

TOWN OF WELLESLEY



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## ZONING BOARD OF APPEALS

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

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ROBERT A BASTILLE  
J. RANDOLPH BECKER  
ROBERT W. LEVY

ZBA 2004-39

Petition of David and Beth Smith  
637 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, July 17, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID AND BETH SMITH requesting the following relief for construction at their nonconforming dwelling with less than the required front setbacks from both WASHINGTON STREET and LOVEWELL ROAD, less than the required rear yard setback, and more than the allowed 25% of lot coverage on their 7,669 square foot lot at 637 WASHINGTON STREET, in a 10,000 square foot Single Residence District:

1. A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing deck and construction of a covered 5 foot by 9 foot entry with less than the required front setback from Lovewell Road.
2. A Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed construction of said entry and a 4.3 foot by 7.9 foot bulkhead, which would result in a nonconforming 34.7% of lot coverage, although reduced from the existing nonconforming 39.21%, would not be substantially more detrimental to the neighborhood as the allowed 25% of lot coverage would still be exceeded.

Presenting the case at the hearing was George Roman, project architect, who accompanied David Smith, the petitioner. Mr. Roman said the property is located at the corner of Lovewell Road, an unpaved private way, and Washington Street, in the Historic District. A Certificate of Appropriateness has been obtained from the Historic District Commission. The building is pre-existing nonconforming in that all of the yard setbacks have been exceeded, as has the percentage of lot coverage.

The house was constructed about 1913 by Mr. Lovewell, as a single family residence. It was later purchased by Wellesley College for use as college dormitories. The College sold the property, which was then used as a boarding house for a period of time. In 1999, the petitioners purchased the house, and have returned it to single family use.

The existing conditions are that the north end of the house contains an addition, which was added after the original house was built, in which the kitchen is located. Within the addition is a small 2.3 foot by 2.6 foot stoop, which is unsafe and not compliant with the current Building Code requiring a 4 foot by 4 foot stoop. That entry is the main entry for the family 90% of the time. There is a 3 foot by 3.2 foot vestibule, which leads into the kitchen. It is very tight. At the rear, there is an access to the kitchen area. There is no direct access from the basement to the outside.

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637 Washington Street

They propose to remove the existing entrance door away from the stairwell and slide it down, create a 45 square foot covered platform with Tuscan columns. The distance between the Lovewell Road lot line and the leading edge of the proposed steps is 19 feet and 21 feet to the platform. The leading edge of the existing house is some 10 feet from this property line. The platform would be further back than the house.

At the rear, the deck would be removed and replaced by a deck on grade. A 25 square foot on grade stoop leading from the kitchen to the on grade deck would be constructed. A bulkhead rising 3 feet from grade would also be constructed.

The proposal will reduce the lot coverage by 267 square feet by removing the deck and the stoop, which comprise some 386 square feet, and adding 119 square feet of new construction. While the lot coverage would still be nonconforming, there has been an attempt to reduce the footprint. The proposed projects would be in keeping with the neighborhood and the historic character of the house.

The Board decided that the petition be changed from a request for a variance for the landing to a request for a Special Permit/Finding as the leading edge of the existing house is much closer to Lovewell Road than the proposed landing would be. In the past, the Board has treated such requests as Special Permits rather than variances.

Mr. Smith submitted a statement, which he read into the record. He also submitted a letter of support signed by all of his abutters.

The Board stated that there was a discrepancy between the plot plan, which shows the total area of the lot as 7,707 square feet, and the unsigned, unstamped site plan showing a total area of 7,669 square feet. The Board agreed that the plot plan was the prevailing document.

The Board asked whether the Washington Street driveway or the Lovewell Road driveway was the main access. Mr. Smith said the main access is from Lovewell Road. The Washington Street driveway is used for additional parking, as Lovewell Road is a narrow private road.

The Board asked how many entrances there were on the ground floor. Mr. Smith said there were five.

The Board noted that the Planning Board recommended treating the proposed landing as a Special Permit, and had no objection to granting permission for all of the construction, as the nonconformance would be reduced.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 637 Washington Street at the corner of Lovewell Road, an unpaved private way, on a 7,669 square foot lot, in a 10,000 square foot Single Residence District, and has a minimum front setback of 25 feet from Washington Street, 9.8 feet from Lovewell Road, 2.3 feet from the rear lot line and 11.9 feet from the left side line. The existing percentage of lot coverage is 39.21%, which exceeds the allowed 25% for an undersized lot in a 10,000 square foot district.

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The petitioners originally requested a variance to construct a 5 foot by 9 foot covered entry with a minimum front setback of 19.3 feet from Lovewell Road. The Board has decided to treat this request as a Special Permit/Finding for although the required setback for a front landing is 30 feet, the property at that point has a maximum depth of 26.1 feet making compliance impossible, and the existing house has a nonconforming presiding setback of 9.8 feet from the Lovewell Road front property line.

The petitioners are also requesting a Special Permit/Finding that the construction of the entry landing and stair and a 4.3 foot by 7.9 foot bulkhead can be allowed, as the proposed nonconforming 34.7% of lot coverage, although reduced from the existing nonconforming 39.21%, shall still exceed the allowed 25% of lot coverage.

A Plot Plan dated December 16, 2003, stamped by George N. Giunta, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation Drawings prepared by George A. Roman dated April 1, 2004; a written description of the project dated May 5, 2004, prepared by George A. Roman; an unstamped, undated Site Plan; and photographs were submitted.

On April 27, 2004, the Historic District Commission voted to approve a Certificate of Appropriateness (HDC 08-03) for the project.

On July 13, 2004, the Planning Board reviewed the petition and stated:

“The Planning Board is inclined to believe that this request could be granted under the terms of a special permit/finding rather than a variance. In any event, the Board has no objection to the granting of this request....”

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public 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 construction of the covered 9 foot by 5 foot entry with a minimum front setback of 19.3 from Lovewell Road shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the entry shall neither intensify the existing nonconformance nor shall it create new nonconformity.

It is the finding of this Authority that the demolition of the existing deck, and construction of the entry and bulkhead resulting in a reduction of the nonconforming percentage of lot coverage from 39.21% to 34.7%, although in excess of the allowed 25% of lot coverage, shall not be substantially more detrimental to the neighborhood as the property shall become less nonconforming due to the proposed project.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the entry and bulkhead in accordance with the submitted plot plan and construction drawings.

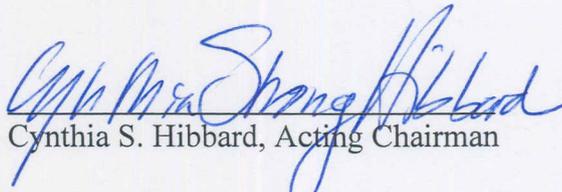
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

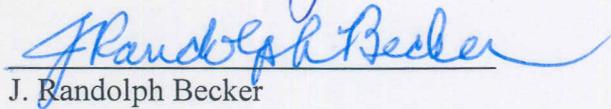
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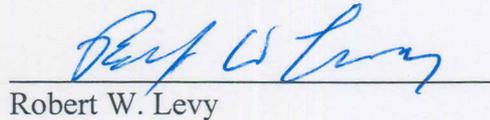
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board  
Inspector of Buildings  
edg

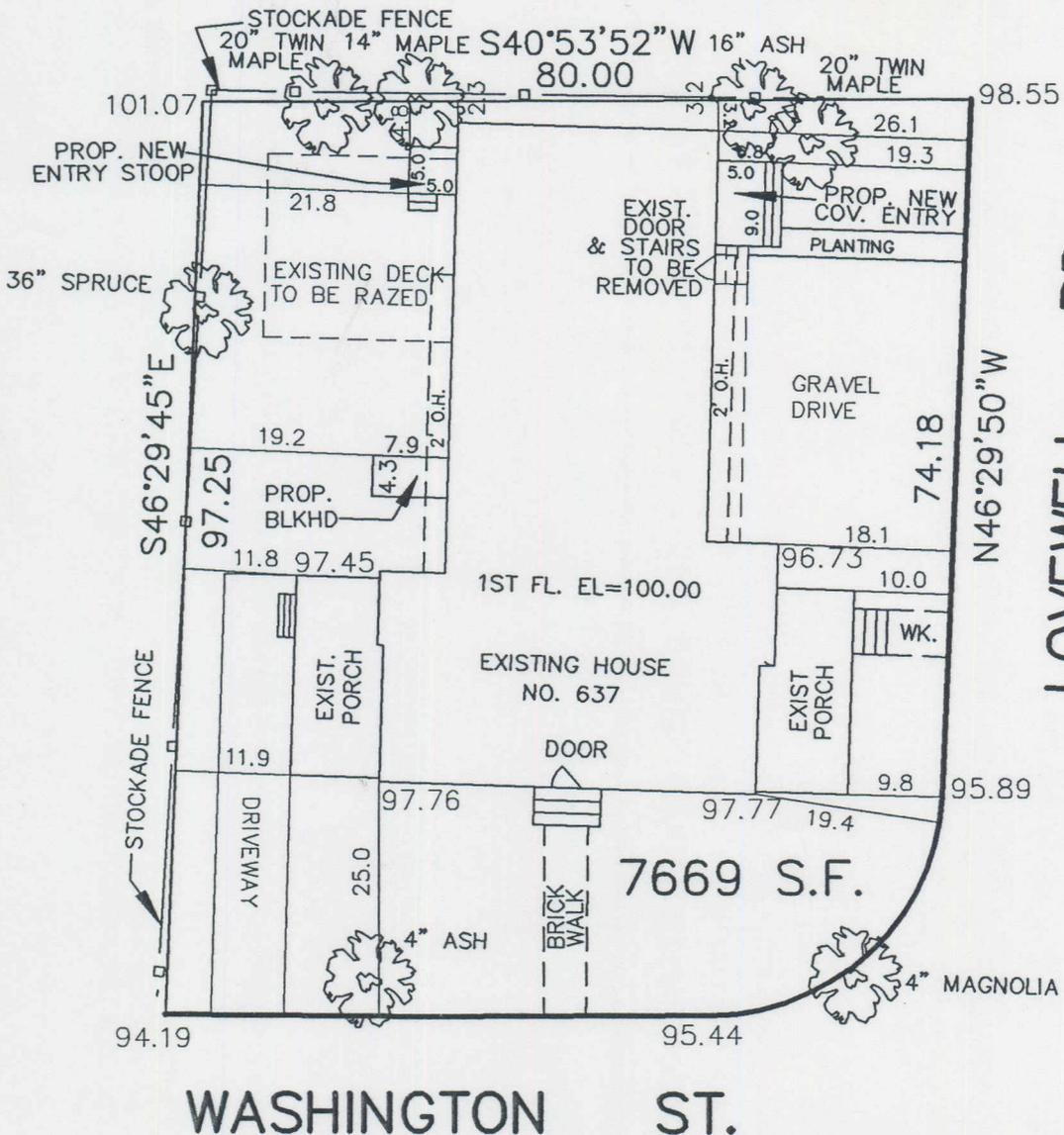
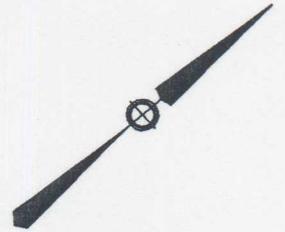
  
Cynthia S. Hibbard, Acting Chairman

  
J. Randolph Becker

  
Robert W. Levy

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PROPOSED LOT COV.=34.70%  
 EXISTING LOT COV.=39.21%



LOVEWELL RD.

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WASHINGTON ST.

SITE PLAN OF LAND  
 WELLESLEY, MASS.

DEC. 16, 2003 SCALE 1"=20'  
 NEEDHAM SURVEY ASSOCIATES, INC.  
 281 CHESTNUT ST.  
 NEEDHAM, MA. 024-92  
 781-444-5936  
 OWNER: DAVID & BETH SMITH

