

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-79
Petition of 19 Old Town Nominee Trust
Kathryn M. Cook, Trustee
19 Old Town Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 25, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the 19 OLD TOWN NOMINEE TRUST, KATHRYN M. COOK, TRUSTEE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing conforming one-story 39.06 foot by 72.44 foot dwelling and construction of a 21.17 foot by 47.16 foot two-story dwelling at 19 OLD TOWN ROAD, in a Single Residence District, on a 14,411 square foot lot in a district in which the minimum lot size required is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing structure. The proposed structure will conform to all required setbacks and percentage of lot coverage.

On October 9, 2001, 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 Fred Maynard, who said he was the beneficiary of the 19 Old Town Nominee Trust. Kathryn Cook, his accountant for almost 30 years, is the owner of the property. He would like to demolish the existing house and build a smaller structure resembling a carriage house.

The Board asked if the entrance to the lot was being changed from Old Town Road to Dean Road. Mr. Maynard said he is planning to do that.

David Kertzman, 18 Old Town Road, expressed support for the petition. The Board noted that letters in support of the petition had been received not only from Mr. Kertzman, but also from Cynthia Kelly, 20 Dean Road; Riaz and Cecily Cassum, 7 Locust Road, Weston; and David and Sarah Hoffman, 16 Dean Road.

Statement of Facts

The subject property is located at 19 Old Town Road at the corner of Dean Road, in a Single Residence District, on a 14,411 square foot lot in a district in which the minimum lot size required is 20,000 square feet. The property is owned by the 19 Old Town Nominee Trust of which Kathryn Cook is the Trustee. Fred Maynard, 3 Locust Road, is the beneficiary of the Trust. There is an existing one-story 39.06 foot by 72.44 foot conforming structure on the lot.

Kathryn M. Cook, Trustee
19 Old Town Road

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The petitioner is requesting a Special Permit/Finding that the demolition of the existing one-story structure, and construction of a two-story 21.17 foot by 47.16 foot two-story structure, which complies with all setback requirements and the percentage of lot coverage, on a 14,411 square foot lot, which has less than the area of 20,000 square feet required, shall not be substantially more detrimental to the neighborhood than the existing structure. The proposed setbacks are 36.5 feet from Old Town Road, 78.4 feet from Dean Road, 20.7 feet from the rear side and 36.9 feet from the right side. The proposed percentage of lot coverage is 7.2%, while the existing percentage of lot coverage is 14.3%.

A Plot Plan dated September 11, 2001, revised September 24, 2001, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations prepared by Ahearn-Schopfer and Associates P.C.; and photographs were submitted.

On October 16, 2001, the Planning Board reviewed the petition and had no objection to the granting of the petition, as the proposed dwelling meets the setback requirements and the lot coverage would be approximately one-half of the building being removed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does not conform to the area required in the district in which it is located.

It is the finding of this Authority that the demolition of the existing one-story 39.06 foot by 72.44 foot structure and construction of a two-story 21.17 foot by 47.16 foot structure which complies with all setback requirements and percentage of lot coverage on the 14,411 square foot lot in a 20,000 square foot district, shall not be substantially more detrimental to the neighborhood than the existing structure, as the proposed structure will diminish the intensity and will not create any new nonconformance.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the proposed two-story structure 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.

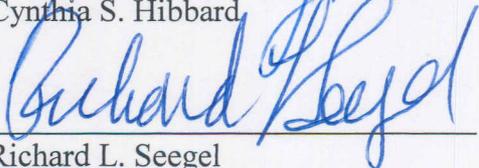
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman

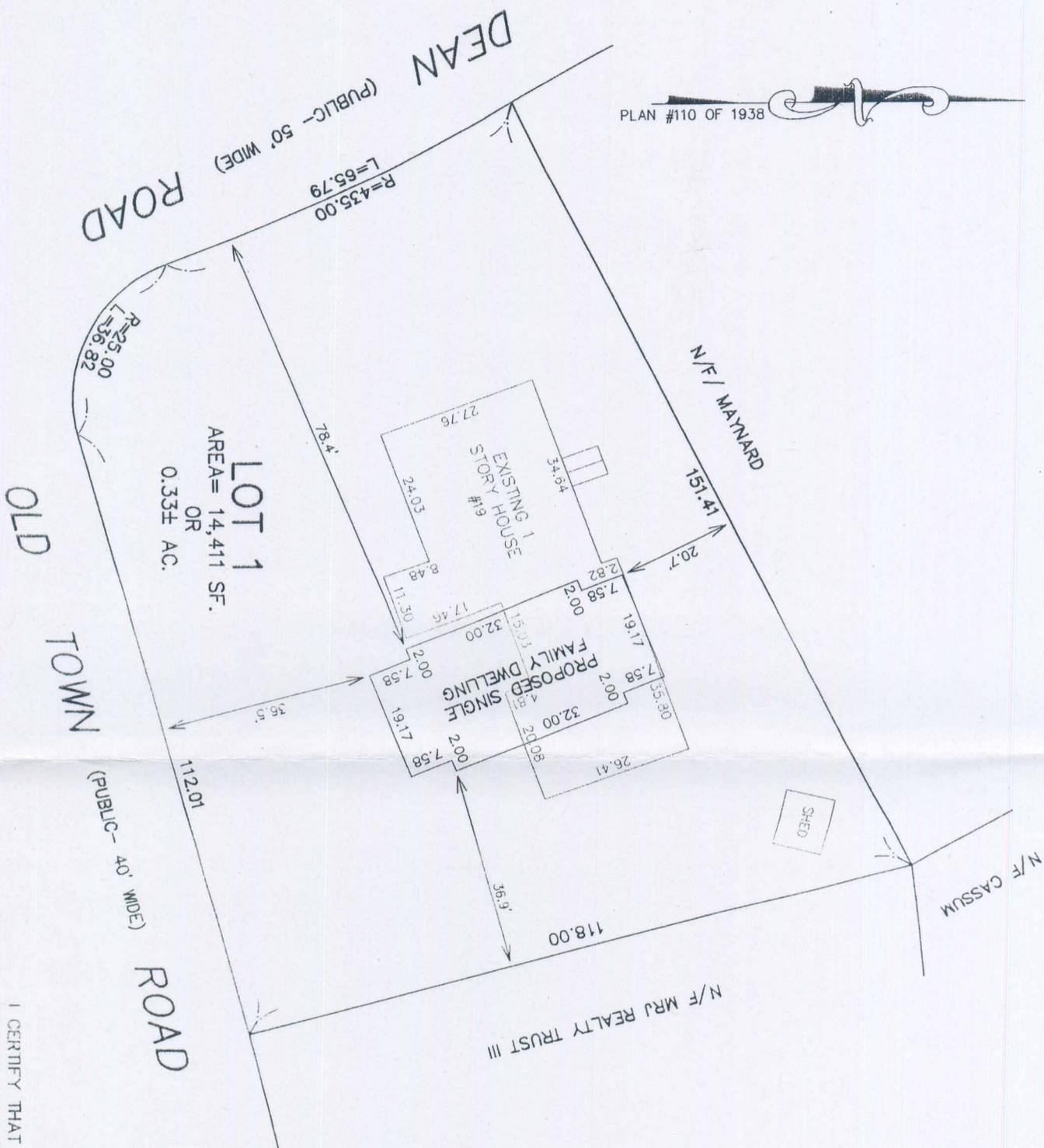


Cynthia S. Hibbard



Richard L. Seegel

PLAN #110 OF 1938



PROPOSED PLOT PLAN

WELLESLEY, MASS.

DATE: SEPTEMBER 11, 2001
REVISED: SEPTEMBER 24, 2001

SCALE: 1" = 20'

PREPARED FOR:

FALLON DEVELOPMENT, INC.
171 RESERVOIR STREET
NEEDHAM, MASS. 02494

PREPARED BY:

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

ZONED: SINGLE RES.
 AREA: 20,000 SF
 FRONTAGE: 60 FT
 SETBACK: 30 FT
 SIDEYARD: 20 FT
 REARYARD: 20 FT
 MAX. LOT COVERAGE: 20%
 EXISTING LOT COVERAGE: 2057 SF = 14.3%
 PROPOSED LOT COVERAGE: 1032 SF = 7.2%
 ASSESSORS MAP 71 LOT 24



I CERTIFY THAT THE LOTS SHOWN AND STRUCTURES SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0010B).