



ZONING BOARD OF APPEALS

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

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 2004 NOV 05 P 2:05

ZBA 2004-70
 Petition of Michael and Mary Young
 4 Middlesex Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 14, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL AND MARY YOUNG, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a three story addition with a 25 foot by 15 foot basement, a 25 foot by 15 foot first floor, a 17 foot by 15 foot second and third floor with less than required left and right side yard setbacks, construction of an 18 foot by 10 foot deck with less than required left side yard setback, at their nonconforming dwelling with less than required left side, right side and front yard setbacks, on a 6,875 square foot lot, at 4 MIDDLESEX STREET, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 27, 2004, the petitioner 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 Michael Hally, Architect, representing Mr. and Mrs. Young. Mr. Hally said that there is a pre-existing nonconforming structure on the nonconforming lot. The lot is long and narrow. The intent was to keep the footprint small and maximize the use of space. Preserving green space was a priority. The proposed addition is similar to others in the neighborhood and would be difficult to see from the street. Mr. Hally presented eight letters from neighbors, who stated that they had seen the plans and felt that the addition would not be more detrimental to the neighborhood.

The Board said that there are existing homes in the neighborhood of the same scale as that proposed by the Youngs. The construction plans showed that there was a good attempt to minimize the bulk of the addition.

The Board noted that the porch and steps and the right setback of the existing structure were not shown on the certified plot plan. The Board said that a new plot plan must be submitted.

The Board noted that there were discrepancies between the existing and the proposed floor plans and elevation plans. The Board said that corrected floor and elevation plans must be submitted.

The Board noted that the Planning Board opposed granting the request, as they were concerned about the policy of allowing additional building footprint up to an existing nonconforming setback. Even though the proposed lot coverage is well within the 25% maximum coverage allowed, they believe that mass and bulk are an issue on small lots.

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The Board said that the existing dwelling and proposed addition would be in scale with neighboring houses. The addition at the back of house would not be easily seen from the street. Attempts had been made to reduce mass and bulk.

Statement of Facts

The subject property is located at 4 Middlesex, in a 10,000 square foot Single Residence District, and has a minimum left side setback of 8.7 feet, a minimum right side yard setback of 17.2 feet, and a minimum front yard setback of 29.9 feet.

The petitioner is requesting a Special Permit/Finding that construction of a three story addition with a 25 foot by 15 foot first floor, and 17 foot by 15 foot second and third floors, with a minimum left side yard setback of 8.7 feet and a minimum right side yard setback of 17.2 feet, and construction of an 18 foot by 10 foot deck with a minimum left side yard setback of 12.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/20/04, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 9/19/04, prepared by Michael Hally Design, Inc., and photographs were submitted.

On October 6, 2004, the Planning Board reviewed the petition and objected 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 construction of a three story addition with a 25 foot by 15 foot first floor, and 17 foot by 15 foot second and third floors, with a minimum left side yard setback of 8.7 feet and a minimum right side yard setback of 17.2 feet, and construction of an 18 foot by 10 foot deck with a minimum left side yard setback of 12.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformity as the left side and right side yard setbacks shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for construction of a three story addition and construction of a deck, subject to the following conditions:

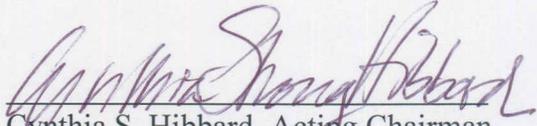
1. Submittal of a new Certified Plot Plan showing the porch and steps and the right side yard setback for the existing nonconforming dwelling.
2. Submittal of revised Existing and Proposed Floor Plans and Elevation Plans showing design features in correct number and place.

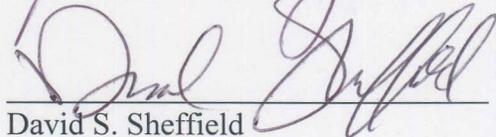
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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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
Inspector of Buildings
lrm


Cynthia S. Hibbard, Acting Chairman

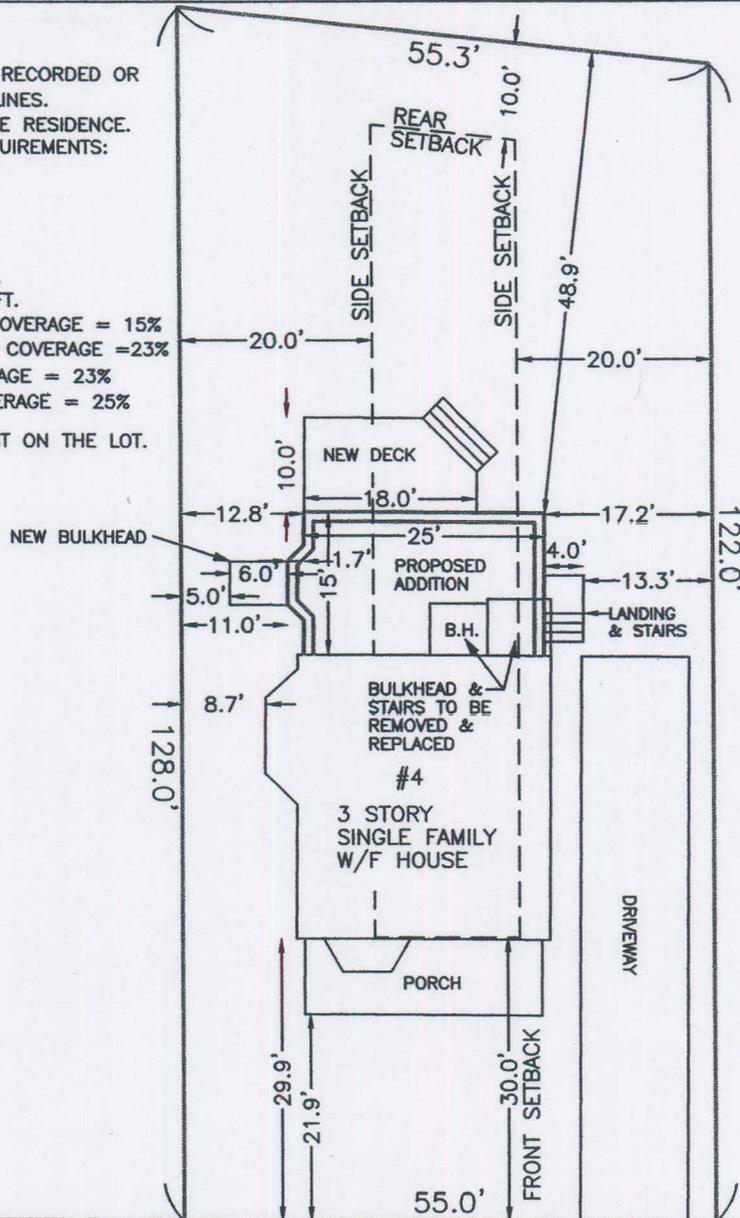

David S. Sheffield


Robert W. Levy

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NOTES:

1. THIS PLOT PLAN SHALL NOT BE RECORDED OR USED TO ESTABLISH PROPERTY LINES.
2. ZONING DISTRICT: SRD 10-SINGLE RESIDENCE. MINIMUM BUILDING SETBACK REQUIREMENTS:
FRONTYARD SETBACK = 30'.
SIDEYARD SETBACK = 20'.
REARYARD SETBACK = 10'.
3. LOT AREA = 6,875 SQ.FT.
EXISTING HOUSE = 1,024 SQ.FT.
PROPOSED ADDITION = 568 SQ.FT.
EXISTING PERCENTAGE OF LOT COVERAGE = 15%
PROPOSED PERCENTAGE OF LOT COVERAGE = 23%
PROPOSED MAXIMUM LOT COVERAGE = 23%
ZONING DISTRICT MAX. LOT COVERAGE = 25%
4. NO STREAMS OR WETLANDS EXIST ON THE LOT.



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MIDDLESEX STREET
(PUBLIC-40' WIDE)

OWNER OF RECORD:
 MICHAEL D. & MARY T. YOUNG
 #4 MIDDLESEX STREET
 WELLESLEY, MA. 02482

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED AS SHOWN HEREON.



Todd P. Chapin
 10/04/2004

ASSESSORS MAP 112	PARCEL 32	CERTIFIED PLOT PLAN OF LAND IN WELLESLEY, MASS.	
ZONING DISTRICT: SRD 10-SINGLE RESIDENCE			
F.I.R.M. COM. PANEL 250255 0005B ZONE C			
ATLAS LAND SURVEYING		SCALE: 1"=20'	DATE: 10/04/2004
8 MOORE LANE NORTHBOROUGH, MASS 01532 508-523-4559		DEED REF. BOOK 11971	PAGE 011
		PLAN REF. PLAN BOOK 39	PLAN 1813
RECORDED © NORFOLK REGISTRY OF DEEDS			

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