

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS 2002 DEC -4 A 8:10

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

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ZBA 2002-107  
Petition of Charles and Jane Ellis  
38 Laurel Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 2002 at 7:30 p.m. in the Planning Board Office in the Town Hall, 525 Washington Street, Wellesley, on the petition of CHARLES AND JANE ELLIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming porch and stair, and construction of a two-story 14.5 foot by 14 foot addition with less than the required left side yard setback and a 13 foot 4 inch by 14 foot deck with less than the required right side yard setback, at their nonconforming dwelling at 38 LAUREL AVENUE, in a 10,000 square foot Single Residence District, with less than the required left and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 4, 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 was Michael Letterman, project contractor, who was accompanied by Charles Ellis. Mr. Letterman said they would like to remove the porch and entryway and construct the two-story addition and deck, which would be less nonconforming than what is there now.

The Board asked the age of the house, and the existing percentage of lot coverage, as the plan shows only the proposed percentage of 15.85. Mr. Letterman said the house is about 100 years old. The existing percentage of lot coverage is about 14%.

The Board noted that there is a difference in the right side yard setback on the two plot plans; one shows the setback as 10.1 feet, and the other shows 10 feet 1 inch. Mr. Letterman said he felt 10.1 feet was the correct measurement. The Board requested a revised "Existing" Plot Plan showing the existing percentage of lot coverage, and that both the "Existing" and "Proposed" Plot Plans show the same right side yard setback dimension.

The Board asked if Mr. Ellis had spoken to his neighbors about the project. He said he had, and the neighbors had no issues with the proposed construction.

The Board noted that the project had been reviewed by the Wetlands Protection Committee. Mr. Letterman said the Wetlands Committee had decided there were no problems, and issued a Negative Determination of Applicability.

The Board stated that the Planning Board had no objection to the granting of the request.

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No other person present had any comment on the petition.

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#### Statement of Facts

The subject property is located at 38 Laurel Avenue in a 10,000 square foot Single Residence District, on a 6,650 square foot lot with a minimum left side yard clearance of .02 feet and a minimum right side yard clearance of 10.0 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming porch and entry and construction of a 14.5 foot by 14 foot two-story addition with a minimum left side yard setback of 5 feet 1 inch, and a 14 foot 4 inch by 14 foot deck with a minimum right side yard clearance of 10 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Plot Plan dated July 9, 2002, stamped by James Boougioukas, Registered Land Surveyor; a Proposed Plot Plan dated October 30, 2002, stamped by Kanayo Lala, Registered Professional Engineer; Existing and Proposed Floor Plans and Elevations dated September 30, 2002, drawn by Kanayo Lala, Registered Professional Engineer; and photographs were submitted.

On September 12, 2002, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-414) for this project.

On November 12, 2002, the Planning Board reviewed the petition and had no objection to the granting of the request.

#### 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 demolition of the existing entryway and porch, and construction of the two-story addition and deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as neither the addition nor the deck shall intensify the existing nonconformance nor shall either create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 14.5 foot by 14 foot two-story addition and the 14 foot by 14 foot 4 inch deck in accordance with the submitted plot plan and construction drawings, subject to the following conditions, which shall be met prior to the issuance of a Building Permit:

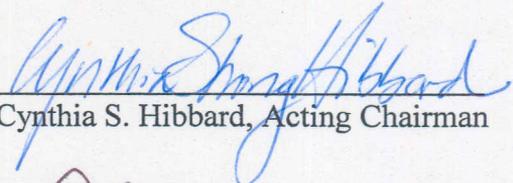
1. A revised "Existing" Plot Plan showing the percentage of lot coverage be submitted to the office of the Board of Appeals.
2. Correction of either the "Existing" or "Proposed" plot plan to show the actual right side yard setback, and submission of the revised plan to the office of the Board of Appeals.

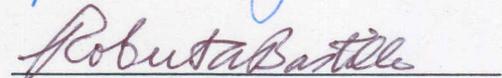
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38 Laurel Avenue

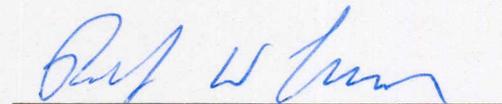
Subsequent to compliance with the above conditions, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

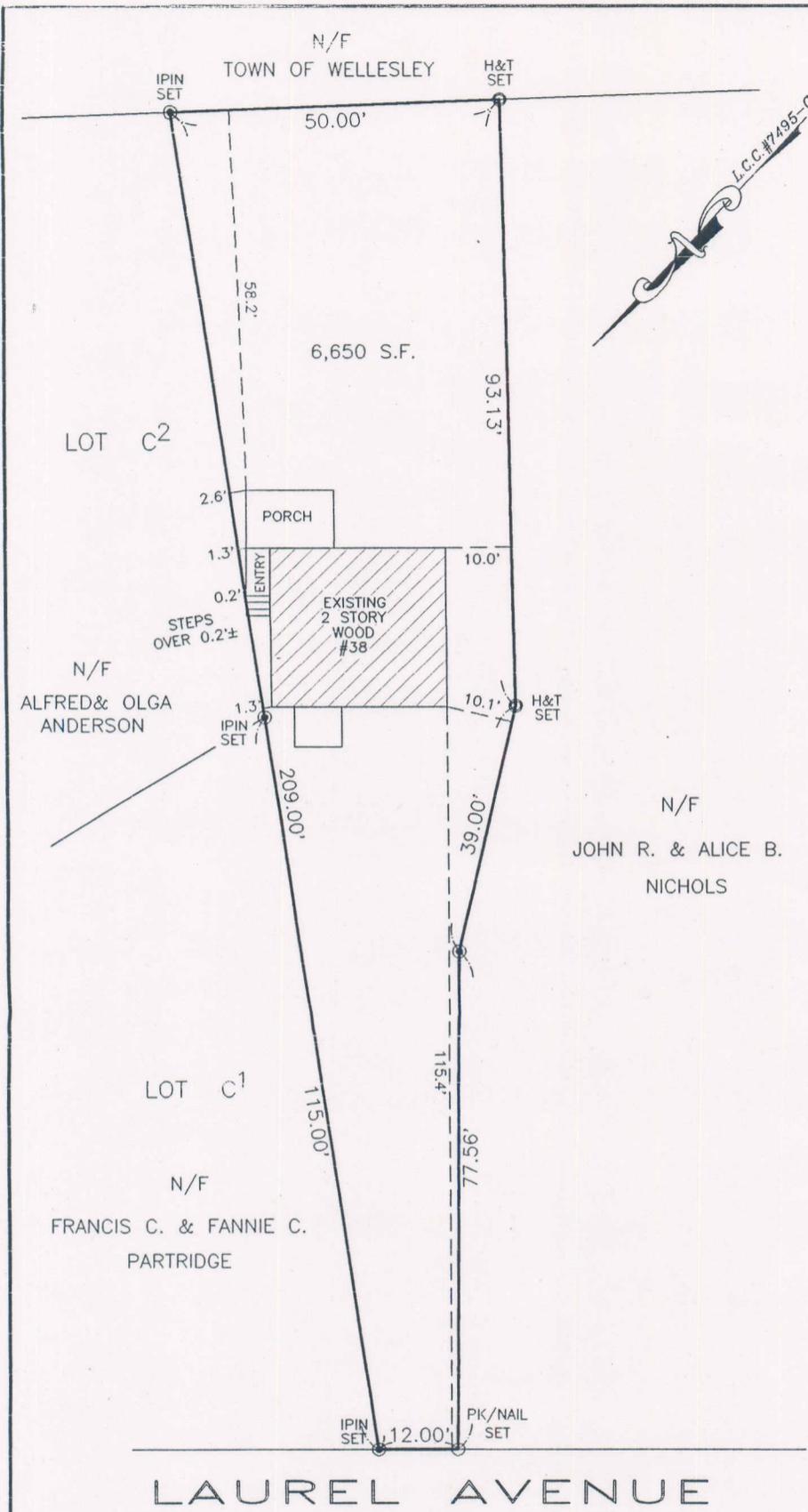
Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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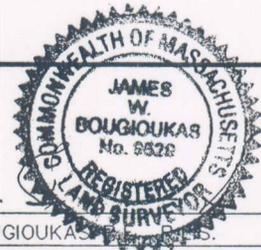


**REFERENCES**

NORFOLK REGISTRY OF DEEDS:  
 DEED BOOK 12906, PAGE 206  
 DEED BOOK 862, PAGE 48  
 PLAN NO. 340 OF 1943(BK.2461/31).  
 PLAN NO. 340 OF 1943(BK.2461/31).  
 PLAN IN VOL. 933, PG. 172.  
 L.C.C. NO. 7495-G  
 L.C.C. NO. 7495-H

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PLAN OF LAND  
 IN  
 WELLESLEY, MA.  
 NO. 38 LAUREL AVENUE



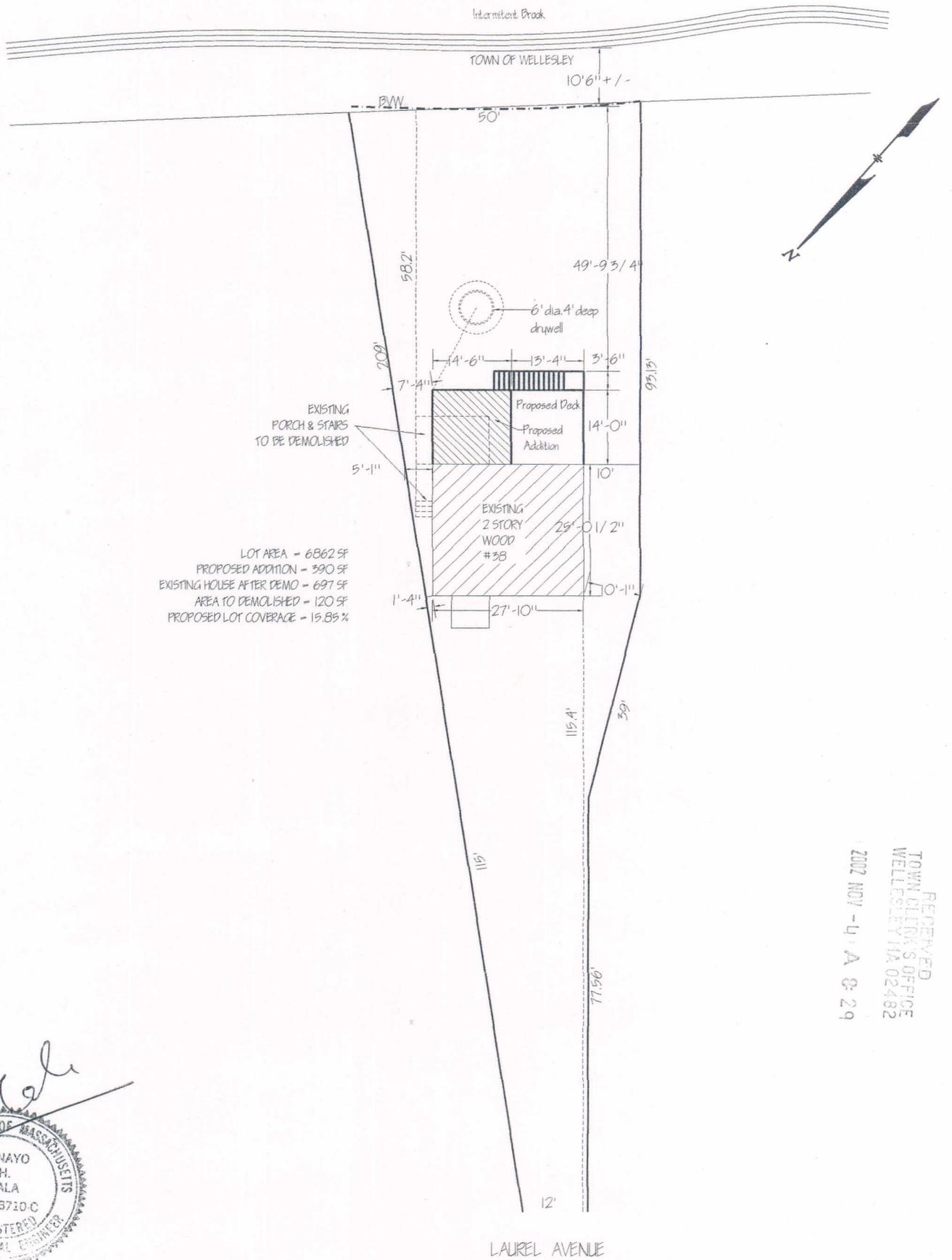
JAMES W. BOUGIOUKAS, REGISTERED PROFESSIONAL LAND SURVEYOR, DATE 7-9-02

PREPARED FOR: MICHAEL LETTERMAN ZONING: SINGLE RESIDENCE

**FOR PERMIT**

DESIGNED: AHO	FIELD: BRM	BRADFORD ENGINEERING CO. 3 WASHINGTON SQ. HAVERHILL MA. 01830	SHEET 1 OF 1	
DRAWN: A.H.O.			REVISIONS	BY
CHECKED: WJB				
APPROVED: JWB				
SCALE: 1" = 20'	PHONE: (978) 373-2396	FAX: (978) 373-8021	E-MAIL: BRADFORD_ENGR@WORLDNET.ATT.NET	
DATE: JULY 8, 2002	FILE NAME: PERMIT\WES70802.DWG	FILE NO: 127328S		

*Existing*



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**KANAYO LALA - PROFESSIONAL ENGINEER**  
 CIVIL & STRUCTURAL ENGINEERING SERVICES  
 FOUR WEST ROAD, WEST ACTON, MA 01720  
 Tel. (978) 337-1472 / Fax: (978) 263-1472  
 LIC.#33710-CIVIL(MA), 9227(NH), 32768(VA), 7736(VT)  
 HTTP://HOME.ATT.NET/~KANAYO

Project: ELLIS RESIDENCE  
 38 LAUREL AVENUE  
 WELLESLEY, MA  
 PROPOSED SITE PLAN & DRAINAGE

SI  
 DATE: OCTOBER 30, 2002  
 SCALE: 1" = 20'  
 © Kanayo Lala, P.E.