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ZONING BOARD OF APPEALS

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

1999 APR 21 A 9:13

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TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 99-20

Petition of Michael J. Racette and Maura E. Murphy
21 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 8, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL J. RACETTE AND MAURA E. MURPHY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required front setbacks from both FAIRBANKS AVENUE and PROSPECT STREET, at 21 FAIRBANKS AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Addition of a 23 foot by 8 foot roof over the existing nonconforming front porch of the same dimensions, with less than the required front setback from both Fairbanks Avenue and Prospect Street. There will be no change in the footprint.
2. Demolition of existing rear deck and construction of a new 27 foot by 20 foot deck, with less than the required front setback from Prospect Street.

On March 22, 1999, 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 were Michael Racette and Maura Murphy. Mr. Racette said they have a front porch without a roof, and would like to add one which would be more in character with their 93 year old home. They do not plan to enclose the porch.

The second addition would be a rear deck covering a bulkhead, which they no longer need. The existing house is only 17 feet from Prospect Street. The new deck would be 27 feet from Prospect Street at its closest point. Prospect Street climbs up from the intersection with Fairbanks Avenue, so the deck will not be visible. The neighbors have no objections.

The Board commented that the Planning Board had no problem with the porch roof, as long as the porch was never enclosed, but did have a problem with the deck. In the Board's opinion, the deck is far less nonconforming than the existing house. However, the Board agrees with the Planning Board that the porch should never be enclosed, and will impose this condition in its decision.

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No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 21 Fairbanks Avenue and Prospect Street, in a Single Residence District, on a 9,920 square foot lot and contains a shed, a garage and a two and one-half story nonconforming dwelling which has a minimum front setback of 10 feet from Fairbanks Avenue and a minimum front setback of 17 feet from Prospect Street.

The petitioners are requesting a Special Permit/Finding that the following additions will not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Addition of a 23 foot by 8 foot roof over the existing nonconforming porch of the same dimensions with a minimum front setback of 10 feet from Fairbanks Avenue and less than 30 feet from Prospect Street. There would be no change in the footprint.
2. Demolition of existing deck and construction of a 27 foot by 20 feet deck with a minimum front setback of 27 feet from Prospect Street.

A Plot Plan dated March 8, 1999, drawn by John J. Caffrey, Registered Professional Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

On April 5, 1999, the Planning Board reviewed the petition and had no objection to the front porch as long as it is not enclosed to become year-round habitable space. The Board did oppose the deck at the rear with less than the required street setback.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the addition of the porch roof will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance, nor will it create additional nonconformance. However, the Board is concerned that enclosure of said porch would create additional living space too close to the street.

Therefore, a Special Permit for the porch roof is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawing, and subject further to the following condition:

1. The 23 foot by 8 foot roofed front porch shall never be enclosed.

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21 Fairbanks Avenue

It is the finding of this Authority that the demolition of the existing deck and construction of the new deck will not be substantially more detrimental to the neighborhood as the addition will neither intensify the existing nonconformance nor create additional nonconformance as the deck will be 10 feet less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing deck and construction of the new deck subject to construction in accordance with the submitted plot plan and construction drawing.

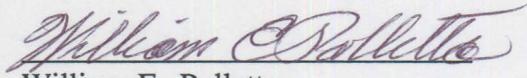
The Inspector of Buildings is hereby authorized to issue a permit for both additions upon receipt and approval of a building application and detailed construction plans.

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.

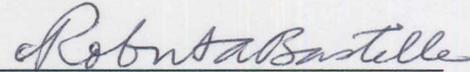
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



William E. Polletta

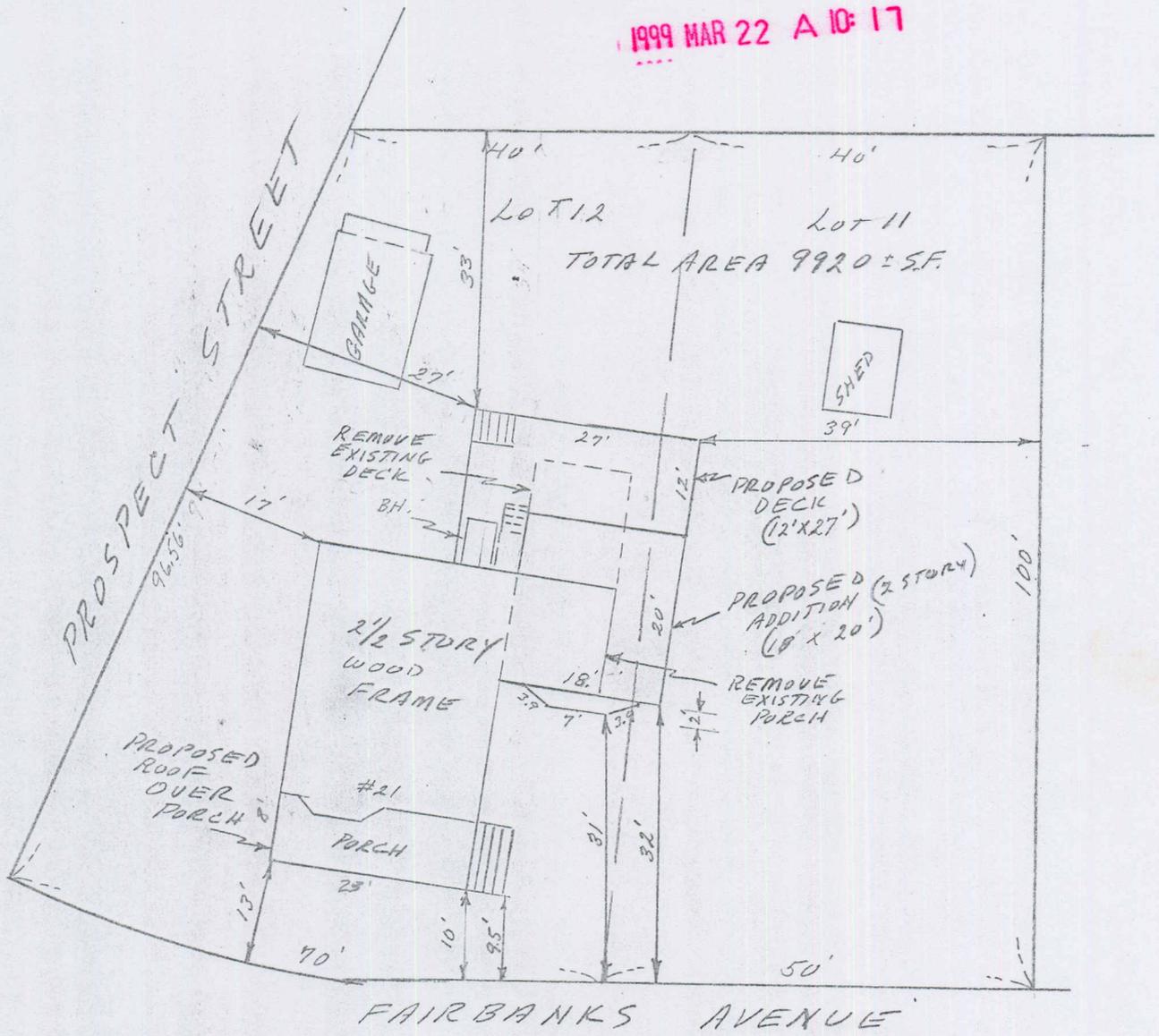


Robert A. Bastille

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1999 MAR 22 A 10:17



PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

scale: 1"=20' March 8, 1999
J.J.Caffrey, PLS Weston, MA

Lot Coverage:
Existing 15.5%
Proposed 18.6%

