

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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DEC - 4 11 A 8:12

ZBA 2002-110
Petition of Ashok and Margaret Patel
60 Colburn Road

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 at the Town Hall, 525 Washington Street, Wellesley, on the petition of ASHOK AND MARGARET PATEL 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 house and barn and construction of a new two-story 106 foot by 81 foot dwelling, which conforms to all zoning requirements, at 60 COLBURN ROAD, on a 50,476 square foot lot, with a minimum frontage of 30 feet, in a 20,000 square foot Single Residence District in which the minimum frontage required is 110 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures.

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 Ashok Patel, who was accompanied his wife, Margaret, Jan Gleysteen, project architect and his associate, Marcus Hanlon. Mr. Gleysteen said the existing lot has two dwellings on it that were built around 1876 and modified over the years. The proposal is to demolish the two structures and replace them with a single structure that overlaps portions of both footprints.

Mr. Gleysteen explained that the new house would be an "L" shaped structure with a three-car garage and courtyard. The property is a heavily treed lot. The house will be practically invisible from Colburn Road as it will be setback 60 feet in order to preserve a grove of pine trees. There has been a cow pasture in the rear since the 1880's, which will also be preserved.

The Board noted that the Planning Board had commented that the proposed house would be sited not much more than 20 feet from the right side line, whereas the existing house is about 30 feet from the line.

Mr. Gleysteen said there are two reasons for the siting: first, the Patels have an option to purchase the property of the right side abutter in the future. The property would be converted to gardens. Secondly, the land has ledge in that location, and rises dramatically. The Patels also wanted to leave an entrance and view to the rear meadow area. Mr. Patel said that moving the house to the left would necessitate removal of more trees, which they do not want to do.

The Board stated that the left side abutters are closer to the property line. The 40 foot setback on the left side preserves privacy for both the Patels and their neighbors.

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Mr. Patel said he had met with each of his abutters to show them the plans. No one had any objections.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 60 Colburn Road, in a Single Residence District, on a 50,476 square foot lot containing a single dwelling and a detached garage/barn. The property has frontage of 30 feet in a 20,000 square foot district, in which the minimum frontage required is 110 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing two structures and construction of a two-story 106 foot by 81 foot dwelling, which conforms to all zoning requirements, on a lot which has less than the required frontage for a 20,000 square foot district, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures.

Existing and Proposed Plot Plans, both dated October 21, 2002, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated October 22, 2002, drawn by Jan Gleysteen; and photographs were submitted.

On November 12, 2002, the Planning Board reviewed the petition, and although the Board had no objection to the granting of the request, noted that the proposed house is approximately 20 feet from the side lot line, while the existing house is over 30 feet. Although meeting the zoning requirements, it would seem that this ample lot would allow a greater setback for a house of this size.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject lot does not conform to the frontage requirements for a 20,000 square foot district, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the proposed 106 foot by 81 foot two-story dwelling on a lot with minimum frontage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures for although the new construction will intensify the existing percentage of lot coverage, the increased mass will not be visible from the street. Furthermore, it will not create new nonconformity as the structure conforms to all zoning requirements on the nonconforming lot.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the proposed two-story 106 foot by 81 foot structure in accordance with the submitted plot plan and construction drawings.

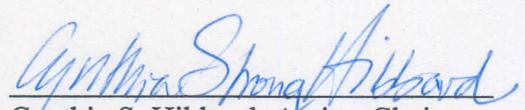
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans, subsequent to the demolition of the two existing structures.

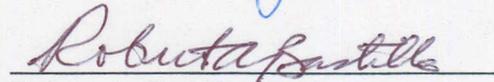
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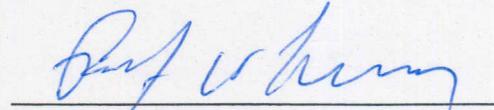
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

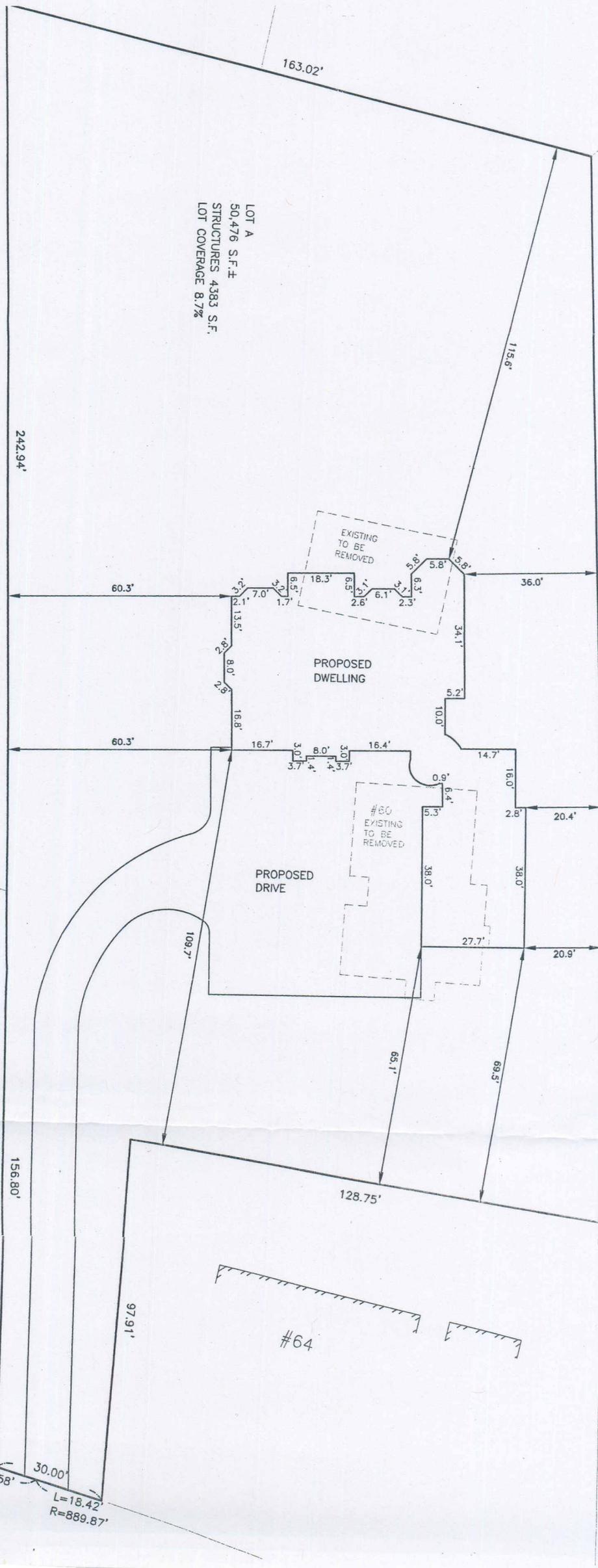
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LOT A
50,476 S.F.±
STRUCTURES 4,383 S.F.
LOT COVERAGE 8.7%

#58

#54

#64



COI D.