



ZONING BOARD OF APPEALS

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

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 WELLESLEY, MA 02482
 2004 SEP 21 A 11:21

ZBA 2004-74
 Petition of Mark and Deborah Herrmann
 79 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 14, 2004 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARK AND DEBORAH HERRMANN, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two story 23.8 foot by 50 foot addition with less than required right side yard setback, at their nonconforming dwelling, with less than required left and right side yard setbacks, on a 13,957 square foot lot, in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On September 27, 2004, 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 Mark Herrmann.

The Board asked if the Herrmanns were the owners of the property and if so, did they plan to live in the house at 79 Fairbanks Avenue. Mr. Herrmann said that they had just bought the property and planned to live there.

The Board asked what the proposed addition was for. Mr. Herrmann said that Tudor homes are traditionally dark and cramped. They wanted to leave the existing Tudor front and add to the back of the house in a style that was more open and brighter. Mr. Herrmann said that the submitted plot plan was missing the bulkhead door to the basement. He would submit a revised plot plan showing this.

The Board asked if the pine trees would be preserved. Mr. Herrmann said that any trees that were removed would be replaced.

The Board noted that several letters had been received. Neighbors expressed concern over the lot coverage as shown on the plot plan. It appeared that the brick patio and driveway had been included in the lot coverage. The lot coverage listed on the plan exceeded the allowable amount. The construction plans showed that the lot coverage with the proposed addition would be conforming. The Board read a letter from Dianne and Daniel Stempel, 72 Fairbanks Avenue, saying that they were concerned about excessive lot coverage and bulk. The Board said that the Herrmanns would be required to submit a corrected plot plan.

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Nancy O'Donoghue, 8 Fiske Road, said that her property abuts the Herrmanns on the left. She was concerned with the size of the addition, drainage, excessive lighting, and affect on resale value.

Johanna and Peter Winkelman, 75 Fairbanks Avenue, said that they had not been informed of the proposed addition. They were concerned about lot coverage and having a large addition so close to them on the right. The Winkelmans were concerned about excessive lighting. They said that there are not many large additions in the neighborhood and were concerned that the Herrmann's proposed addition might adversely affect the character of the neighborhood.

Cheryl Litster, 76 Fairbanks Avenue, said that she has lived diagonally across from 79 Fairbanks Avenue for 31 years. She expressed concern that green space, natural light and air space might be compromised. She thought that an addition could be designed to conform to zoning regulations.

The Board said that the petition would be continued until a corrected plot plan was submitted showing that the lot coverage does not exceed the allowable percentage.

The Board said that the new plot plan should show the right side setback to the Winkelman property.

The Board encouraged the Herrmanns to speak with their neighbors about their plans.

The Board continued the hearing until December 9, 2004.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 9, 2004 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARK AND DEBORAH HERRMANN, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two story 23.7 feet by 46.3 foot addition, on a 13,957 square foot lot, in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 23, 2004, 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 Mark Herrmann, who said that the house is too small for their growing family. He said that they have listened to their neighbors' concerns and have made amendments to the plans to satisfy all parties.

Mr. Herrmann said that, following the October 14th Hearing, they had met with the neighbors. There had been a misunderstanding as to how big the addition was going to be.

The Board noted that the proposed addition is now conforming. The Board said that it would hear the Herrmann's petition for a Special Permit/Finding because the lot is nonconforming, as it is less than the required minimum size for the district.

The Board said that the proposal would not intensify nor add to the existing nonconformity.

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2005 JAN 21 11:12

ZBA 2004-74
Petition of Mark and Deborah Herrmann
79 Fairbanks Avenue

Statement of Facts

The subject property is located at 79 Fairbanks Avenue, on a 13,957 square foot lot, in a district in which the minimum lot size is 15,000 square feet, and has a minimum left side yard setback of 11.4 feet, and a minimum right side yard setback of 8.6 feet.

The petitioner is requesting a Special Permit/Finding that construction of a two story 23.7 foot by 46.3 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/16/04, stamped by David Gosselin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/10/04, prepared by RDK Associates, and photographs were submitted.

On November 30, 2004, the Planning Board reviewed the petition and had no objection to granting 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.

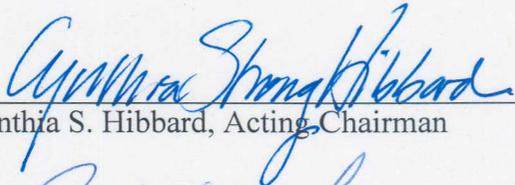
It is the finding of this Authority that construction of a 23.7 foot by 46.3 foot two story addition, on a 13,957 square foot lot, in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformity.

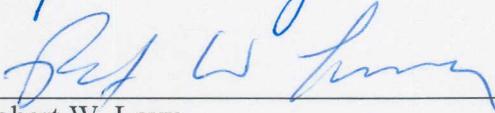
Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the construction of the 23.7 foot by 46.3 foot two story addition, in accordance with the submitted plot plan and construction drawings.

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

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2005 JAN 21 A 11: 21

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.


Cynthia S. Hibbard, Acting Chairman


Robert W. Levy


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

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WELLESLEY MA 02482
2005 JAN 21 A 11: 21

6"x6"
STONE BOUND
FOUND 0.5' ABOVE GROUND
GOOD CONDITION

LOT COVERAGE:

EXISTING: 2680 SQ. FT. (19.2%)
PROPOSED: 3475 SQ. FT. (24.9%)

BUILDING COVERAGE:

EXISTING: 2022 SQ. FT. (14.4%)
PROPOSED: 2672 SQ. FT. (19.1%)

LOT 99a
13713.0 SQ. FT.
0.31 ACRES

SHED
1264
SQ. FT.

6"x6"
STONE BOUND
FOUND 0.5' ABOVE GROUND
GOOD CONDITION

LOT 99
13957.6 SQ. FT.
0.32 ACRES

79 FAIRBANKS AVE
1.5 STORY
WOOD FRAME STRUCTURE
RESIDENTIAL USE
DATE OF LOCATION: 9/21/04
1896E SQ. FT.

LOT 98
13982.9 SQ. FT.
0.32 ACRES

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

RECORD OWNERS:
ELIZABETH LARSEN
79 FAIRBANKS AVENUE
WELLESLEY, MASSACHUSETTS 02481
LAND COURT CERTIFICATE 111914, CASE 7129K
ZONING DISTRICT: SINGLE RESIDENCE 15

DATE 11/16/04
LS #45720



FAIRBANKS AVENUE

PUBLIC RIGHT OF WAY (40' WIDTH)
BITUMINOUS CONCRETE ROADWAY

ASPHALT SIDEWALK
GRASS

EDGE OF PAVEMENT
GRASS

EDGE OF PAVEMENT
GRASS

74.60'
N 19°14'34" W

81.00'
S 19°14'34" E

89.10'
S 19°14'34" E

S 70°45'26" W
151.16'

N 70°45'26" E
155.60'

N 22°02'10" W
91.11'

POST AND RAIL FENCE

POST AND RAIL FENCE

STONE WALK

ASPHALT DRIVEWAY

650E PATTO SQ. FT.
PROPOSED ADDITION
SEE ARCH. PLANS FOR DIMENSIONS

BULK HEAD

46.1'

8.6'

20.1'

11.4'

71.3'

58.0'

11.4'



CERTIFIED PLOT PLAN OF LAND
LOCATED IN
WELLESLEY, MASSACHUSETTS
(NORFOLK COUNTY)

PREPARED FOR
MARK HERRMANN

SCALE: 1" = 20'
DATE: NOVEMBER 16, 2004

David Gosselin + Associates
94 EAST BROOKLINE STREET
BOSTON, MASSACHUSETTS 02118
TELEPHONE: (617) 536-1900