

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 FEB 20 A 8-20

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ZBA 2002-8

Petition of Stephen E. and Mariela L. Baker
42 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of STEPHEN E. AND MARIELA L. BAKER 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 side yard setback, less than the front setback from PAINE STREET and less than the required front setback from RICE STREET, at 42 RICE STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition and reconstruction of an 8 foot by 17 foot one-story front porch with less than the required left side yard and less than the required front setback from Rice Street, which exceeds the allowed area of 50 square feet. There will be no change in the footprint.
2. Construction of a 37.5 foot by 30 foot two-story addition with less than the required left side yard setback and front setback from Paine Street.
3. Construction of a one-story 11.4 foot by 12.1 foot covered porch with less than the required front setback from Paine Street.
4. Construction of a conforming 19.2 foot by 10 foot covered walk extending from the rear of the proposed addition to the front of the proposed carport.
5. Demolition of existing nonconforming garage and construction of a 25.3 foot by 23.9 foot covered parking area with less than the required left side yard and front setback from Paine Street.

On January 14, 2002, 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 Stephen and Mariela Baker. Mr. Baker said they would like to add a central family room off of the kitchen and a master bedroom and bath on the second floor. The existing dining room consists of an alcove off of the living room. They would like to demolish the existing garage, which blocks the view of the back yard, and construct a carport. In the summer, it would serve as a covered patio. Their neighbors have no problem with the construction, and have written a letter in support of the project.

The Board said the carport would be less nonconforming than the existing garage. Mr. Baker said the left side of the carport would have a trellis with a climbing vine to be chosen by the left side neighbor.

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The Board asked if the large trees on the lot would be removed. Mr. Baker said one of the trees is dead and will be removed; the rest will remain.

The Board noted that the Planning Board had no objection to the project. The Board expressed the opinion that Mr. Baker had tried to creatively design to the setbacks. Mr. Baker said the lot is long and narrow with frontage on both Paine and Rice Streets, which compounds the setback problems.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 42 Rice Street, on a 16,669 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front yard clearance of 25.3 feet from Rice Street, a minimum left side yard clearance of 18.1 feet from the existing dwelling and approximately 7 feet from the existing detached garage; and a minimum front setback of 23.4 feet from Paine Street.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition and reconstruction of an 8 foot by 17 foot one-story front porch with a minimum front yard setback of 25.3 feet from Rice Street and a minimum left side yard setback of 19.4 feet, which exceeds the allowed area of 50 square feet. There will be no change in the footprint.
2. Construction of a 37.5 foot by 30 foot two-story addition with a minimum left side yard setback of 18.2 feet and a minimum front yard setback of 23.4 feet from Paine Street.
3. Construction of a one-story 11.4 foot by 12.1 foot covered porch with a minimum front yard setback of 25.9 feet from Paine Street.
4. Construction of a conforming 19.2 foot by 10 foot covered walk extending from the rear of the proposed addition to the front of the proposed carport.
5. Demolition of existing nonconforming garage and construction of a 25.3 foot by 23.9 foot covered parking area with a minimum left side yard setback of 11 feet and a minimum front yard setback of 27.6 feet from Paine Street.

A Plot Plan dated December 28, 2001, revised January 3, 2002, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated January 3, 2002, drawn by Stephen E. Baker, Registered Architect; and photographs were submitted.

A letter dated January 7, 2002, in support of the project, was received from Richard and Helen Hughes, the left side abutters.

On January 29, 2002, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit as the shape of the lot limits the options available to the applicants.

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Decision

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

It is the finding of this Authority that the proposed demolition, reconstruction and new construction proposed in the foregoing Statement of Facts shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as, although the nonconformance will be intensified, no new nonconformance will be created.

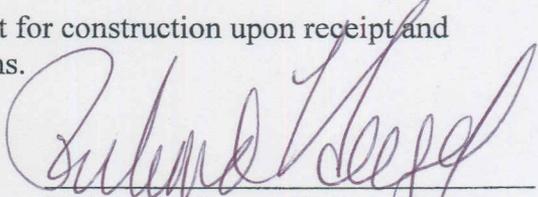
It is the finding of this Authority that the width of the lot, with frontage on two streets, severely limits the construction of any conforming additional structure, and that within these constraints, the project has been creatively designed to minimize the impact on abutting properties.

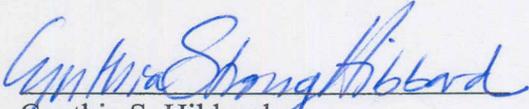
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the total project in accordance with the submitted plot plan and construction drawings.

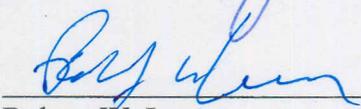
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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 PETITION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard

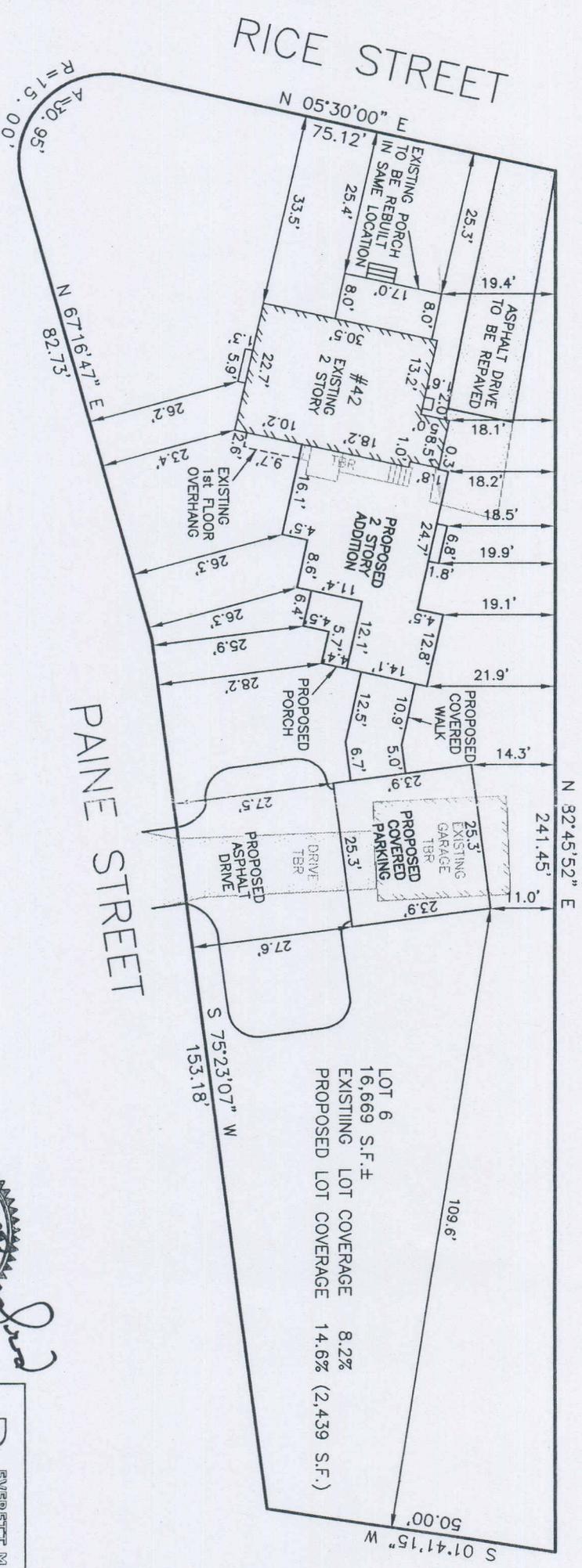

Robert W. Levy

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2002 JAN 14 A 9:02



PLAN OF LAND IN
WELLESLEY, MA.
42 RICE STREET
PROPOSED ADDITIONS
SCALE 1 IN. = 20 FT
DECEMBER 28, 2001
REVISED JANUARY 3, 2002



LOT 6
16,669 S.F. ±
EXISTING LOT COVERAGE 8.2%
PROPOSED LOT COVERAGE 14.6% (2,439 S.F.)



BROOKS
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