Road, in a 10,000 square foot Single Residence District, on a 10,377 square foot lot 134 feet from Fuller Brook, and has a minimum right side yard setback of 9.2 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of their 17.9 foot by 24.5 foot nonconforming garage at a height of 21 feet, with a minimum right side yard setback of 9.2 feet, and construction of a new garage with the same dimensions and setback, at a height of 26 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated July 9, 2003, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation Drawings dated July 22, 2003, drawn by David H. Sigl; and photographs were submitted.

On August 7, 2003, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-438) for this project.

The Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

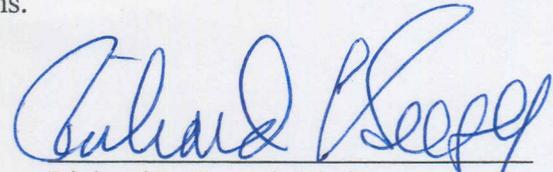
This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

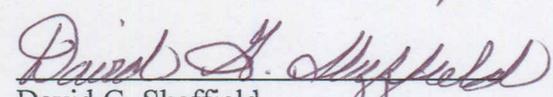
It is the finding of this Authority that the proposed demolition and reconstruction of the 17.9 foot by 24.5 foot garage at a new height of 26 feet, with a minimum right side yard setback of 9.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the new garage will neither intensify the existing nonconformance nor create new nonconformity as the footprint of the structure shall not change.

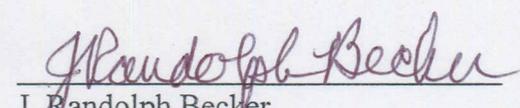
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of said garage at a new height of 26 feet in accordance with the submitted plot plan and construction drawings, and further subject to the Order of Conditions (DEP 324-438) issued by the Wetlands Protection Committee on August 7, 2003.

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.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

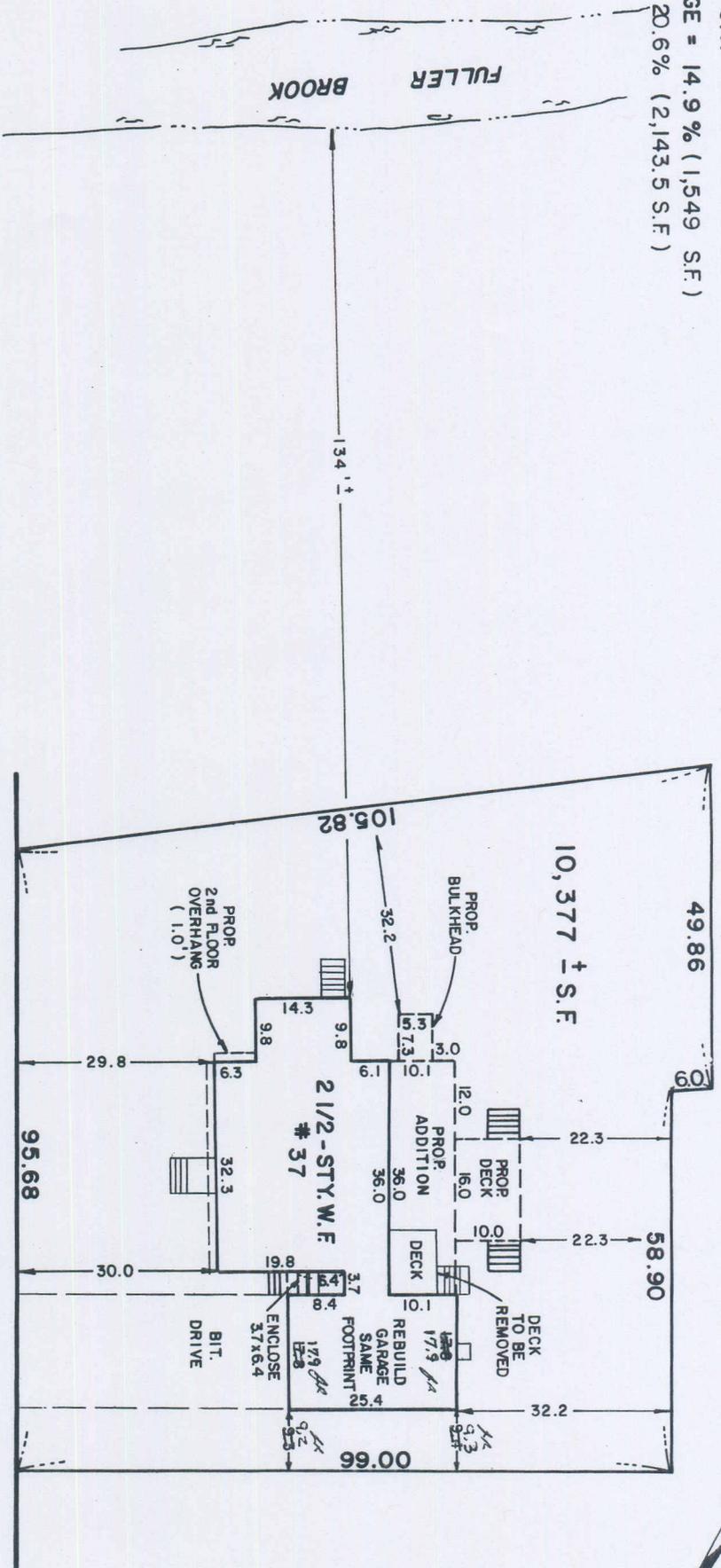
  
J. Randolph Becker

Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

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LOT AREA = 10,377 ± S.F.  
 EXISTING LOT COVERAGE = 14.9% (1,549 S.F.)  
 PROP. LOT COVERAGE = 20.6% (2,143.5 S.F.)

RECORD OWNER:  
 ANDREW & RUTH  
 FROMMER  
 37 APPLEBY ROAD  
 WELLESLEY, MA



PLAN OF LAND  
 IN  
 WELLESLEY, MASS.

SCALE: 1" = 20'  
 ESSEX ENGINEERING & SURVEY  
 JULY 9, 2003  
 NEWTON, MASS.  
 REVISED: AUGUST, 18, 2003

