

TOWN OF WELLESLEY



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2001 SEP -5 A 8:10

ZONING BOARD OF APPEALS

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

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ZBA 2001-63
Petition of Sentry Building Company
39 Park Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 23, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of SENTRY BUILDING COMPANY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to the nonconforming dwelling, with less than the required left, front and right side yard setbacks, as 39 PARK AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A two-story 5.9 foot by 10 foot addition with less than the required right side yard setback.
2. Raising the ridge line of the roof above a 5.9 foot by 16.6 foot portion of the first floor to accommodate a second story addition having the same dimensions with less than the required right and left side yard setback.
3. An 8 foot by 12 foot deck with less than the required right side yard setback.

On August 6, 2001, the petitioner filed a request for a hearing with this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Sean Hurley, owner of Sentry Building Company. Mr. Hurley said he was returning to the Board with a scaled down request for a Special Permit.

The Board noted that the Planning Board objected to raising the ridge line of the roof, but that the Board of Appeals had no objection.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 39 Park Avenue, in a Single Residence District, on a 7,829 square foot lot, and has a minimum left side yard setback of 17.7 feet, a minimum front yard setback of 23.2 feet, and a minimum right side yard setback of 7 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a two-story 10 foot by 5.9 foot addition, with a minimum right side yard setback of 8.2 feet; raising the ridge line above an existing 5.9 foot by 16.6 foot portion of the first floor to accommodate a second story addition with the same dimension and a minimum right side yard setback of 18.2 feet and a minimum left side yard setback of

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19.8 feet; and a 12 foot by 8 foot deck, with a minimum right side yard setback of 12.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 31, 2001, drawn by Joseph R. Sullivan, Registered Professional Surveyor; Existing Elevations dated June 4, 2001; Existing Floor Plans dated August 1, 2001; Proposed Floor Plans dated July 31, 2001; and Proposed Elevations dated August 1, 2001; all of which were prepared by Sean Hurley, owner of Sentry Building Company; and photographs were submitted.

On August 21, 2001, the Planning Board reviewed the petition and had no objection to the proposed two-story addition and deck, but objected to the request to raise the ridgeline above a portion of the first floor due to the substantial increase in the mass of the structure close to the lot line and its impact on the abutter.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the two-story 10 foot by 5.9 foot addition, the second story 5.9 foot by 16.6 foot addition and the 8 foot by 12 foot deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as, although the existing nonconformance will be intensified with the construction of the two-story addition and the second story addition, none of the three projects will create additional nonconformity as they are all less nonconforming than the existing structure.

Therefore, a Special Permit is granted for the construction of the two-story addition, second story addition and deck, as voted unanimously by this Authority at the Public Hearing, in accordance with the submitted plot plan and construction drawings.

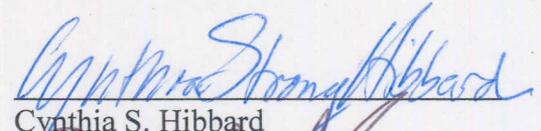
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

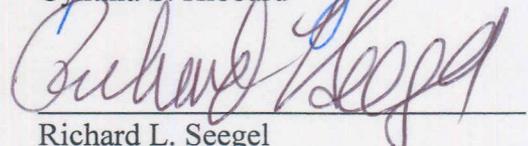
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard



Richard L. Seegel

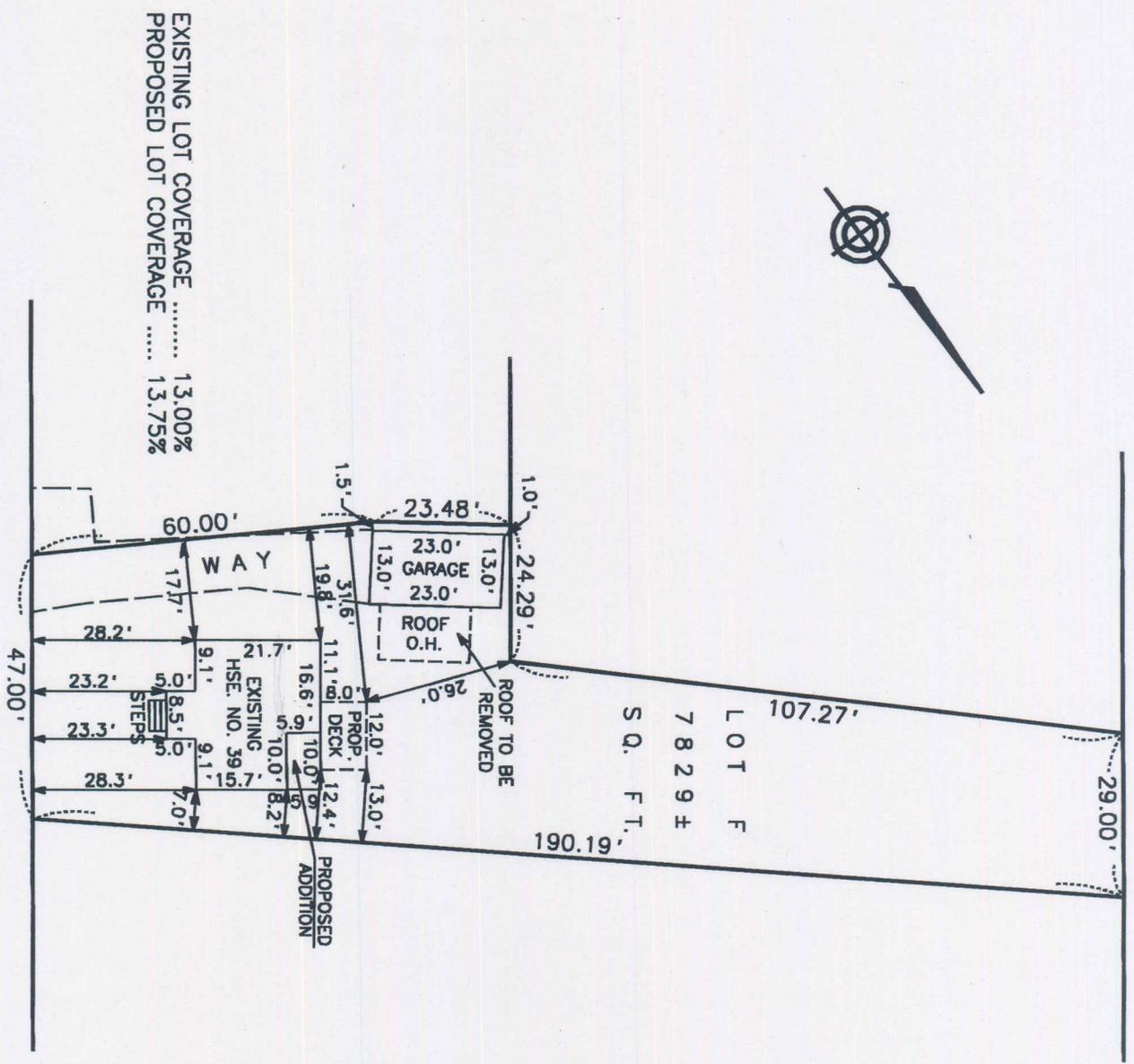
**BOARD OF APPEALS
PLAN OF LAND IN
WELLESLEY, MASS.**

APPLICANT : SENTRY BUILDING CO.
SCALE : 1" = 30' JULY 31, 2001

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AUG 1 2001

JOSEPH R. SULLIVAN
REG. PROF. SURVEYOR

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ENGINEERING, INC.
41 BEACON STREET FRAMINGHAM, MASS.
508-626-8101 01701



PARK AVENUE