TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 99-45
Petition of Richard J. and Margaret H. Spellman
47 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 24, 1999 at 8 p.m. in the Selectmen's Conference Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD J. AND MARGARET H. SPELLMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming porch and construction of a two-story addition 20.9 feet by 23.6 feet, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 47 MARTIN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 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 Margaret and Richard Spellman. Mrs. Spellman said they are planning to add a small conforming entry to the front and go straight back for the two-story addition, which will have a family room on the first floor and a master bedroom on the second floor. They will use sonar tubes rather than a full foundation for the addition. The addition would be setback 11.4 from the right side lot line.

The Board expressed concern that the two-story addition would be more detrimental, as it will be a long and large continuation of an existing encroachment on the right side yard. The Board recommended that there be a visual differentiation of the addition from the existing house rather than a large continuous mass, and further recommended that the addition be moved in an additional 16 inches from the edge of the existing right side of the dwelling.

The Board voted unanimously to continue the petition to the July 29, 1999 Public Hearing to give the Spellmans an opportunity to amend their plans.

On July 12, 1999, the Spellmans filed an amended petition requesting a Special Permit/Finding for the demolition of the existing nonconforming porch and construction of a two-story addition 20.9 feet by 23.6 feet with a minimum right side yard setback of 12.2 feet. Thereafter, due notice of the hearing was given by mailing and publication.

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Prior to presentation of the case at the July 29, 1999 Public Hearing, Richard Seegel, a Zoning Board member who had sat on the June 24th hearing of the petition, informed the Spellmans that Kendall Bates, who had also sat on the June 24th hearing of the petition, was not available due to a death in the family. As the Board hearing the amended petition must have the same members as the Board that heard the original petition, the case would have to be continued to the August 26, 1999 Public Hearing.

Due notice of the August 26, 1999 Public Hearing was given by mailing and publication.

Presenting the case at the hearing was Margaret Spellman, who said that the new plans reflect the Board's request that the addition be relocated at least 16 inches further away from the right side line than the existing nonconforming house. This necessitated moving the rear wall back a few inches as well.

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The Board commented that the new plans were a great improvement, as there would be visual differentiation of the dwelling in the right side elevation.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 47 Martin Road, in a Single Residence District, on a 10,001 square foot lot and has a minimum right side yard clearance of 10.5 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing nonconforming porch and construction of a two-story addition 20.9 feet by 23.6 feet with a minimum right side yard clearance of 10.8 feet at the corner of the nonconforming porch to be demolished and 12.2 feet at the corner of the remaining portion of the new addition, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 24, 1999, revised May 26, 1999, revised July 1, 1999, drawn by David W. Humphrey, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations, revised July 1, 1999; and photographs were submitted.

On June 11, 1999, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-283) with standard conditions.

In a Memorandum dated August 25, 1999, the Planning Board staff had no objection to the construction of the proposed addition.

Decision

This Authority had made a careful study of the materials submitted for the original and amended petitions 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 the construction of the two-story 20.9 foot by 23.6 foot addition, with the aforesaid minimum right side yard clearance, shall not be substantially more detrimental to the

neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the August 26,1999 Public Hearing, to construct the 20.9 foot by 23.6 foot two-story addition in accordance with the revised Plot Plan dated July 1, 1999 and with the revised construction drawings dated July 1, 1999. Furthermore, all conditions contained in the Order of Conditions (DEP 324-283) are hereby incorporated into this decision.

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

Richard L. Seegel

Richard L. Seegel

Cynthia S. Hibbard

Cynthia S. Hibbard

Cc: Planning Board
Inspector of Buildings
edg

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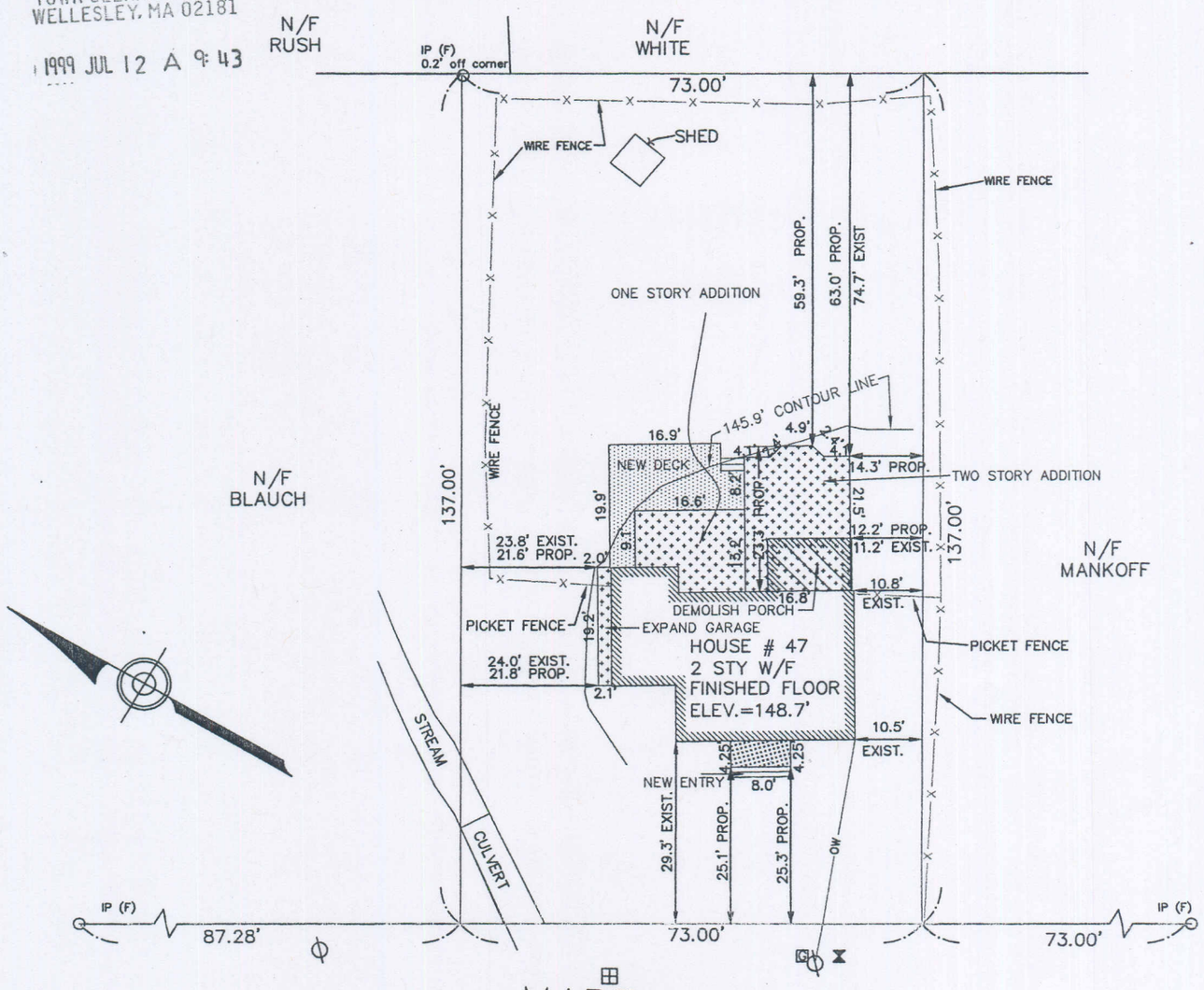

MARTIN ROAD
(PUBLIC)

LEGEND:
SYMBOLS AND ABBREVIATIONS SHOWN ON THIS PLAN.

——— OW ———		OVERHEAD WIRES
UP	⌀	UTILITY POLE
I.P.(F)	o	IRON PIPE, FOUND
STY.		STORY
MH	O	MANHOLE
W/F		WOOD FRAME
	⋈	WATER GATE
	G	GAS GATE
	⊞	CATCH BASIN
EXIST.		EXISTING
PROP.		PROPOSED

LOT AREA = 10,001 S.F.±
EXISTING BUILDING LOT COVERAGE = 10.0%±
PROPOSED BUILDING LOT COVERAGE = 17.9%±

ON THE BASIS OF MY KNOWLEDGE , INFORMATION AND BELIEF , I CERTIFY TO MARGARET HAYES SPELLMAN AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS , I FIND THAT THE DWELLING FALLS WITHIN ZONE "C" AS SHOWN ON F.I.R.M. MAP FOR WELLESLEY MASSACHUSETTS. COMMUNITY PANEL # 250255 0005 B DATED: SEPTEMBER 5, 1979
THE BUILDINGS ARE LOCATED ON LOT AS SHOWN HEREON.

COMMONWEALTH OF MASSACHUSETTS
DAVID W. HUMPHREY
No. 33020
PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR
DATE: 1 July 99

PLOT PLAN
OF LAND IN
WELLESLEY, MASS.

SCALE: 1"= 20' DATE: JULY 1, 1999
PREPARED FOR: MARGARET HAYES SPELLMAN

SCHOFIELD BROTHERS OF NEW ENGLAND, INC.
PROFESSIONAL ENGINEERS &
PROFESSIONAL LAND SURVEYORS
1071 WORCESTER ROAD ,
FRAMINGHAM , MASSACHUSETTS 01701

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DEED RECORDED AT NORFOLK
REGISTRY OF DEEDS, BOOK # 2156, PAGE END
PLAN # 587 OF 1937
ASSESSOR'S MAP 170, LOT # 121
ZONING DISTRICT: SINGLE RESIDENCE 10,000 S.F.

17550-7