

**ZONING BOARD OF APPEALS**

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

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINOZBA 2011-54  
Petition of Scott Brown  
99 Lowell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SCOTT BROWN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 15 foot by 15 foot two-story addition and construction of a 3.9 foot by 15 foot front entry that will meet setback requirements, and construction of an 11.5 foot by 39.4 foot one-story addition with less than required side yard setbacks, on a corner lot at 99 LOWELL ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Karin & Michael Cody

On July 19, 2011 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 Scott Brown, Architect, who said that he was representing Karin and Michael Cody (the "Petitioner"). He said that the lot is conforming. He said that there is an existing nonconforming setback at the rear right corner of the house.

Mr. Brown said that the proposal is for a two-story addition on the left side of the house and a single story addition at the front of the house for a front entry that will meet all setback requirements. He said that they are proposing a single story addition at the back of the house. He said that a small portion of that addition will encroach into the setback area. He said that at its nearest point it will be no closer than the existing structure.

Mr. Brown said that the proposed construction is in character with the existing house. He said that the property line is heavily screened from the direct abutters with a line of dense cedars and a six foot stockade fence.

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 99 Lowell Road, in a 20,000 square foot Single Residence District, on a corner lot with a minimum side yard setback of 17 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 15 foot by 15 foot two-story addition and construction of a 3.9 foot by 15 foot front entry that will meet setback requirements, and construction of an 11.5 foot by 39.4 foot one-story addition with less than required side yard setbacks, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 7/8/11, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/13/11, prepared by Scott M. Brown, Architect, and photographs were submitted.

On August 3, 2011, the Planning Board reviewed the petition and recommended that action on the Special Permit be deferred.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although construction of a 15 foot by 15 foot two-story addition and construction of a 3.9 foot by 15 foot front entry that will meet setback requirements, and construction of an 11.5 foot by 39.4 foot one-story addition with less than required side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for construction of a 15 foot by 15 foot two-story addition and construction of a 3.9 foot by 15 foot front entry that will meet setback requirements, and construction of an 11.5 foot by 39.4 foot one-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 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.

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J. Randolph Becker, Acting Chairman

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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

SITE PLAN

99 LOWELL ROAD

WELLESLEY, MASSACHUSETTS

SCALE AS SHOWN JULY 8, 2011

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

OWNERS OF RECORD:

MICHAEL J. CODY

&

KARIN M. CODY

CERTIFICATE OF TITLE #128966

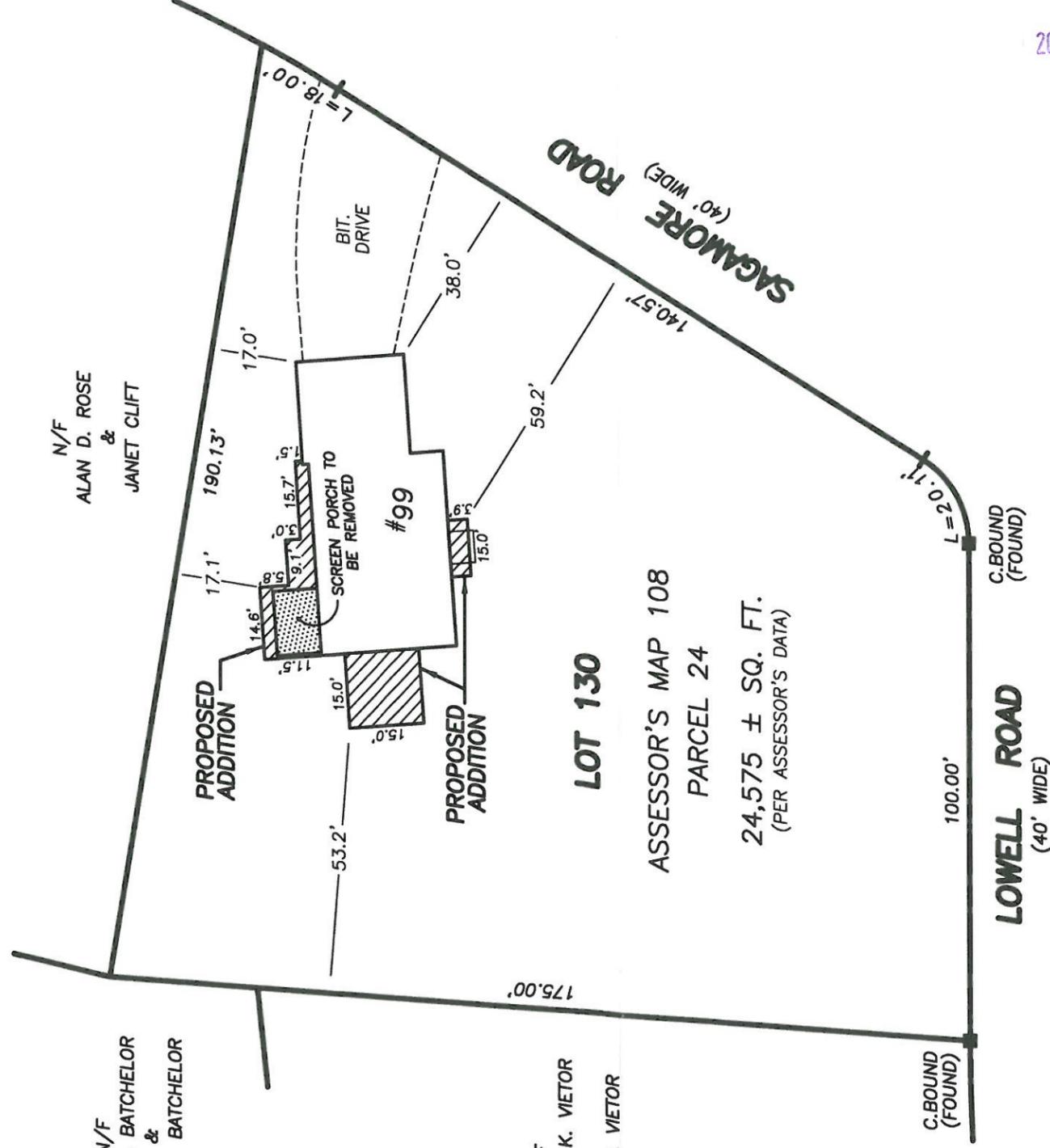
N/F  
FRANK M. BATCHELOR  
&  
MARGIT I. BATCHELOR

N/F  
ALAN D. ROSE  
&  
JANET CLIFT

N/F  
RICHARD H. K. VIETOR  
&  
LUCINDA B. VIETOR



NORTH FROM L.C. PLAN 15672-P



NOTES:

- THE OFFSETS SHOWN ARE FROM THE CORNERBOARD
- THE EXISTING LOT COVERAGE = 1,661 S.F. OR 6.8%
- THE PROPOSED LOT COVERAGE = 2,043 S.F. OR 8.3%
- CONSTRUCTION STAKEOUT IS RECOMMENDED TO MAINTAIN THE PROPOSED SETBACK
- SINGLE RESIDENCE DISTRICT WITH 20,000 S.F. MINIMUM LOT SIZE

PLAN REFERENCES:

- LAND COURT PLAN 15672-P
- LAND COURT PLAN 15672-18
- LAND COURT PLAN 17670-K

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF FEBRUARY 16, 2011, WITH THE USE OF A TOPCON TOTAL STATION.

*John R. Hamel*

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



JULY 8, 2011

DATE:

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2011 JUL 19 A 10:32