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2001 NOV -6 A 8:21

ZONING BOARD OF APPEALS

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

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CYNTHIA S. HIBBARDELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208ROBERT A. BASTILLE
J. RANDOLPH BECKER
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ZBA 2001-85

Petition of D. Westervelt and Cynthia Davis
11 Tennyson 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 D. WESTERVELT AND CYNTHIA DAVIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling, with less than the required left and right side yard setbacks, at 11 TENNYSON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of an existing nonconforming one-story porch and construction of a two-story 22.30 foot by 11.99 foot two-story addition with less than the required right side yard setback.
2. Raising the ridge line of the roof 8 feet above an existing nonconforming 11 foot by 15.21 foot family room to accommodate a second story addition having the same dimensions, with less than the required right side yard setback.

On October 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 was Wes Davis, who said that their house had been built in 1929. Their master bedroom has a split bathroom; on one side is the shower, and on the opposite side is the sink and toilet. They are proposing to create a larger master bedroom with a separate master bath and a walk-in closet. This would be accomplished by raising the ridge line of the roof above the existing den, squaring off the back of the house, and building the master bath over an existing screened porch, which would be converted to an all-season porch. Their existing den and porch are 9 feet from the right side line. The submitted plans do not encroach any closer to this line.

Mr. Davis explained that while their house is only 9 feet from the right side line, their right side abutters are 34 feet from the common lot line. Both left and right side abutters have written letters in support of the additions, which they feel will be in keeping with the rest of the neighborhood homes.

Mr. Davis said that most of the homes in the area were offset to the right of the property lines and have been nonconforming for some time.

The Board noted that the Planning Board opposed the granting of the petition as the project would result in a substantial increase in mass and bulk, which will impose an unreasonable imposition on the abutting property, and that it appeared that the addition could be built elsewhere on the property while respecting zoning requirements.

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Mr. Davis said they have had three different architects working on the plans over the past few years. Any other plan would involve more relocation and the demolition of the existing kitchen and a bath. The submitted plan shows there will be no further encroachment on the right side line.

The Board stated that while it appreciated the comments of the Planning Board, but when the neighbors on both sides of the property do not object, it would be difficult to find that the construction would be substantially more detrimental to the neighborhood.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 11 Tennyson Road, in a Single Residence District, on a 15,550 square foot lot and has a minimum left side yard setback of 18.6 feet and a minimum right side yard clearance of 9 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing 11.18 foot by 10.18 foot one-story porch, with a minimum right side yard clearance of 9 feet, and construction of a two-story 22.30 foot by 11.99 foot addition, with a minimum right side yard clearance of 9 feet; and construction of a second story 11 foot by 15.21 foot addition above an existing family room with the same dimensions and a minimum right side yard setback of 9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated October 3, 2001, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 30, 2001, drawn by Maclaren Associates, Inc.; and photographs were submitted.

A letter in support of the petition was received from Barry Smith, 15 Tennyson Road.

On October 16, 2001, the Planning Board reviewed the petition and opposed the granting of the Special Permit. The Board was of the opinion that the project would result in a substantial increase in mass and bulk. The second story addition would impose an unreasonable burden on the abutting property. It would appear that a suitable addition could be located elsewhere on the lot while respecting zoning setback requirements.

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 proposed porch demolition and construction of the 22.30 foot by 11.99 foot two-story addition, and the 11 foot by 15.21 foot second story addition shall not be substantially more detrimental to the neighborhood for although construction of the two additions will intensify the existing nonconformance, neither will create new nonconformity. Furthermore, the neighborhood has voiced no objections to the construction.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing porch, construction of the 22.30 foot by 11.99 foot two-story addition, and raising the ridge line of the roof above the 11 foot by 15.21 foot family room to accommodate a second story addition with the same dimensions. All demolition and construction shall be done in accordance with the submitted plot plan and construction drawings.

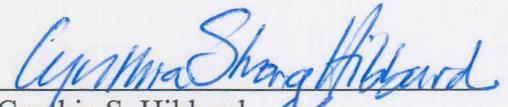
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

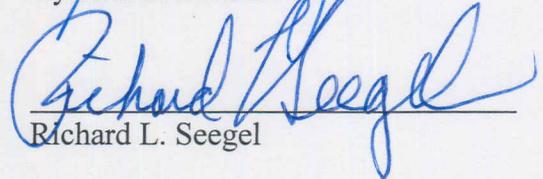
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard



Richard L. Seegel

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WASHBURN AVENUE

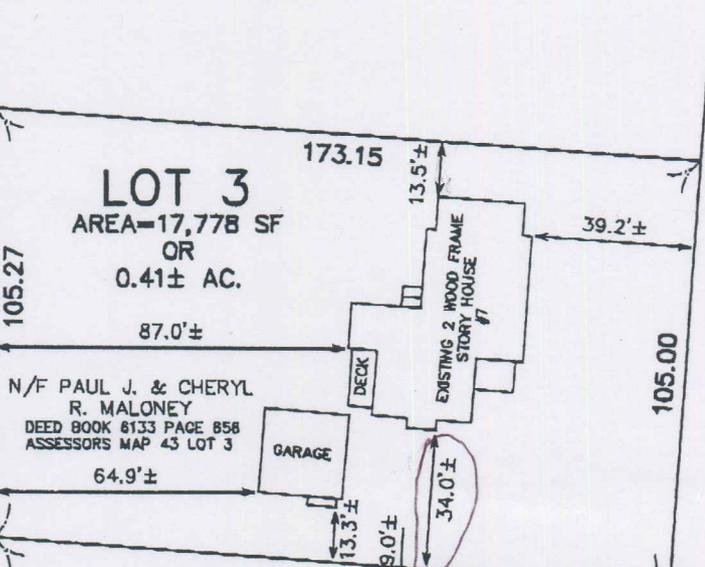
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TENNYSON ROAD

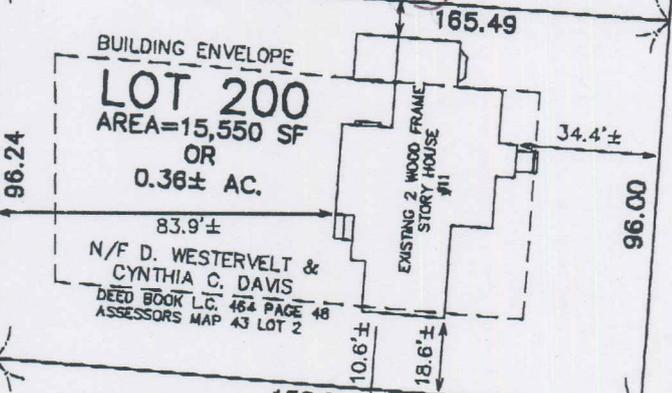
(PUBLIC- 40' WIDE)

LOT 3

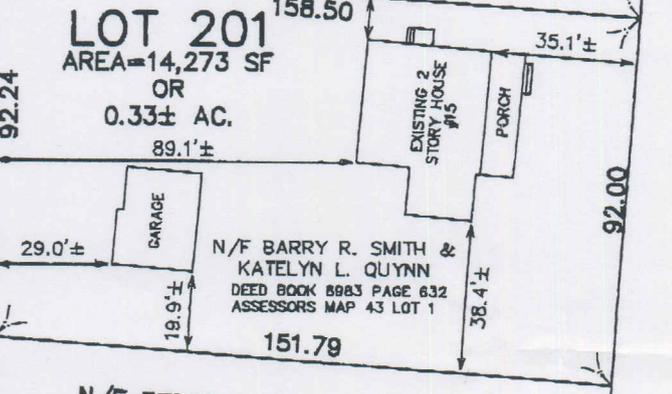
AREA=17,778 SF
OR
0.41± AC.



LOT 200



LOT 201



N/F PETER J. & KELLEY S. MONGEAU