



## ZONING BOARD OF APPEALS

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

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 WELLESLEY, MA 02482  
 2004 JUN 23 1 A 8: 34

ZBA 2004-34

Petition of Todd and Elizabeth Cook

11 Maurice Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 27, 2004 at 7:30 p.m. in the Great Hall in the Town Hall, 525 Washington Street, Wellesley, on the petition of TODD AND ELIZABETH COOK requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXV of the Zoning Bylaw to allow the following construction at their nonconforming dwelling with less than the required front yard setbacks from MAURICE ROAD and SUNSET PATH, at 11 MAURICE ROAD, in a 10,000 square foot Single Residence District:

1. Demolition of an existing one-story sunroom and construction of a 12.7 foot by 19.5 foot one-story addition with less than the required front setback from Sunset Path.
2. A Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition and reconstruction of the 4.9 foot by 7 foot landing and stair, with less than the required front setback from Maurice Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On May 10, 2004, the petitioners filed a request for a hearing before these Authorities, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Todd and Elizabeth Cook. Mr. Cook said they would like to remain in their home, but need more space. The sunroom is in bad shape; the bathroom and kitchen are very old and small. They would like to remove the sunroom and construct an addition, which would enlarge both the sunroom and the kitchen. This addition would have less than the required front setback from Sunset Path, which has been in existence for 70 years, and is unlikely to become a road.

Mr. Cook explained they would also like to reconstruct the front entry as the floor is rotting. The landing at the rear is in accordance with the 25 square foot allowance, and would be a conforming addition.

The Board decided that the demolition of the sunroom and construction of the one-story addition would constitute a Special Permit/Finding rather than a variance, as it could be construed as an expansion of a nonconforming structure.

The Board noted 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 property is located at 11 Maurice Road, on the corner of Sunset Path, which is a paper street dead ending at the intersection with Maurice Road, in a 10,000 square foot Single Residence District, on a 7,739 square foot lot, and has minimum front yard setback of 18.3 feet from Maurice Road.

The petitioners are requesting a variance to demolish their existing one-story sunroom and construct a one-story 19.5 foot by 12.7 foot addition with a minimum front yard setback of 22.9 feet from Sunset Path and Special Permit/Finding that the demolition and reconstruction of their 7 foot by 4.9 foot landing and stair, with a minimum front yard setback of 18.3 feet from Maurice Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

At the Public Hearing, the Board determined that a variance should not be required for construction of the new one-story 19.5 foot by 12.7 foot addition, and that the request should be treated as a Special Permit/Finding for the reconstruction and expansion of a nonconforming structure.

A Plot Plan dated April 20, 2004, stamped by Stephen P. Des Roche, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated April 20, 2004, designed by Shannon Taylor Scarlett Architects; and photographs were submitted.

On May 25, 2004, the Planning Board reviewed the petition and had no objection to the granting of the request. Mass and bulk do not appear to be an issue. It is an undersized lot, and it is very unlikely that the paper street will ever be constructed.

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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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that neither the demolition of the existing sunroom and construction of a one-story 19.5 foot by 12.7 foot addition with less than the required front setback from Sunset Path, nor the demolition and reconstruction of the 7 foot by 4.9 foot landing and stair with less than the required front setback from Maurice Road, shall be substantially more detrimental to the neighborhood than the existing nonconforming structure. The new addition shall create new nonconformity, but shall not intensify the existing nonconformance. The reconstruction of the landing and stair shall neither create new nonconformity, nor shall it intensify the existing nonconformity.

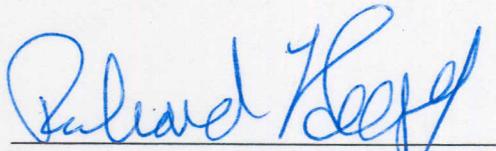
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing sunroom, construction of the one-story 19.5 foot by 12.7 foot addition, and demolition and reconstruction of the 7 foot by 4.9 foot landing and stair in accordance with the submitted plot plan and construction drawings.

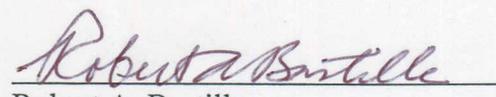
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

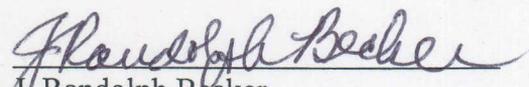
ZBA 2004-34  
Petition of Todd and Elizabeth Cook  
11 Maurice Road

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

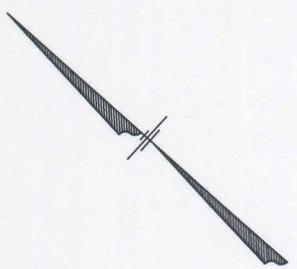
  
Robert A. Bastille

  
Randolph Becker

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2004 MAY 10 11 A 8:48



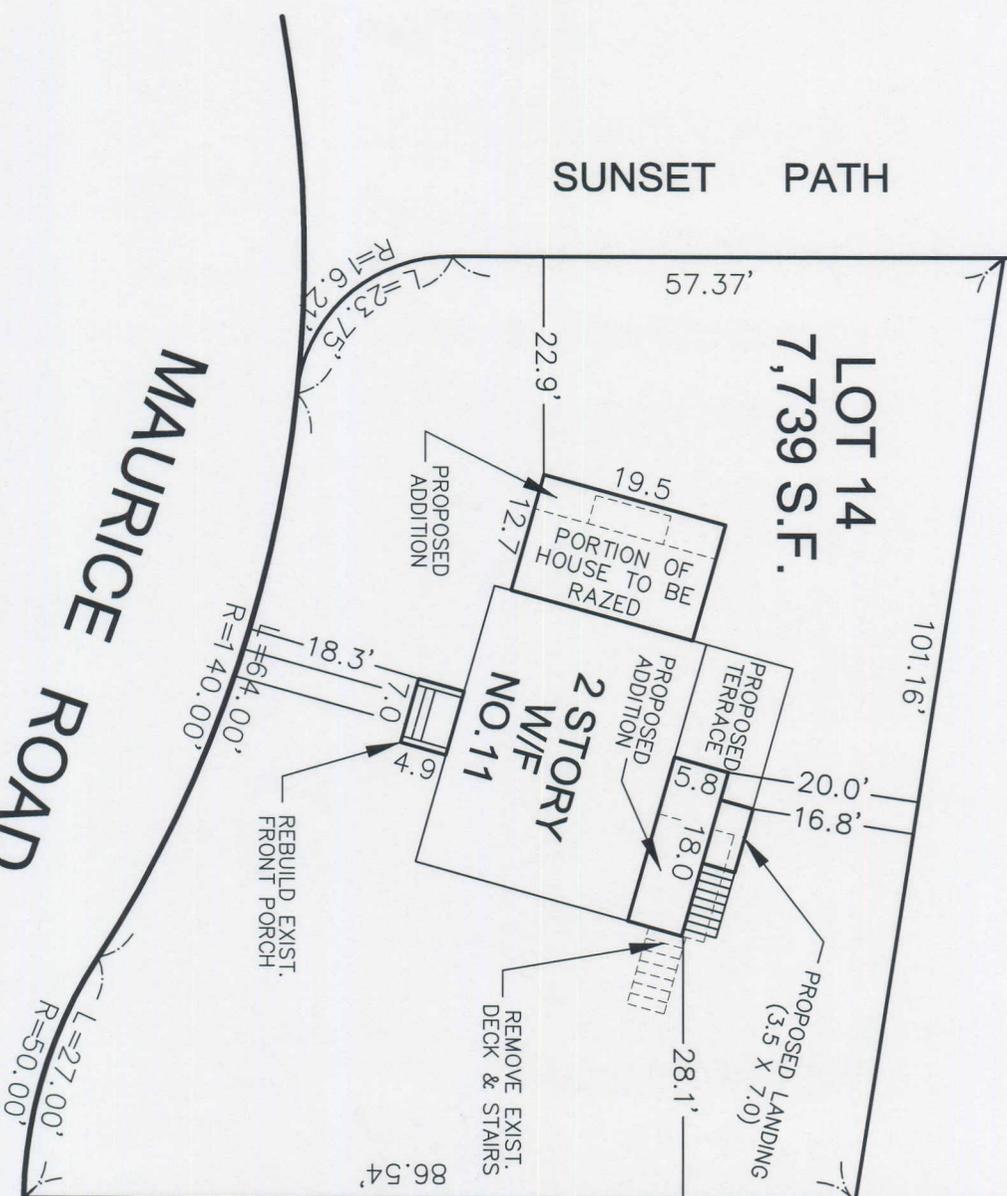
SUNSET PATH

MAURICE ROAD

LOT 13

LOT 14  
7,739 S.F.

LOT 12



EXISTING LOT COVERAGE=13.6%  
PROPOSED LOT COVERAGE=14.4%

# PLAN OF LAND

SHOWING  
PROPOSED ADDITIONS

TO  
11 MAURICE ROAD

IN  
WELLESLEY, MASS.

PREPARED BY:  
NEPONSET VALLEY  
SURVEY ASSOC., INC.

95 WHITE STREET  
QUINCY, MASS.  
APRIL 20, 2004  
SCALE 1"=20'

STEPHEN P. DESROCHE

PLS No: 27699

