

TOWN OF WELLESLEY



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1999 JUL -8 A 10: 08

ZONING BOARD OF APPEALS

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

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ZBA 99-47

Petition of Todd H. and Cherlene M. Hoffman
22 Brook Street

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 Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of TODD H. AND CHERLENE M. HOFFMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of the following additions to their nonconforming property with less than the required right and left side yard setbacks, at 22 BROOK STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 14 foot 10 ½ inch by 4 foot 9 inch deck with less than the required right side yard setback.
2. A two-story addition 25.4 feet by 23 feet with less than the required right and left side yard setbacks.

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 was Cheri Hoffman, who was accompanied by her architect, Margaret Schiff. Mrs. Hoffman said that they presently have one bathroom for 4 people, and are in great need of more space.

The Board commented that the construction drawings refer to a "ruin" in the back yard, and questioned what this was. Mrs. Hoffman explained that the "ruin" was an old garage which had been demolished to the top of the foundation in 1970.

The Board noted that the structures are all within the 100 year flood plain, and within the 100 foot buffer zone. Ms. Schiff said that the existing house abuts the park on the south. The lot is triangular, which limits the site of any addition at the rear of the lot. The addition is aligned on one side of the house, but rotated to parallel the house. It was also sited to allow additional views of the park for the left side abutter. The addition will resemble a garden pavillion.

Ms. Schiff said that the existing rooms are rather small. The proposed floor plan opens up the space with a family room on the first floor and a master bedroom above. The foundation "ruin" will be converted to a terrace. Two sides of the foundation will be removed, with the other sides used as retaining walls.

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The Board complimented the petitioner and architect on the design and siting of the project. The Board also noted that the Planning Board had no objection to the granting of the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 22 Brook Street, in a Single Residence District, on a triangular lot constaining 7,365 square feet, and has a minimum right side yard clearance of 6.3 feet and a minimum left side yard clearance of 12.6 feet. The property abuts the Fuller Brook parkland along the entire right side property line.

The petitioners are requesting a Special Permit/Finding that the construction of a 14 foot 10 ½ inch by 4 foot 9 inch deck, with a minimum right side yard clearance of 8.7 feet; and a two-story addition 25.4 feet by 23 feet with a minimum right side yard clearance of 13 feet and a minimum left side yard clearance of 12.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated May 25, 1999, drawn by Gregory L. Bowden, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations (EX01-03; EX31-34; A01-03; A31-34) dated 5/26/99, drawn by Design Lab; Existing Conditions Site Plan (CO1) and Proposed Conditions Site Plan CO2), dated March 31, 1999, revised April 28, 1999, drawn by Design Lab; and photographs were submitted.

On May 13, 1999, the Wetlands Protection Committee voted to issue an Order of Conditions (DEP 324-284) for the project.

On June 22, 1999, the Planning Board reviewed the petition and had no objection to granting the request.

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 construction of the proposed 14 foot 10 ½ inch by 4 foot 9 inch deck and the two-story 25.4 foot by 23 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as both additions have been carefully sited on the undersized triangular lot so that neither addition will intensify the existing nonconformance nor will either create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the proposed deck and two-story addition according to the submitted plot plan and construction drawings, and further subject to all conditions contained in the Order of Conditions (DEP 324-284) issued by the Wetlands Protection Committee.

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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.

Cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee
edg

Kendall P. Bates, Chairman

Richard L. Seegel

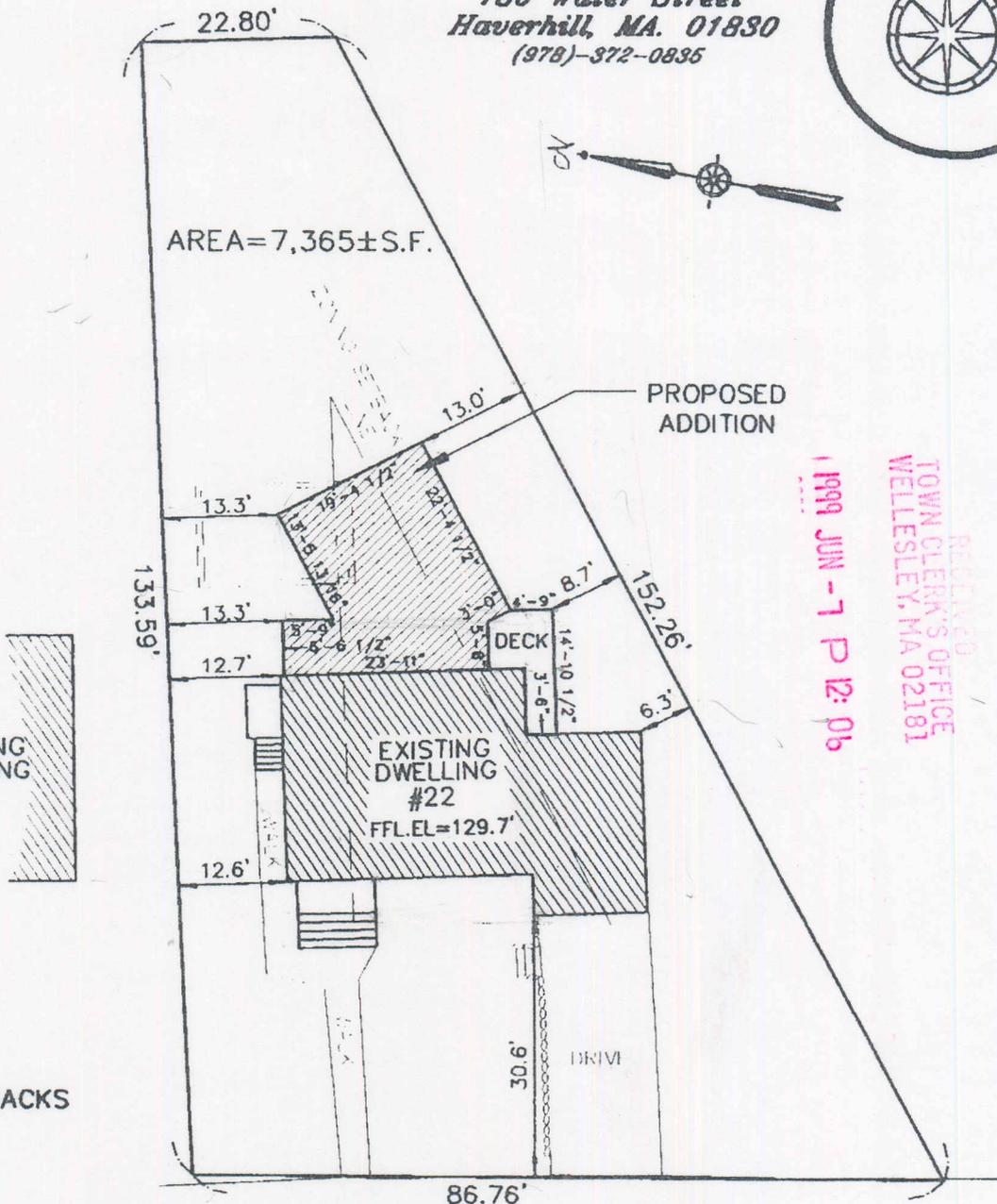
Cynthia S. Hibbard

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*Northpoint
Survey Services*
180 Water Street
Haverhill, MA. 01830
(978)-372-0835



AREA=7,365±S.F.



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EXISTING DWELLING

EXISTING DWELLING #22
FFL.EL=129.7'

PROPOSED ADDITION

DRIVE

BROOK STREET

ZONING DATA
REQUIRED SETBACKS
FRONT = 30'
SIDE = 20'
REAR = 10'

LOT COVERAGE PERCENTAGE
EXISTING = 13%
PROPOSED = 20%

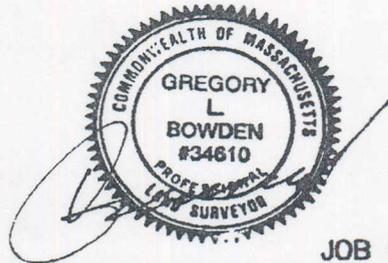
SPECIAL PERMIT PLAN

22 BROOK STREET
WELLESLEY, MA.

PREPARED FOR:
TODD & CHERLENE HOFFMAN

DATE: MAY 25, 1999

SCALE: 1" = 20'



JOB NO: 2667