TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

2001 AUG -8 A 8:15

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

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ZBA 2001-56
Petition of Edward and Kathleen Kelly
5 Sessions Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 26, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EDWARD AND KATHLEEN KELLY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising of the ridge line of their entire roof 3 feet above their 38.8 foot by 24.21 foot nonconforming dwelling, with less than the required right side yard setback, to accommodate a full third story with two dormers in the front, at the allowed height of 29 feet 10 inches, at their nonconforming dwelling with less than the required right side yard setback, at 5 SESSIONS STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 9, 2001, the petitioners 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 were Edward and Kathleen Kelly. Mr. Kelly said he was before the Board for a finding to raise their roof three feet and add two dormers in the front. Currently, they have a walk-up unfinished attic, and he would like to have space for a full study.

The Board commented that it was difficult to see the house from the street. The Planning Board did not have much to say except that it was concerned about incremental increasing mass of houses as a result of projects such as this.

The Board asked if the third floor would have heating and air conditioning. Mrs. Kelly said it would be heated and air conditioned with an interior unit.

Alba Jameson, 6 Sessions Street, asked to see the plans. She was concerned about the height of the house. The Board explained that the height would be 29 feet 10 inches. Ms. Jameson said she had no problem with that.

Statement of Facts

The subject property is located at 5 Sessions Street, in a Single Residence District, on a 5,300 square foot lot and has a minimum right side yard clearance of 10 feet.

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The petitioners are requesting a Special Permit/Finding that raising the ridge line of the roof 3 feet above the entire 38.8 foot by 24.12 foot nonconforming dwelling with less than the required right side yard setback to accommodate a full third story with two dormers at the front of the dwelling at an allowed height of 29 feet 10 inches, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Elevation Plot Plan dated June 12, 2001, revised July 5, 2001, stamped by John F. Toomey, Registered Professional Land Surveyor; Floor Plans and Elevations dated July 3, 2001, prepared by Archdesign, Inc.; and photographs were submitted.

On July 24, 2001, the Planning Board reviewed the petition and expressed concern about the incremental increasing mass of houses as a result of projects such as this.

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 raising of the ridge line of the entire roof three feet above the nonconforming structure to provide a full third story with two dormers in the front will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the intensification of the nonconformance is minimal and no new nonconformance will be created as the footprint will not change.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to raise the ridge line of the roof and add a full third story with two front dormers 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.

Kendall P. Bates

Kendall P. Bates, Chairman

Cynthia S. Hibbard

Cynthia S. Hibbard

Robert W. Levy

Robert W. Levy

Cc: Planning Board
Inspector of Buildings
edg

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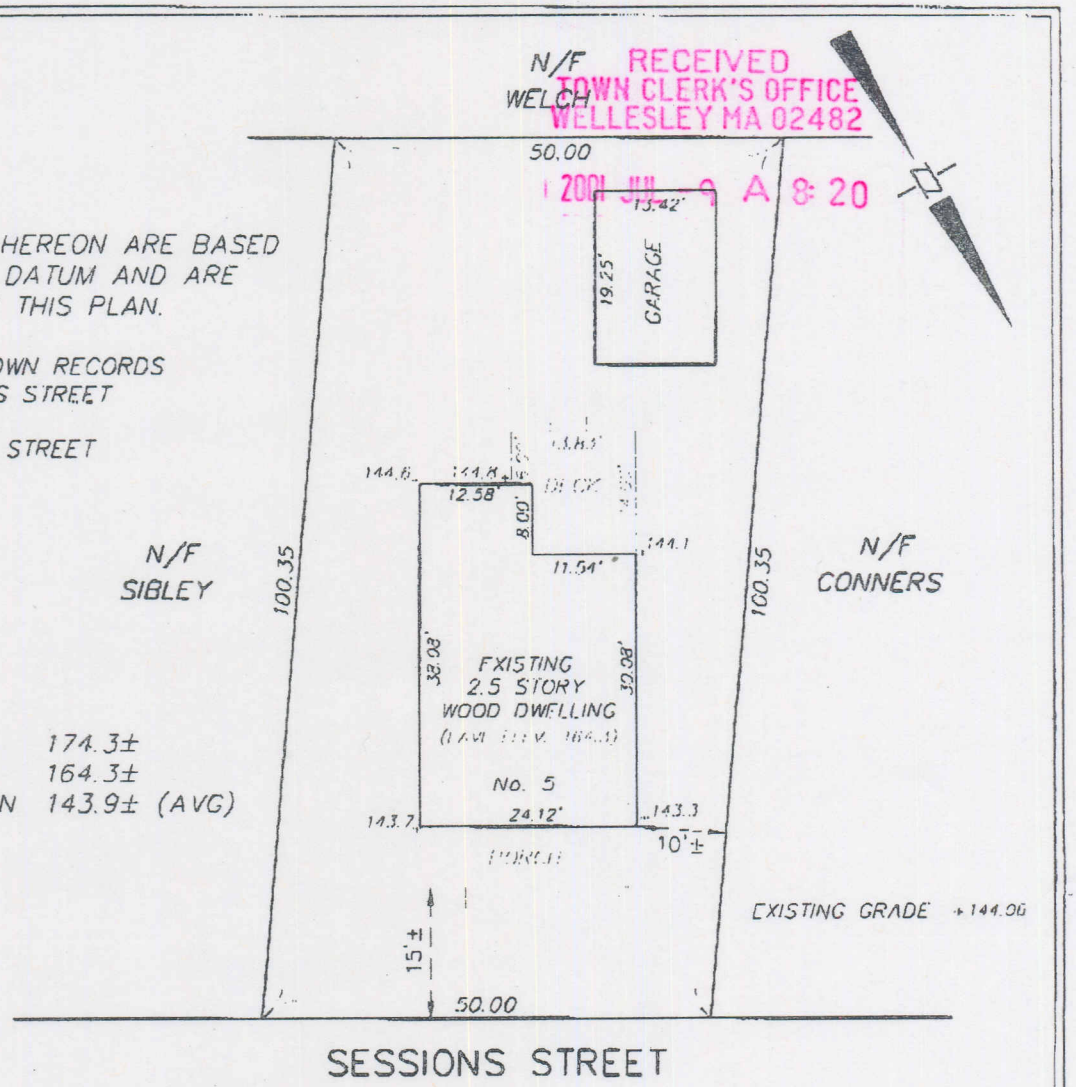
THE ELEVATIONS SHOWN HEREON ARE BASED ON TOWN OF WELLESLEY DATUM AND ARE CORRECTLY DEPICTED ON THIS PLAN.

BENCHMARKS: FROM TOWN RECORDS
SEWER RIM SESSIONS STREET
ELEVATION=141.84
SEWER RIM ATWOOD STREET
ELEVATION=137.18



EXIST. RIDGE ELEVATION 174.3±
EXIST. EAVE ELEVATION 164.3±
EXIST. GROUND ELEVATION 143.9± (AVG)

THE BUILDING LOCATIONS SHOWN ON THIS PLAN WERE TAKEN FROM A MORTGAGE INSPECTION PLAN BY AMERICAN SURVEYING COMPANY, DATED FEBRUARY 27, 1998.

THE BUILDING DIMENSIONS SHOWN ON THIS PLAN WERE TAKEN FROM ARCHITECTUAL DRAWINGS BY ARCHDESIGN, INC., RECEIVED BY E-MAIL JUNE 12, 2001.

OWNER/APPLICANT
EDWARD AND KATHLEEN KELLY
5 SESSIONS STREET
WELLESLEY, MA 02181

COMMONWEALTH OF MASSACHUSETTS
JOHN F. TOOMEY
No. 22785
REGISTERED PROFESSIONAL LAND SURVEYOR

ELEVATION STUDY PLAN OF LAND IN WELLESLEY, MA

SCALE: 1"=20' JUNE 12, 2001

TOOMEY-MUNSON & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
89 ACCESS RD., UNIT 12, NORWOOD, MA 02062

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