

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

1999 DEC -1 A 8:14

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

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ZBA 99-86
Petition of Patrick Ahearn
47 Hundreds Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 16, 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 PATRICK AHEARN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 22.09 foot by 22.83 foot second story above an existing nonconforming detached garage with the same dimensions and less than the required front setback, at his property at 47 HUNDREDS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The proposed second story will be used for the storage of one vehicle. There will be no change in the footprint.

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 Patrick Ahearn, who said he is proposing to modify the roof of his free standing stone garage, which dates back to 1936. Based on the unique topography of the lot, on which the garage is close to the road and the house is up on the hill, he would be able to provide direct access much closer to the house by adding the second story to the garage. The car could be parked at the top of the hill, close to the kitchen door. The architectural design would remain the same.

The Board asked if the space would be restricted to a single car. Mr. Ahearn said that it would.

The Board noted that the Planning Board had no objection to the request, but recommended that the second story space should not be used for active living space. The Board decided approval, as there would be no change in the footprint, could be granted with the conditions that the garage never be used as habitable space, and that no interior plumbing ever be installed.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 47 Hundreds Road, in a Single Residence District, and contains a single family dwelling at the rear of the lot and a 22.09 foot by 22.83 foot one-story detached garage with a minimum front yard setback of 26.8 feet.

ZBA 99-86
Petition of Patrick Ahearn
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The petitioner is requesting a Special Permit/Finding that the construction of a second story above his existing nonconforming detached garage to house a single vehicle, with no change in the footprint, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated October 22, 1999, drawn by Terrence M. Ryan, Registered Professional Land Surveyor; a Floor Plan and Elevation drawings; and photographs were submitted.

On November 3, 1999, the Planning Board reviewed the petition and had no objection as the existing garage is built into a hill. The effect of a second level would not impact other properties, but the second floor space in the garage should not be used for active living space.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject one-story detached garage 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 second story above the existing nonconforming garage will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there will be no change in the footprint and the garage will be hardly visible to the abutters or from the street. No new nonconformity will be created as a result of this addition.

Therefore, a Special Permit is granted for the addition, 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. The second story of the garage shall be used to house one vehicle and shall never be used as habitable space.
2. No interior plumbing shall ever be installed in either story of the garage.

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 PETITION,
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

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

Richard L. Seegel

Richard L. Seegel

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PROPOSED
PLOT PLAN
WELLESLEY, MASS.

DATE: OCTOBER 22, 1999 SCALE: 1" = 40'

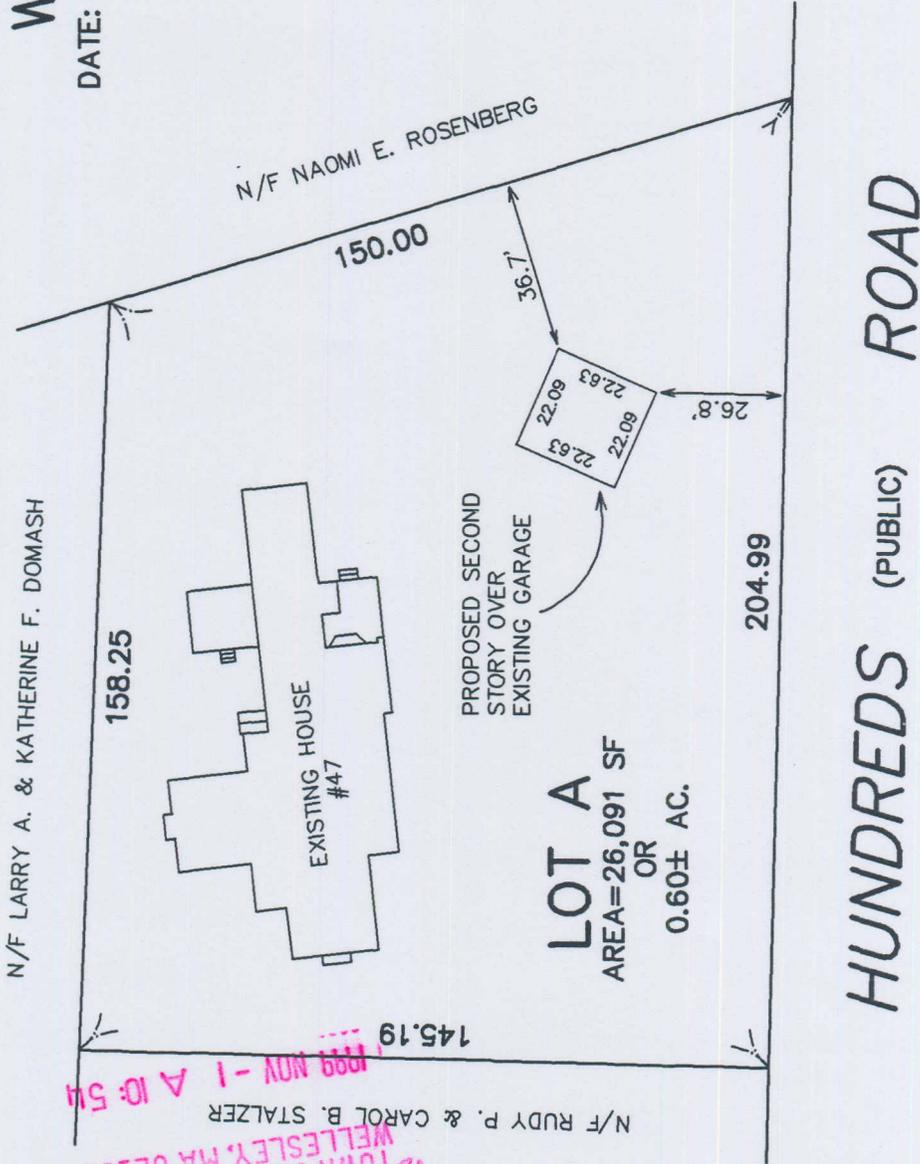
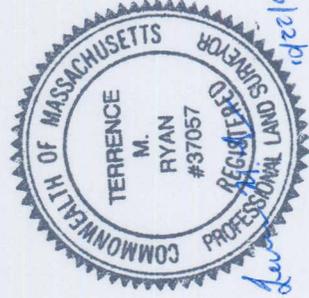
PREPARED FOR:

FALLON DEVELOPMENT, INC.
869 WORCESTER ROAD
WELLESLEY, MASS. 02482

ENGINEERS & SURVEYORS:

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

ZONED: SINGLE RES. - 20,000 SF
ASSESSORS MAP 62 LOT 22
LAND COURT CERT. 134534



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