

**ZONING BOARD OF APPEALS**

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

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web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINOZBA 2009-08
Petition of Dana Donovan
10 Croton Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DANA DONOVAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and XXV of the Zoning Bylaw that reconstruction of a 3.6 foot by 8 foot front entry, construction of an 8 foot by 17.9 foot one-story addition, construction of a 24.5 foot by 24.5 foot one-story garage, and construction of a 5 foot by 15 foot covered porch, in a Single Residence District at 10 CROTON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 17, 2009 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 Tom Saltsman, who said that he was representing Dana Donovan (the "Petitioner"), who was also present at the hearing. Mr. Saltsman said that the existing house has a nonconforming side yard setback for a sunroom. He said that the proposed project will not involve any work on the sunroom.

Mr. Saltsman said that the proposed work involves an 8 foot by 17.9 foot addition towards the rear of the house, a 24.5 foot by 24.5 foot garage, a 5 foot by 15 foot addition adjacent to the garage, and rebuilding of a front entry that will be wider but further away from the street. The Board confirmed that all of the proposed construction will conform to Zoning requirements.

The Board asked about the setback for the addition behind the sunroom. Ms. Saltsman said that it an extension of the existing house. He said that it was not indicated on the plot plan. He said that the sunroom is 9 feet wide, which would make the setback there approximately 27.6 feet from the side property line. He said that it will be a single story addition. The Board said that dimension should be added to the plot plan.

The Board said that there is an existing large planting buffer that may be affected by the proposed driveway. Mr. Saltsman said that there is no intention to remove that buffer. He said that the driveway that is shown on the plan may be wider than what will be constructed.

Mr. Donovan said that the buffer area will not be touched. He said that there is a tree between the driveway and the bushes that will be left standing. He said that all of the existing vegetation over two to three feet will be maintained. Mr. Saltsman said that there is no intention to have the area open between the two properties.

Mr. Saltsman said that there is a shed on the property that will be removed.

The Board said that the setback for the porch that is adjacent to the garage should be shown on the plot plan. The Board said that the driveway should be better defined to show that the buffer will not be disturbed and the surveyor should show the distance between the driveway and the property line.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 10 Croton Street, with an 18.6 foot minimum right side yard setback, in a 10,000 Single Residence District.

The Petitioner is requesting a Special Permit/Finding that reconstruction of a 3.6 foot by 8 foot front entry, construction of an 8 foot by 17.9 foot one-story addition, construction of a 24.5 foot by 24.5 foot one-story garage, and construction of a 5 foot by 15 foot covered porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/2/09, stamped by Rod D. Carter, Professional Land Surveyor, and Existing and Proposed Floor Plans and Elevation Drawings, dated 2/2/09, prepared by Saltsman Brenzel, were submitted.

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 reconstruction of a 3.6 foot by 8 foot front entry, construction of an 8 foot by 17.9 foot one-story addition, construction of a 24.5 foot by 24.5 foot one-story garage, and construction of a 5 foot by 15 foot covered porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for reconstruction of a 3.6 foot by 8 foot front entry, construction of an 8 foot by 17.9 foot one-story addition, construction of a 24.5 foot by 24.5 foot one-story garage, and construction of a 5 foot by 15 foot covered porch, subject to the following conditions:

1. A new plot plan shall be submitted with dimensional information for the setback for the porch that is adjacent to the garage.
2. The landscape buffer on the southeast side of the driveway shall be substantially maintained.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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
lrm

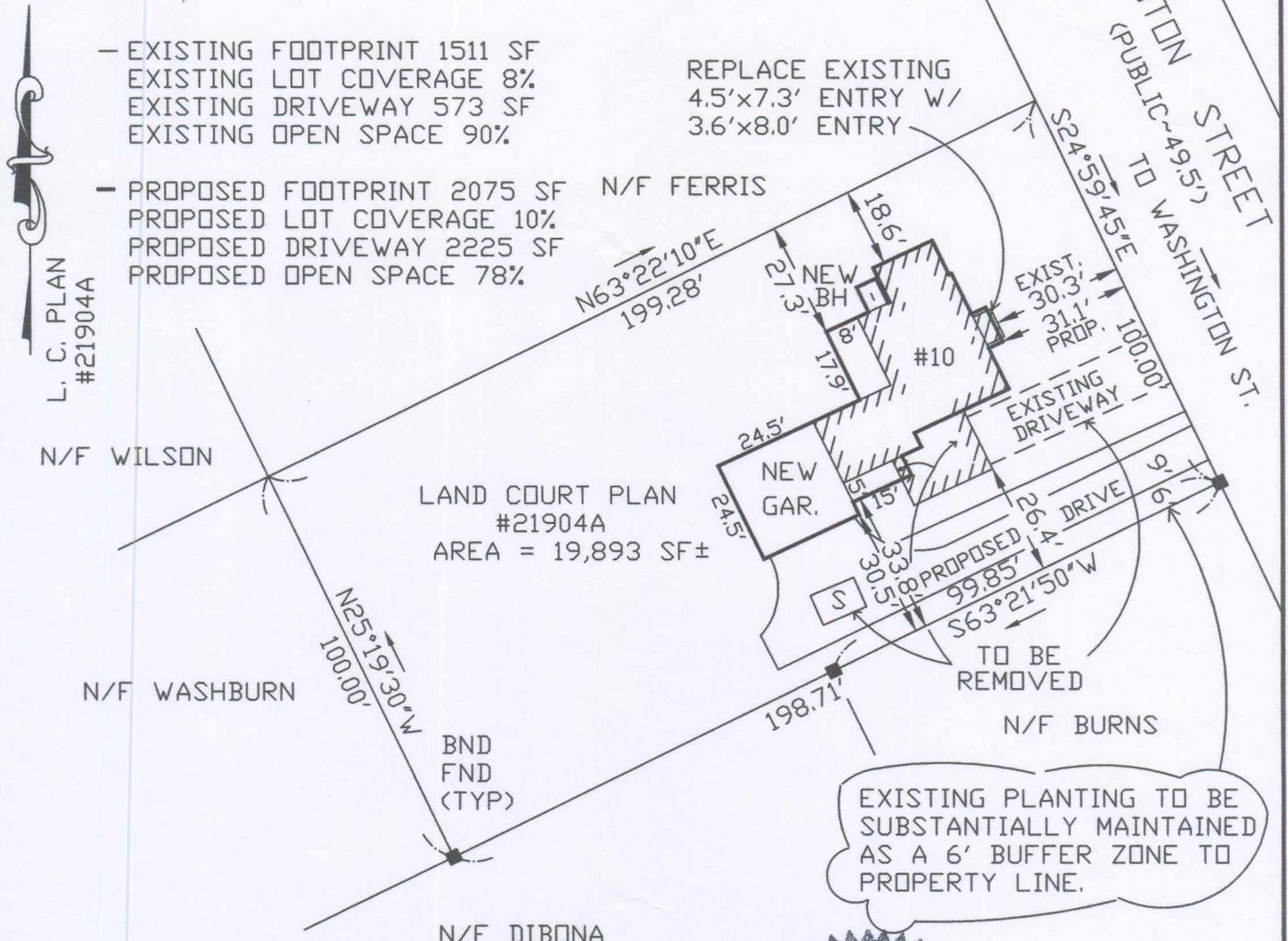
ZONE SR-10
30' FRONT
20' SIDE
10' REAR

ASSESSOR
MAP 53, PARCEL 28

PLEASE CONFIRM ZONING
BEFORE DESIGN.

- EXISTING FOOTPRINT 1511 SF
- EXISTING LOT COVERAGE 8%
- EXISTING DRIVEWAY 573 SF
- EXISTING OPEN SPACE 90%
- PROPOSED FOOTPRINT 2075 SF
- PROPOSED LOT COVERAGE 10%
- PROPOSED DRIVEWAY 2225 SF
- PROPOSED OPEN SPACE 78%

REPLACE EXISTING
 4.5'x7.3' ENTRY W/
 3.6'x8.0' ENTRY

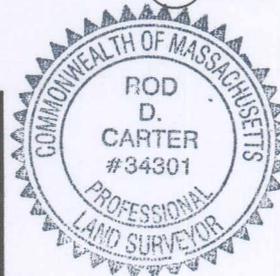


CERTIFIED PLOT PLAN

I, ROD D. CARTER, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE REPRESENTS AN ON GROUND SURVEY BY INSTRUMENT ON, OR ABOUT NOVEMBER 18, 2008.

Rod D. Carter 3/9/09

Client: DANA DONOVAN
 Address: 10 CROTON STREET
WELLESLEY, MASSACHUSETTS
 Registry: NORFOLK COUNTY
 Deed: L. C. DOC. #564200-1
 Plan: L. C. PLAN #21904A
 Job #: 31310



SCALE: 1"=40'

ROD CARTER ASSOCIATES
LAND SURVEYORS
 15 PLEASANT STREET
 UPTON, MA 01568
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