

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2000-90
Petition of Nesbitt W. Hagood
73 Smith Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 16, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of NESBITT W. HAGOOD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of his existing dwelling and construction of a new two-story dwelling 74.5 foot by 57 feet at a height of 34 feet, which will comply with all required setbacks, on his lot at 73 Smith Street, in a Single Residence District, which has a minimum frontage of 53.50 feet, when 60 feet is the minimum frontage required for a lot in a 10,000 square district, which was endorsed or recorded prior to April 8, 1997, shall not be substantially more detrimental to the neighborhood than the existing structure.

On October 30, 2000, 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 Nesbitt Hagood, who said he plans to remove the existing structure at 73 Smith Street and replace it with a new house which will meet all the required setbacks. He presently owns and occupies that abutting property at 71 Smith Street. His intention is to move his family into the new home and then renovate the house at 71 Smith Street.

The Board asked if Mr. Hagood had appeared before the Wetlands Protection Committee. Mr. Hagood said he had been before the Committee on November 9th and had received an Order of Conditions.

The Board asked if the existing shed would remain. Mr. Hagood said that it would. The Wetlands Committee was not concerned about the shed, which is used for storage. They discussed roof water discharge into dry wells and flood plain issues. Eventually, they want to change the driveway, and will have to return to the Wetlands Committee for approval.

The Board stated that the Order of Conditions 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 73 Smith Street, in a Single Residence District, on a 20,550 square foot lot within 200 feet of a riverfront area. A portion of the property is also within the 100 year flood elevation. The lot has a minimum frontage of 53.50 feet in a 10,000 square foot district, in which 60 feet is the minimum frontage required for a lot in a 10,000 square foot district endorsed or recorded prior to April 8, 1997.

The petitioner is requesting a Special Permit/Finding that the demolition of the existing dwelling and construction of a new two-story 74.5 foot by 57 foot dwelling at a height of 34 feet, which complies with all zoning setback requirements, to be built on a lot with less than the required frontage, shall not be substantially more detrimental to the neighborhood than the existing dwelling.

A Plot Plan dated October 25, 2000, drawn by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/25/00, drawn by Archdesign, Inc.; and photographs were submitted.

On November 9, 2000, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-336) for the project. None of the imposed conditions have any effect on the location of the proposed footprint.

On November 14, 2000, the Planning Board reviewed the petition and had no comment on the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does not conform to the current Zoning Bylaw in that it has less than the required frontage in a 10,000 square foot district, but the proposed two-story dwelling will comply with all zoning setback and height requirements.

It is the finding of this Authority that the proposed demolition and construction of the new dwelling will not be substantially more detrimental to the neighborhood than the existing dwelling as it will conform to all setback and height requirements, as well as percentage of lot coverage. The nonconforming frontage dimension will not be affected by the new construction.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing dwelling and construction of the new two-story dwelling in accordance with the submitted plot plan and construction drawings subject to the condition that the Order of Conditions (DEP 324-336) issued by the Wetlands Protection Committee on November 9, 2000, is 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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73 Smith Street

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 PETITION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee
edg

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

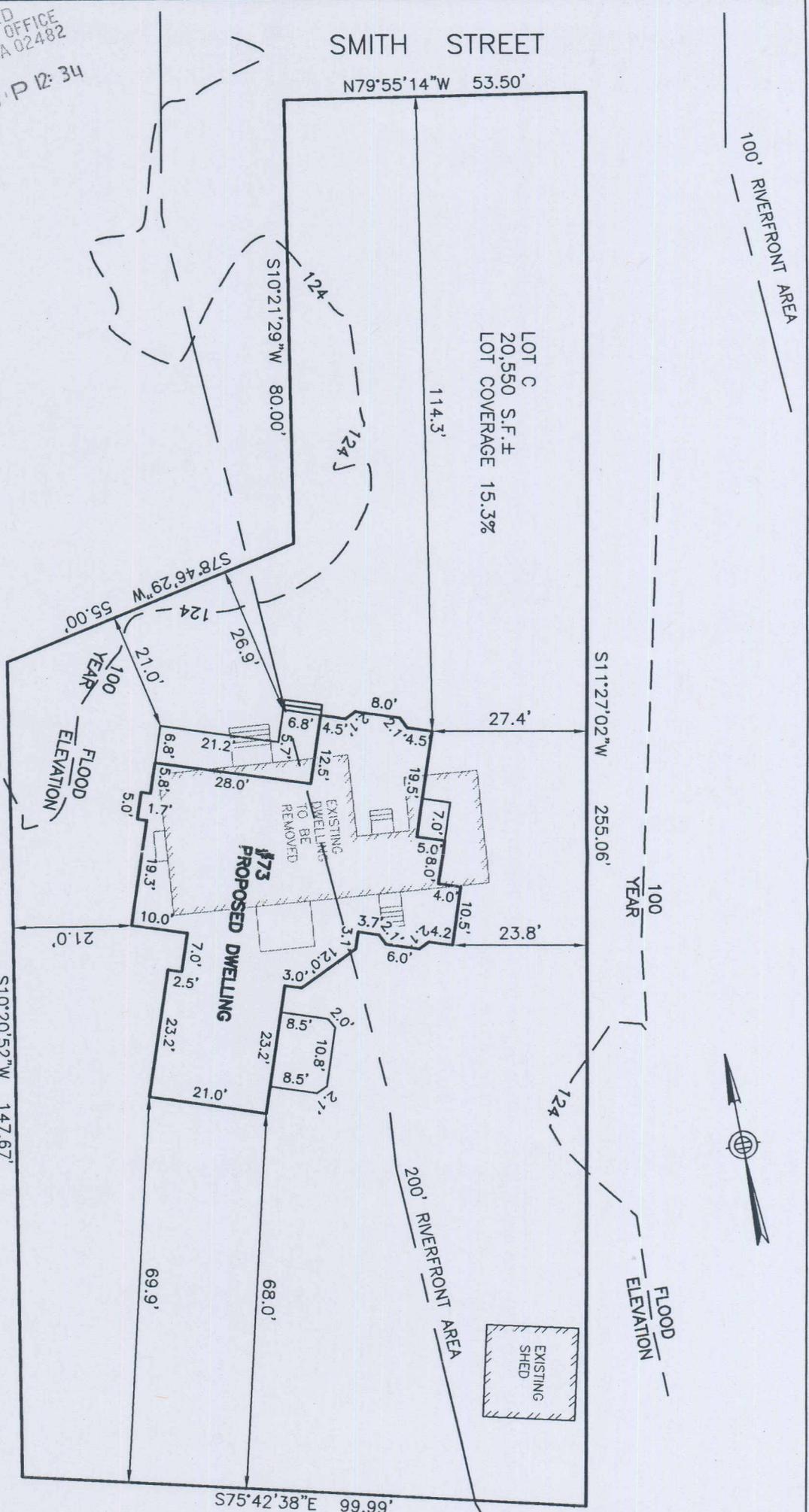
Richard L. Seegel

Richard L. Seegel

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BROOKS
 EVERETT M.
 COMPANY
 ENGINEERS & SURVEYORS
 49 LEXINGTON STREET
 WEST NEWTON, MA 02465
 (617) 527-8750
 PROJECT NO. 20191b00



PLAN OF LAND IN
 WELLESLEY, MA.
 73 SMITH STREET
 PROPOSED CONSTRUCTION
 SCALE 1 IN. = 20 FT
 OCTOBER 25, 2000