TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ROBERT A. BASTILLE
J. RANDOLPH BECKER
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ZBA 2003-90
Petition of William Brennan and Polly Smith
29 Summit Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of WILLIAM BRENNAN AND POLLY SMITH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 22 foot by 19.3 foot addition with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 29 SUMMIT 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 October 20, 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 Polly Smith, who was accompanied by Maggie Bowes, project architect. Ms. Smith said the project is an attempt to increase their functional space. Ms. Bowes brought an enlarged site plan to aid in explaining the project. She said the rear yard narrows as it moves back. They are trying to save as much space as possible, which is the reason for siting the addition on the left side rather than in the rear.

The Board read into the record the comments of the Planning Board, which was opposed to the granting of the request, as the Board was of the opinion that the addition could be built in a conforming manner.

The Board commented that when reviewing a petition for construction of a nonconforming addition, it prefers to see that the addition would be less nonconforming than the existing structure. The Board was also troubled by the proposed areaway, which, although not a structure, shall require a railing, and appears to be a further encroachment on the left side setback. Furthermore, construction of the ramp might cause removal of the row of hemlocks, which provide a screen on the left side.

Ms. Bowes said the areaway was superfluous to the general plan. The purpose of the areaway was to provide access for bicycles to the basement. It is not the most important part of the project.

Ms. Smith said they had thought about siting the addition on the right side of the house, but that location would not work into the interior kitchen expansion and central staircase. The proposed location of the addition was the best use of land space and functionality of the house.

Ms. Bowes said there is a mudroom, added at the left rear corner by a prior owner, which is not consistent with the rest of the architecture. The mudroom would be removed. The kitchen is in the rear, and it made sense to locate the family room adjacent to the kitchen.

The Board asked if the addition could be inset 12 to 18 inches, which would made the addition slightly less nonconforming. This would also help ameliorate the overall roof problem.

Ms. Bowes asked if she could make the changes in the plans then and there. The Board agreed, and on the office copy of the plans, she redrew the location of the left exterior wall of the proposed addition 1 foot closer to the interior of the structure.

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The Board agreed that the Special Permit could be granted with the following conditions:

1. The areaway shall be eliminated.
2. The addition shall be inset a minimum of one additional foot from the left side lot line.
3. A revised plot plan and revised floor plans and elevation drawings reflecting the changes shall be submitted to the office of the Board of Appeals prior to the issuance of a building permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 29 Summit Road, in a 10,000 square foot Single Residence District, on a 12,030 square foot lot, and has a minimum left side yard setback of 10.5 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 22 foot by 19.3 foot addition with a minimum left side yard clearance of 10.5 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 15, 2003, revised October 16, 2003, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated10/10/03, prepared by Smart Architecture; and photographs were submitted.

On November 4, 2003, the Planning Board reviewed the petition and was opposed to the granting of the request, as it appears that the owner could build essentially the same addition while respecting the side yard setback.

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 finding of this Authority that the proposed areaway provides a visual encroachment to the left side yard. The construction of the 3.5 foot by 18.8 areaway would require a railing, and would probably require removal of some, if not all the hemlock trees which provide a screen on the left side line. The Board finds that the construction of the areaway would be substantially more detrimental to the neighborhood.

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It is the finding of this Authority that the proposed location of the two-story addition with a minimum left side yard clearance of 10.5 feet would be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it would create additional mass and bulk, thereby intensifying the existing nonconformance in a limited area.

It is the finding of this Authority that the petitioner agreed at the Public Hearing to eliminate the proposed areaway and to reduce the width of the proposed two-story addition by a minimum of one foot. The new width of the proposed addition would be a maximum of 18.3 feet with a left side yard setback of at least 11.5 at the left front corner adjoining the existing structure and at least 13 feet at the left rear corner.

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Pursuant to the agreed upon revised dimension and setbacks, the Board granted a Special Permit, as voted unanimously at the Public Hearing, for construction of a two-story addition 22 feet by a maximum of 18.3 feet with a minimum left side yard setback of 11.5 feet, subject to the following conditions:

1. The areaway shall be eliminated.
2. The addition shall be inset a minimum of one additional foot from the left side lot line.
3. Prior to the issuance of any building permit, a revised plot plan and revised floor plans and elevation drawings reflecting the changes shall be submitted to the office of the Board of Appeals.

Subsequent to compliance with Condition 3, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction drawings reflecting the aforesaid dimensional change.

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

Cynthia S. Hibbard

David G. Sheffield

Cc: Planning Board
Inspector of Buildings
edg

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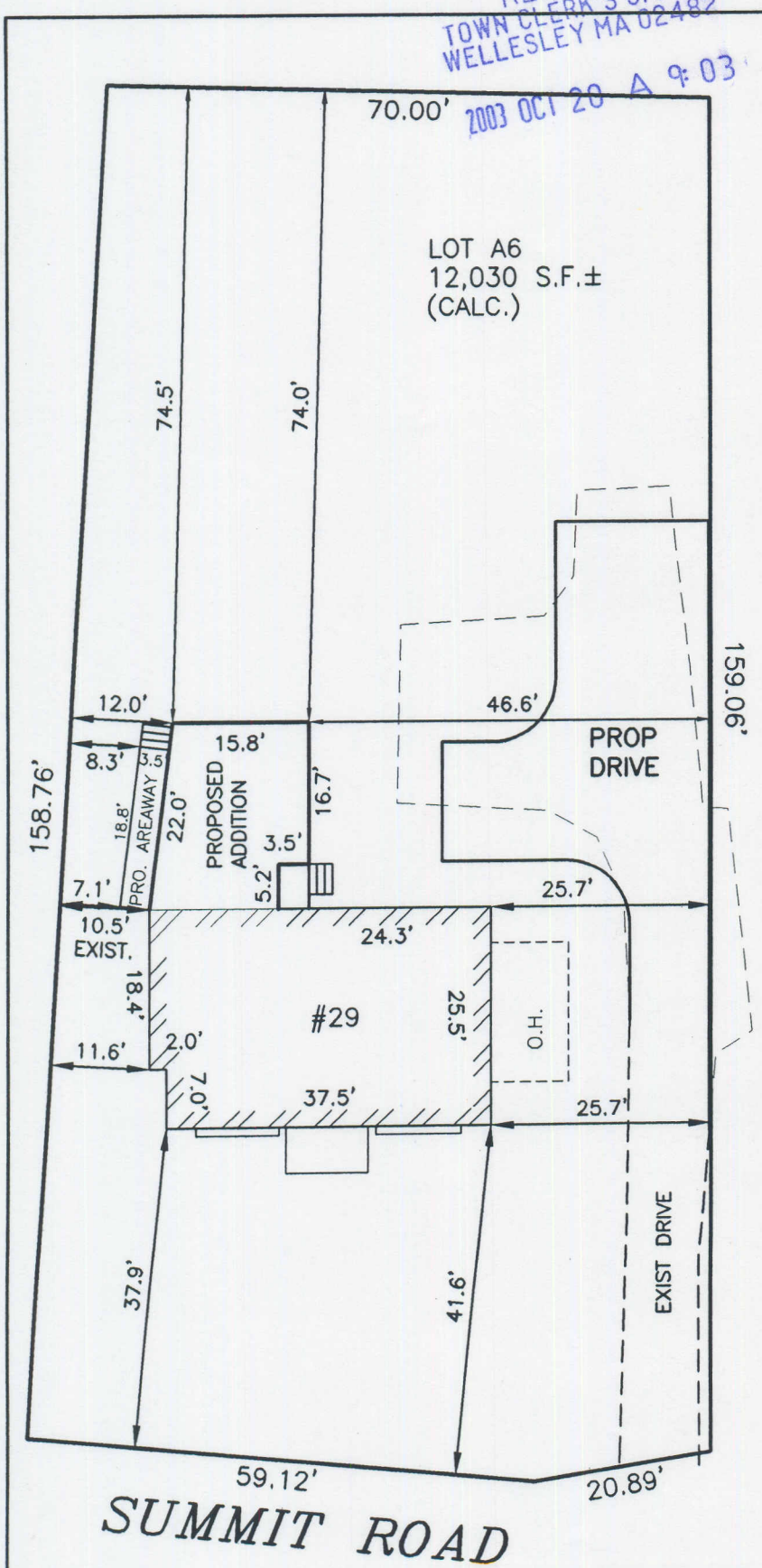


PLAN OF LAND IN WELLESLEY, MA.

29 SUMMIT ROAD
PROPOSED ADDITIONS

SCALE 1 IN.= 20 FT
OCTOBER 15, 2003
REVISED OCT 16, 2003

PREPARED FOR:
WILLIAM BRENNAN

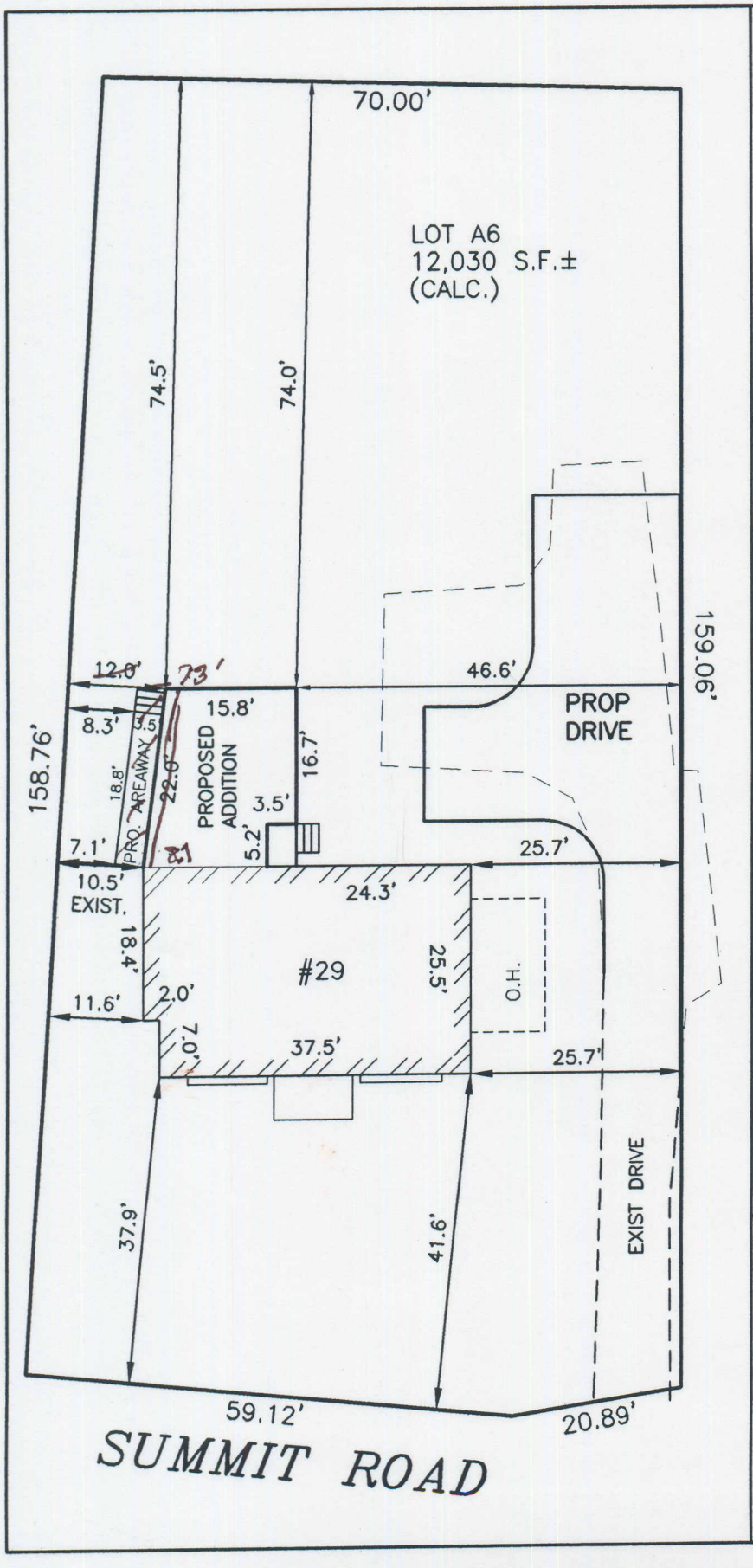
EXISTING:
STRUCTURES 1,207 S.F.
LOT COVERAGE 10.0%

PROPOSED:
STRUCTURES 1,565 S.F.
LOT COVERAGE 13.0%

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 38376
PROFESSIONAL LAND SURVEYOR

EVERETT M. BROOKS COMPANY
ENGINEERS & SURVEYORS
49 LEXINGTON STREET
WEST NEWTON MA 02465
(617) 527-8750

PROJECT NO. 20703



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