TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 99-35
Petition of Mary G. McCarthy
38 River Ridge Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 27, 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 MARY G. McCARTHY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 30 foot by 14 foot addition with less than the required left side yard setback, at the rear of her nonconforming dwelling with less than the required left and right side yard setbacks, at 38 RIVER RIDGE ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 10, 1999, 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 on May 27, 1999, was Mary McCarthy, who said they would like to build a 14 foot by 30 foot addition, which would give them additional living space on the first floor and a master bedroom and bath on the second floor. There is no eating area on the first floor and no bath on the second floor.

The Board expressed dissatisfaction with Mrs. McCarthy's plans as they had little detail, and are not properly identified with the name and address of the petitioner as well as a date and name of the designer. The Board voted unanimously to continue the hearing to give Mrs. McCarthy an opportunity to return with plans that are properly identified and are more detailed.

On August 9, 1999, Mrs. McCarthy filed an amended petition requesting a Special Permit/Finding to construct a two-story 22 foot by 14 foot addition with less than the required left side yard setback. Due notice of the hearing was given by mailing and publication

Presenting the case at the August 26, 1999 hearing was Mary G. McCarthy, who was accompanied by her husband, Robert. Mrs. McCarthy said that the amended plans involve a smaller addition than previously presented. She stated that the house is unusually small. There is not sufficient space to eat in the kitchen; there is no dining room; and no upstairs bath. The addition will include a first floor family room, which will allow conversion of the existing living room into a dining room. The second floor will include a small third bedroom, bath and closet.

The Board was of the opinion that the amended plans had eliminated the previous problems.

Walter Adams, 38 River Ridge Road, expressed support for the petition. Mrs. McCarthy submitted a letter in support of the petition from Mary Donahue, 42 River Ridge Road.

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Statement of Facts

The subject property is located at 38 River Ridge Road, on a 6,350 square foot lot, in a Single Residence District, and has a minimum right side yard clearance of 18.2 feet and a minimum left side yard clearance of 11.5 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a two-story 22 foot by 14 foot addition with a minimum left side yard clearance of 15 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated July 16, 1999, drawn by John J. Caffrey, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 7/26/99, drawn by J.M. Construction, Inc.; and photographs were submitted.

In a Memo dated August 26, 1999, the Planning Board staff expressed no objection to the addition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearings. 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 construction of the proposed 14 foot by 22 foot two-story addition with a minimum side yard clearance of 15 feet shall 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 new nonconformity as it is less nonconforming than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the two-story addition in accordance with the submitted July 16, 1999 plot plan and the construction plans drawn by J.M. Construction, Inc.

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.

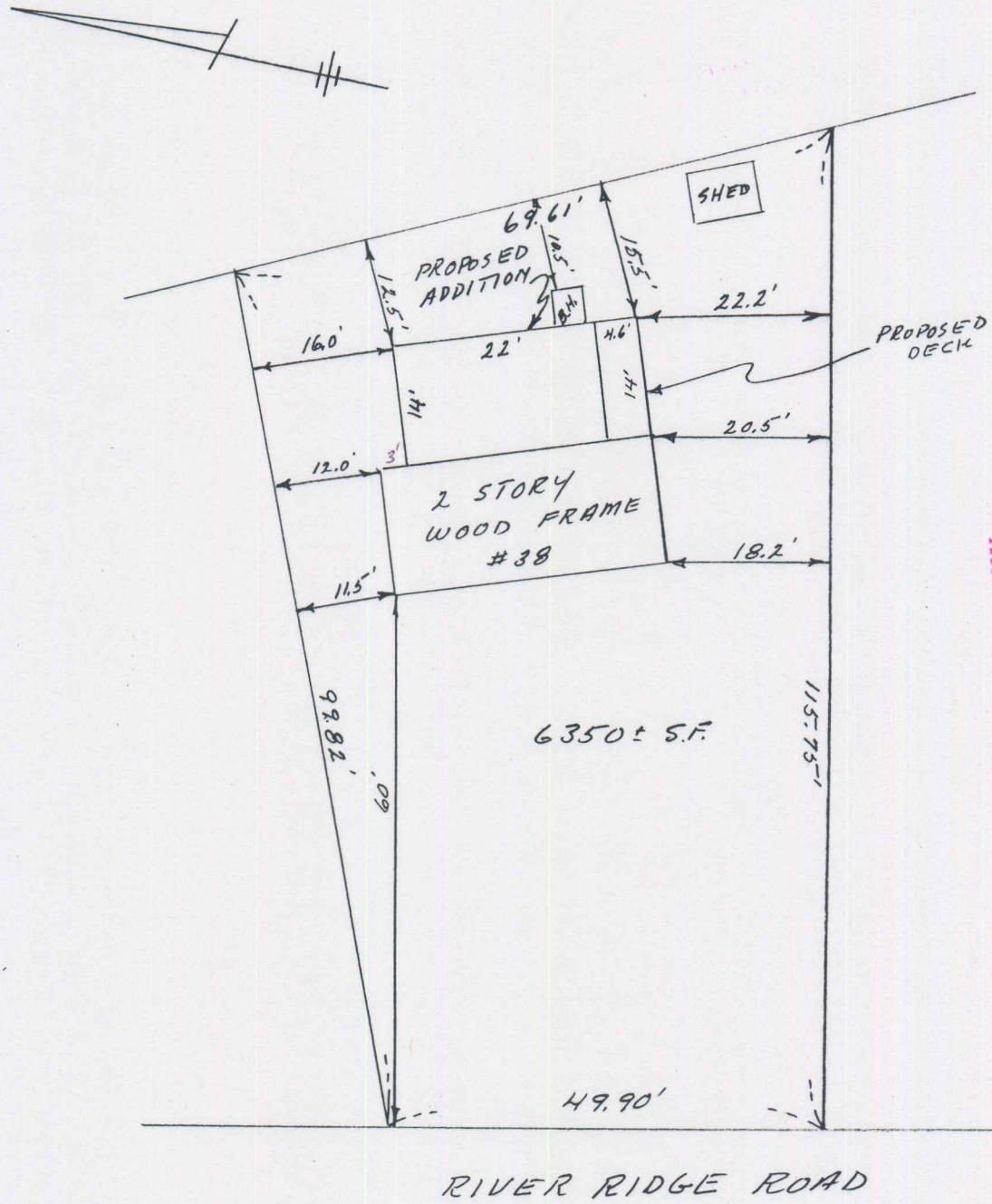
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Kendall P. Bates
Kendall P. Bates, Chairman

William E. Polletta
William E. Polletta

Robert A. Bastille
Robert A. Bastille

Cc: Planning Board
Inspector of Buildings
edg



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PLOT PLAN OF LAND
IN
WELLESLEY, MA

Scale: 1"=20' July 16, 1999
J.J.Caffrey, PLS Weston, Mass.

OWNER: Mary G. McCarthy

COMMONWEALTH OF MASSACHUSETTS
JOHN J CAFFREY
No. 25229
REGISTERED PROFESSIONAL LAND SURVEYOR

Lot Coverage:
Existing 5.6%

Proposed 11.1%