

TOWN OF WELLESLEY



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WELLESLEY MA 02482  
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MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 99-93

Petition of Dixie Whatley  
30 South River Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 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 DIXIE WHATLEY 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 addition 29.5 feet by 30.8 feet, with less than the required front setback, at her nonconforming dwelling with less than the required front setback, at 30 SOUTH RIVER STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 1, 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 was Tom Harrington, legal counsel for the petitioner who was present. Mr. Harrington said that the existing house is nonconforming, as it is 18.6 feet from the front property line. The two-story addition will have approximately 1,273 square feet, and has been jogged back so that the front setback will be 18.8 feet. They do not believe it will be more detrimental to the neighborhood because several of the houses on both sides of the street have the same or less front yard setbacks. Presently, the house has about 1,900 square feet and is the smallest in the neighborhood. The addition will made it comparable to the other homes.

The Board asked if the house was on sewer or septic. Ms. Whatley said it is presently on septic. At present, the sewer extends to within a block and a half from her house. Mr. Harrington said he understood that Wellesley homes would be allowed to tie into the Natick sewer system.

The Board stated that it would include a condition that no more than two bedrooms would be allowed until a permanent sewer connection is made, and that the Order of Conditions issued by the Wetlands Protection Committee would be incorporated into its decision.

No other person present had any comment on the petition.

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### Statement of Facts

The subject property is located at 30 South River Street, in a Single Residence District, on a 17,644 square foot lot adjacent to the Charles River, and has a minimum front yard setback of 18.7 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 30.8 foot by 29.5 foot two-story addition with a minimum front yard setback of 18.8 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 29, 1999, revised August 3, 1999, revised October 22, 1999, revised October 27, 1999, drawn by Richard H. McKeown, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated October 26, 1999, drawn by Scott William Grady, Architect; and photographs were submitted.

On November, 18, 1999, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-294) for the project.

On November 3, 1999, the Planning Board reviewed the petition and had no objection to the request provided the requirements of the Town's Flood Plain Zoning District, Section XIVB of the Zoning Bylaw, are met.

### 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 two-story addition with less than the required front setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity.

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

1. There shall be no more than two bedrooms in the dwelling until a connection to the sewer system has been completed.
2. All conditions contained in the Order of Conditions (DEP 324-294) issued by the Wetlands Protection Committee 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.

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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.

Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

*Kendall P. Bates*

Kendall P. Bates, Chairman

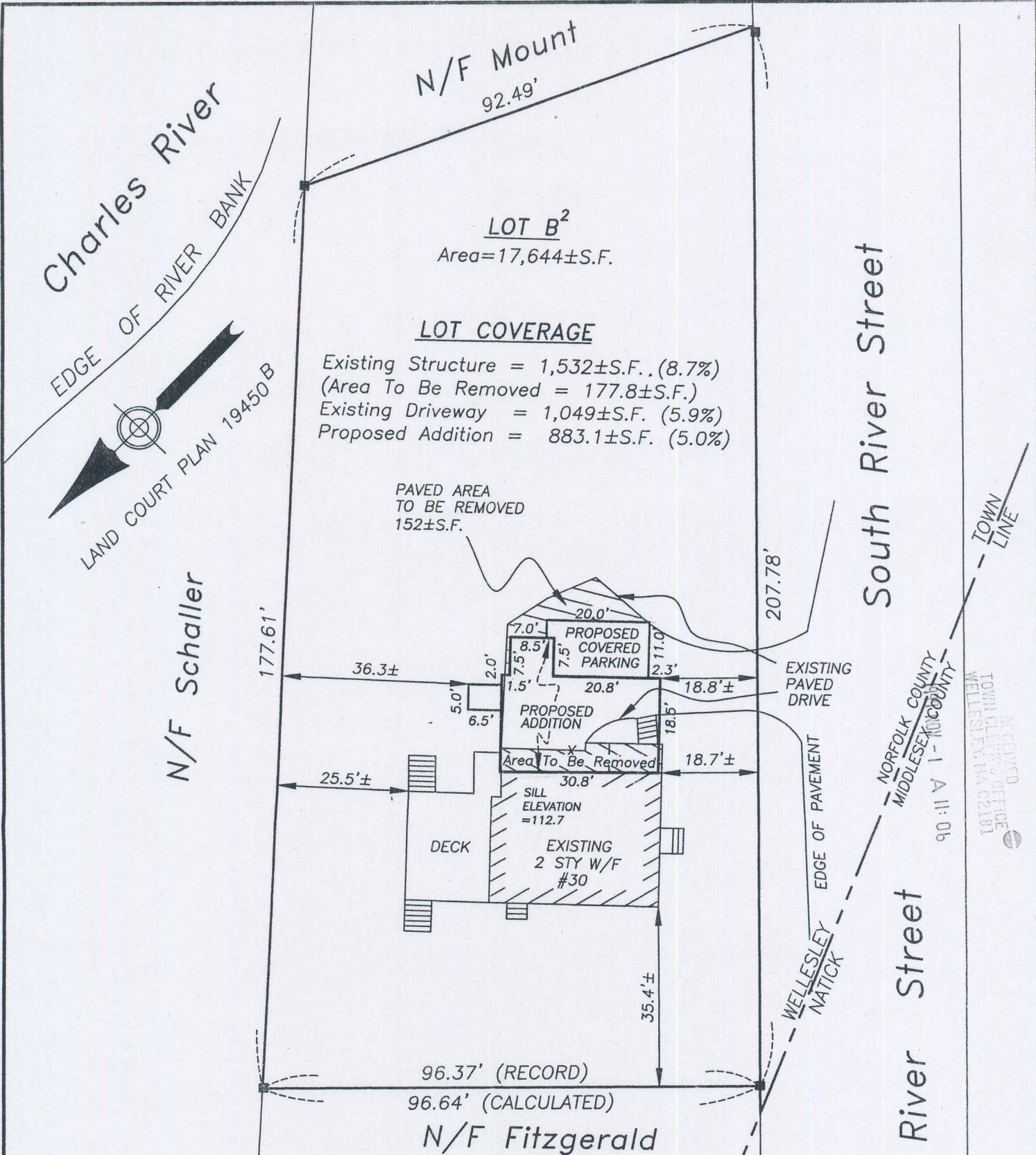
*William E. Polletta*

William E. Polletta

*Richard L. Seegel*

Richard L. Seegel

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NOTE: ELEVATION REFER TO NGVD 1929.

ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, I CERTIFY TO DIXIE A. WHATLEY, THE TOWN OF WELLESLEY BUILDING INSPECTOR AND THE ZONING BOARD OF APPEALS, 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 THAT THE STRUCTURE AND PROPOSED ADDITION AS SHOWN FALLS WITHIN ZONE "A-6", AS SHOWN ON THE F.I.R.M. MAP FOR WELLESLEY, MASSACHUSETTS, COMMUNITY PANEL 250255 0005B DATED: SEPTEMBER 5, 1979 AND THAT THE EXISTING AND PROPOSED STRUCTURES ARE LOCATED ON THE LOT AS SHOWN HEREON.

*[Signature]*  
PROFESSIONAL LAND SURVEYOR  
DATE: 27 Oct 99



**PLOT PLAN**  
OF LAND IN  
**WELLESLEY, MASS.**  
SCALE: 1" = 20' DATE: JUNE 29, 1999  
REV: AUGUST 3, 1999  
REV: OCTOBER 22, 1999  
REV: OCTOBER 27, 1999  
PREPARED FOR: DIXIE A. WHATLEY  
SCHOFIELD BROTHERS OF NEW ENGLAND, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
1071 WORCESTER ROAD,  
FRAMINGHAM, MASSACHUSETTS 01701  
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DEED RECORDED AT THE NORFOLK COUNTY  
REGISTRY OF DEEDS, CERTIFICATE #126935  
LAND COURT PLAN # 19450B  
ASSESSOR'S MAP 178, PARCEL 4  
ZONING DISTRICT: SINGLE RESIDENCE-15

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