



## ZONING BOARD OF APPEALS

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

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2002 NOV 22 A 8:12  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482

ZBA 2002-102  
Petition of Maryann Barry  
353 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARYANN BARRY, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at her nonconforming dwelling with less than the front setback from GERALDINE DRIVE and less than the required right side yard setback, at 353 LINDEN STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure of an existing nonconforming 8 foot by 14.3 foot porch with less than the required right side yard setback. There will be no change in the footprint.
2. Raising the ridge line of the roof 5 feet above an existing nonconforming garage, with less than the required front setback from Geraldine Drive, to accommodate a 10.57 foot by 14 foot second story addition. There will be no change in the footprint.
3. A one-story 31.1 foot by 39 foot addition with less than the required front setback from Geraldine Drive.

On October 17, 2002, 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 Maryann Barry, who said she would like to enclose the open porch, add a second story above the garage for closet space and a computer room, and construct a one-story addition containing a family room, bedroom and bath for her mother, who will be coming to live with her.

The Board stated that the Planning Board opposed the request on the grounds that the proposed addition would increase the lot coverage to the maximum allowed; and would increase the nonconformity on the street setback on the right side of the house. It appears that half of the proposed addition is within the 30 foot setback from Geraldine Drive.

The Board stated that it had no problem with the porch enclosure, but did have a problem with the proposed 20% maximum lot coverage.

The Board stated that it had received a letter in opposition to the addition from Kathleen and Edward Lasch, the right side abutters at 351 Linden Street.

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Linda Pettigrew, 9 Geraldine Drive, the left side abutter, stated that the area is in a Federal "C" Flood Zone and has experienced water problems. The addition will increase the impervious area. She questioned where the additional water would go, and felt the proposed house would be too big for the lot.

Graham Ward, 8 Geraldine Drive, expressed opposition, stating that a 30% increase in the footprint would be a huge change.

Bob Pettigrew, 9 Geraldine Drive, said the existing house is only 5 feet from the sidewalk. The proposed addition would intensify the nonconformity substantially. He also expressed concern about the water run-off, as the street presently is 6 inches under water in a heavy rainstorm.

The Board stated it had no problem with the porch enclosure or the second story garage addition. It does have a problem with the one-story addition. The Board suggested that Ms. Barry might withdraw the petition for the addition without prejudice, and return at a later date with a proposal that was set back farther from Geraldine Drive and smaller in size.

Ms. Barry requested to withdraw the one-story addition portion of the petition without prejudice. The Board voted unanimously to allow her to do so.

#### Statement of Facts

The subject property is located at 353 Linden Street, on the corner of Geraldine Drive, in a 10,000 square foot Single Residence District, on a 10,498 square foot lot, and has a minimum front setback of 11.5 feet from Geraldine Drive and a minimum right side yard setback of 13.5 feet.

The petitioner is requesting a Special Permit/Finding that the enclosure of an existing nonconforming 8 foot by 14.3 foot porch, with a minimum right side yard setback of 13.5 feet; construction of a 10.57 by 19.15 foot second story addition above the existing nonconforming garage with a minimum front setback of 13.3 feet from Geraldine Drive; and construction of a one-story 39 foot by 31.4 foot addition with a minimum front setback of 14.2 feet from Geraldine Drive, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Plot Plan dated February 21, 2002 and a Proposed Plot Plan dated October 15, 2002, both stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/11/02, drawn by Vincent Codispoti, Jr., Architect; and photographs were submitted.

On October 22, 2002, the Planning Board reviewed the petition and opposed the granting of the request on the grounds that the proposed addition is increasing the lot coverage from 11.4% to the maximum building coverage allowed of 20%. This is a corner lot and requires street setbacks of 30 feet. The proposed addition is increasing the nonconformity and encroachment on the street setback on the left side of the house.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure 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 enclosure of the existing nonconforming 8 foot by 14.3 foot porch, and the addition of a 10.57 foot by 14 foot second story addition above the existing nonconforming garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures as neither project will intensify the existing nonconformance nor create new nonconformance as the footprints of the structures will not change.

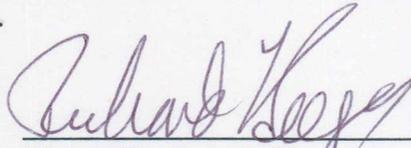
As the Board voted unanimously at the Public Hearing to allow Ms. Barry to withdraw the portion of the petition requesting relief for the one-story addition, no finding regarding the one-story addition is necessary.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of the 8 foot by 14.3 foot porch and to construct a 10.57 foot by 14 foot second story addition above the existing garage in accordance with the submitted plot plan and construction drawings.

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.

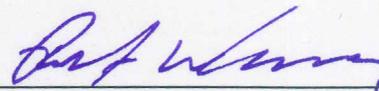
Cc: Planning Board  
Inspector of Buildings  
edg



Richard L. Seegel, Chairman



David G. Sheffield



Robert W. Levy

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2002 OCT 17 A 10:38

# PLOT PLAN WELLESLEY, MASS.

DATE: FEBRUARY 21, 2002 SCALE: 1" = 20'

PREPARED FOR:

MARYANN BARRY  
353 LINDEN STREET  
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO.  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
AREA: 10,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT  
SIDEYARD: 20 FT  
REARYARD: 10 FT

DEED BOOK 10722, PAGE 509  
ASSESSORS MAP 86 LOT 39

MAXIMUM LOT COVERAGE: 19% UP TO 2,700 SF  
EXISTING LOT COVERAGE = 11.4% OR 1,191 SF



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON CONFORMED TO THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS AT THE TIME OF CONSTRUCTION.  
 I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).

PLAN #673 OF 1968



**PROPOSED PLOT PLAN**  
**353 LINDEN STREET**  
**WELLESLEY, MASS.**

RECEIVED  
 TOWN ENGINEER'S OFFICE  
 WELLESLEY, MA 02482

DATE: OCTOBER 15, 2002 SCALE: 1" = 20'

PREPARED FOR:  
 MARYANN BARRY  
 353 LINDEN STREET  
 WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:  
 APPLEWOOD SURVEY CO.  
 21 GREEN STREET  
 HOLLISTON, MASS. 01746  
 TERENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
 AREA: 10,000 SF  
 FRONTAGE: 60 FT  
 SETBACK: 30 FT  
 SIDEYARD: 20 FT  
 REARYARD: 10 FT  
 MAX. LOT COVERAGE: 20%

DEED BOOK 10722, PAGE 509  
 ASSESSORS MAP 86 LOT 39

EXISTING LOT COVERAGE = 11.4% OR 1,191 SF  
 PROPOSED LOT COVERAGE = 20.0% OR 2,100 SF

559 SF OF THE PROPOSED ADDITION WILL BE WITHIN THE SETBACK OF GERALDINE DRIVE.



I CERTIFY THAT THE LOT SHOWN, EXISTING HOUSE, AND PROPOSED ADDITION SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).