TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 2000-53
Petition of Paul C. and Barbara Shellito
12 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 25, 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 PAUL C. AND BARBARA SHELLITO requesting an extension of a Special Permit (ZBA 98-52) for good cause, pursuant to the provisions of Section XXV-C of the Zoning Bylaw. On July 10, 1998, the Board of Appeals found that the following additions to their nonconforming dwelling with less than the required right side and front yard setbacks, at their property at 12 ORCHARD STREET, in a Single Residence District, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure: 1. Raising the ridge line of the roof above the back entry 10.5 feet to accommodate a 9.3 foot by 6.7 foot second story addition with less than the required right side yard setback; and 2. Demolition of an existing nonconforming front landing and construction of a new 4.6 foot by 9.8 foot landing with stair with less than the required right side yard setback, and granted a Special Permit for the construction of said additions. As construction on said additions has not commenced within two years of the date of grant of the Special Permit, an extension of the Special Permit is required or it will be null and void on July 10, 2000.

On May 30, 2000, the petitioners requested 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 Paul Shellito, who said that the project consisted of a two-story addition at the rear and replacement of their front porch, which is rotting. The second story would include what is now the back entry. The porch would be smaller than the existing, but still nonconforming.

Dr. Shellito said they are asking for an extension because they have not yet determined whether demolition and new construction of the dwelling is going to be more cost effective than building the additions. They do not want to foreclose the option of going ahead with the additions originally requested, which would be built according with the submitted plans. If they decide to demolish the existing house, the new construction would be totally conforming.

No other person present had any comment on the petition.

Statement of Facts

On July 10,1998, the Board of Appeals granted a Special Permit (ZBA 98-52) to the petitioners to raise the ridge line of the roof 10.5 feet above the back entry to add a 9.3 foot by 6.7 foot second story addition with a minimum right side yard clearance of 15.3 feet; and to demolish an existing nonconforming front

landing and replacement with a 4.6 foot by 9.8 foot front landing and stair with a minimum right side yard clearance of 16.8 feet, as the Board found that the new construction would not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Due to the reasons stated at the Public Hearing, the petitioners were unable to begin construction of the allowed additions. The petitioners are requesting a one year extension of the Special Permit previously granted.

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The petitioners submitted a letter of explanation, a copy of the decision of the Board of Appeals granting the Special Permit, a Plot Plan dated May 18, 1998, drawn by George N. Giunta, Registered Land Surveyor, and Floor Plans and Elevation drawings.

Section XXV-C of the Zoning Bylaw states:

"A special Permit shall lapse within two (2) years of the effective date of grant of such special permit, if a substantial use thereof has not sooner commenced except of good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause."

On June 6, 2000, the Planning Board reviewed the petition and had no objection to the granting of an extension of the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject Special Permit will be null and void on July 10, 2000, if the Board of Appeals does not grant the requested extension.

It is the opinion of this Authority that the construction allowed by the Special Permit has not begun due to reasons sufficient to be deemed "good cause" as required by Section XXV-D of the Zoning Bylaw.

Therefore, the Special Permit is extended for one year from the date of grant of the original Special Permit, as voted unanimously by this Authority at the Public Hearing, and shall expire on June 23, 2001.

The Inspector of Building 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.

Kendall P. Bates

Kendall P. Bates, Chairman

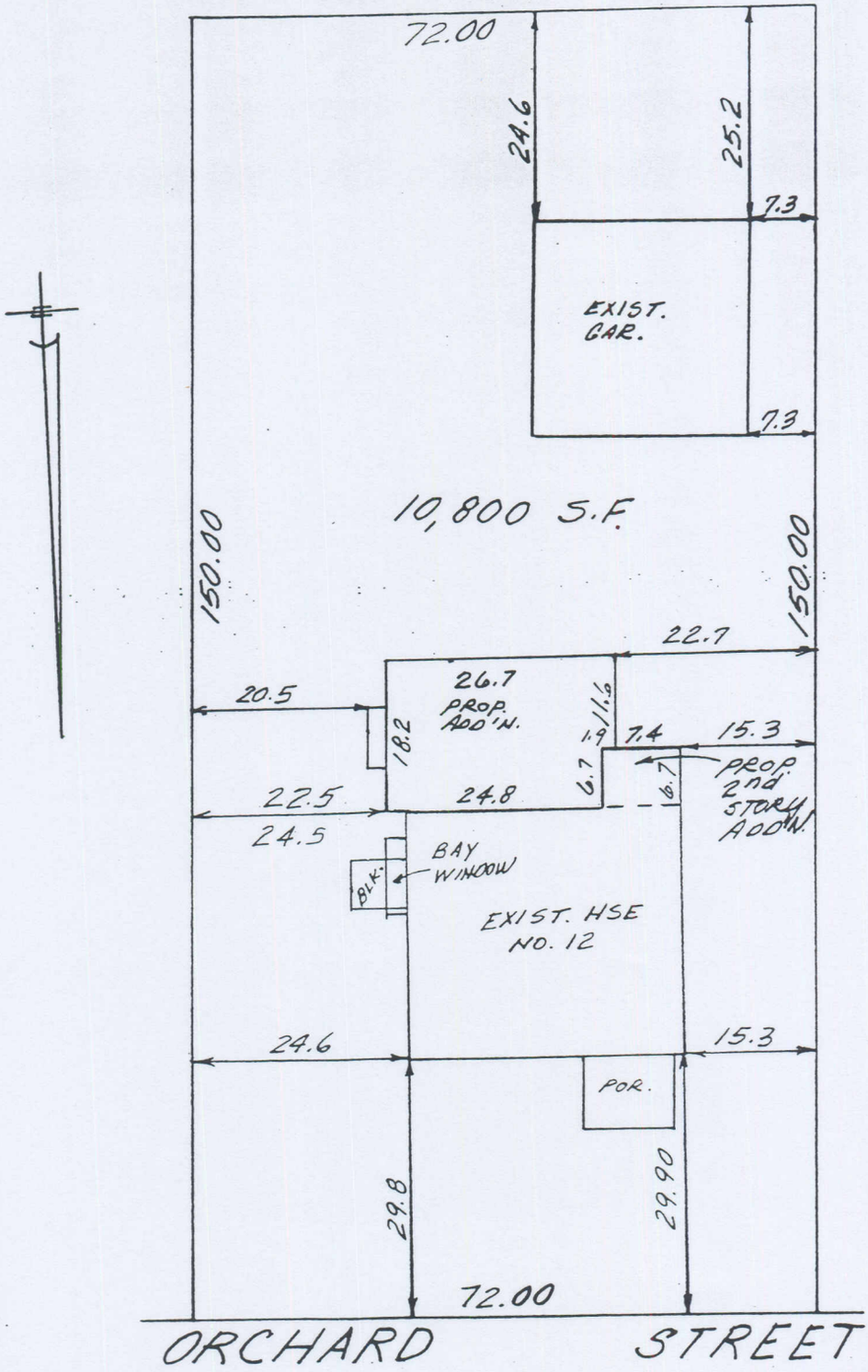
William E. Polletta

William E. Polletta

Richard L. Seegel

Richard L. Seegel

Cc: Planning Board
edg Inspector of Buildings



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COMMONWEALTH OF MASSACHUSETTS
GEORGE N. GIUNTA
No. 27011
REGISTERED LAND SURVEYOR

PLOT PLAN OF LAND
WELLESLEY----MASS.

MAY. 18, 1998 SCALE 1"=20 '

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT STREET
NEEDHAM, MA. 02192

Existing Lot Cov. = 15.52 %
Proposed Lot Cov. = 19.93 %