

**ZONING BOARD OF APPEALS**

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

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DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2011-66

Petition of Katherine & Andrew Jones  
80 Fairbanks Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2011, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KATHERINE & ANDREW JONES requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5 foot by 11 foot one-story addition, construction of a 6.5 foot by 15 foot two-story addition and construction of a 676 square foot second story addition over an existing structure that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 14,108 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 80 FAIRBANKS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 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 were Katherine and Andrew Jones (the "Petitioner") and William Lamb, Architect. Ms. Jones said that the request is for a Special Permit for an addition to a structure on a nonconforming lot.

The Board said that the nonconformities are the lot size and a right side yard setback.

The Board said that the property is located in a Water Supply Protection District. The Board said that one of the requirements of Section XIVE of the Zoning Bylaw is that all stormwater runoff from impervious surfaces be recharged on-site unless it is determined that recharge is not feasible because of site conditions or undesirable because of risks to the water quality. Mr. Lamb said that the runoff will be directed to a gutter to downspouts to the lawn area.

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 80 Fairbanks Avenue, on a 14,108 square foot lot in a district in which the minimum lot size is 15,000 square feet, with a minimum right side yard setback of 19.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 5 foot by 11 foot one-story addition, construction of a 6.5 foot by 15 foot two-story addition and construction of a 676 square foot second story addition over an existing structure that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 14,108 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.

A Plot Plan dated 8/4/11, stamped by George C. Collins, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/4/11, prepared by William Lamb, Architect, and photographs were submitted.

On October 5, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

#### 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 5 foot by 11 foot one-story addition, construction of a 6.5 foot by 15 foot two-story addition and construction of a 676 square foot second story addition over an existing structure that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on a 14,108 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 it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 5 foot by 11 foot one-story addition, construction of a 6.5 foot by 15 foot two-story addition and construction of a 676 square foot second story addition over an existing structure, 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.

ZBA 2011-66  
Petition of Katherine & Andrew Jones  
80 Fairbanks Avenue

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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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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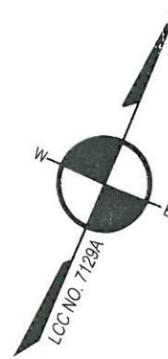
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2011 SEP 19 P 2:34

No. 76 FAIRBANKS AVE  
N/F  
JAMES D. & CHERYL E.  
LITSTER  
CERT. # 74799



N66°39'39"E  
155.80'

FAIRBANKS AVENUE

(PUBLIC-40' WIDE)

FAIRBANKS AVENUE

N23°20'21"W  
90.55'

S23°20'21"E  
71.00' TO CBCTR

PROPOSED DRIVEWAY EXPANSION

PAVED DRIVE

TO BE PARTIALLY CONSTRUCTED ABOVE EXISTING 1ST FLOOR

No 80  
2 STORY  
W/F

LOT 87  
14,108 SF±

PROPOSED FIRST FLOOR ADDITION

PROPOSED FIRST & SECOND FLOOR ADDITION

SHED

No. 35 EMERSON RD  
N/F  
JOHN G. & EDWINA W. SCHULER,  
TRUSTEES SCHULER FAMILY  
REALTY TRUST  
DOC. # 878445-1

No. 24 FISKE RD  
N/F  
MARC & EILEEN CAHN  
DOC. # 1128404-1

No. 16 FISKE RD  
N/F  
CARLOS S. & REBEKAH  
P. KASE  
CERT. # 118716

S66°39'39"W  
155.80'

S23°20'21"E  
55.06'

NOTES ZONING DISTRICT: SR-15

EXISTING LOT COVERAGE = 15.4 % (2,168 SF±)  
PROPOSED LOT COVERAGE = 16.5 %; (2,320 SF±)

REFERENCES

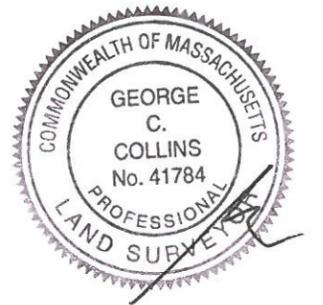
DEED: CERT # 181074  
PLAN: LCC NO. 7129A

| FIELD BOOK | PAGE | INSP. BY | DRAFT. BY | CHECKED BY |
|------------|------|----------|-----------|------------|
| M8         | 76   | M/G      | CJB       | GC         |

CERTIFICATION

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON JUNE 3, 2011 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS ZONE "C" (AREAS OF MINIMAL FLOODING).  
MAP No. 250255 0010 B  
EFFECTIVE DATE: SEPTEMBER 5, 1979



CERTIFIED PLOT PLAN

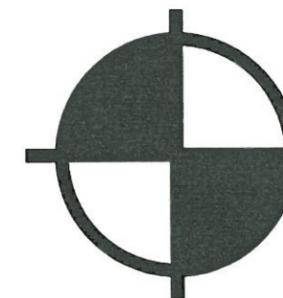
SHOWING PROPOSED ADDITION AT

80 FAIRBANKS AVENUE  
WELLESLEY, MA

SCALE: 1 INCH = 20 FEET

DATE: AUGUST 4, 2011

PREPARED FOR: KATHERINE DILLON JONES & ANDREW JONES  
80 FAIRBANKS AVENUE  
WELLESLEY, MA



BOSTON  
SURVEY, INC.

UNIT C-4 SHIPWAYS PLACE  
CHARLESTOWN, MA. 02129  
(617)242-1313

JOB # 11-00242

FILE # 11-00242 - 06/12/11