



ZONING BOARD OF APPEALS

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

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 2003 MAR 28 10:20 A

ZBA 2003-23

Petition of Maryann Barry
353 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 13, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARYANN BARRY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 25.3 foot by 31.1 foot addition with less than the required front setback from GERALDINE DRIVE, at her nonconforming dwelling with less than the required front setback from GERALDINE DRIVE and less than the required right side yard setback, at 353 LINDEN STREET in an 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 21, 2003, 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 Maryann Barry, who said she would like to add a bedroom, a family room, bath and a kitchen expansion.

The Board noted that the Planning Board commented that the raised patio is more like a deck, and should be equivalent to a structure for the purposes of setback and lot coverage limitation. The proposed lot coverage is 18.8%, and the maximum allowed would be 20 %.

The Board stated there did not appear to be a problem with the addition, but Ms. Barry would have to submit a revised plot plan showing the dimensions and setback of the patio and the new percentage of lot coverage including the patio, which cannot exceed 20%.

Robert Pettigrew, 9 Geraldine Drive said he is concerned that the addition is too close to Geraldine Drive.

The Board said the existing house is nonconforming as it is only 11.5 feet from the street, rather than the required 30 feet. The proposed addition is 16.8 feet from the street, which is substantially less nonconforming. If it conformed, Ms. Barry would not be before the Board for a Special Permit. Ms. Barry's first petition, which was withdrawn without prejudice, was for an addition which the Board felt was too massive, and the increase in mass would have been substantially more detrimental to the neighborhood. At that hearing, the Board suggested the addition be downsized, which has been done. The addition cannot be set back any farther and still be in line with the existing house.

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Linda Pettigrew, 9 Geraldine Drive, expressed concern that the addition equaled the size of the existing house. She was also very concerned with the drainage problems that could result with the increase of impervious area created by the addition.

The Board stated that the property was not in a flood overlay zone, and therefore was not a zoning problem. Discussion with the Department of Public Works was suggested.

Statement of Facts

The subject property is located at 353 Linden Street, at the corner of Geraldine Drive, on a 10,498 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front yard clearance of 11.5 feet from Geraldine Drive and a minimum left side yard clearance of 13.5 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a one-story 25.3 foot by 31.1 foot addition, with a minimum front yard setback of 16.8 feet from Geraldine Drive, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated January 30, 2003, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 1/23/03, drawn by Vincent Codispoli, Jr., Architect; and photographs were submitted.

On March 11, 2003, the Planning Board reviewed the petition and was of the opinion that the raised patio is more like a deck and should be considered equivalent to a structure for the purposes of the lot coverage limitation. The Board believes that the raised patio is not exempt from the maximum lot coverage limitation, and consequently opposes this aspect of the application.

A letter dated March 13, 2003 was submitted by Ed and Kathy Larch, 351 Linden Street, stating opposition to the petition.

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 construction of the one-story 25.3 foot by 31.1 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will not intensify the existing nonconformance, nor will it create new nonconformity, as it would be set back more than 5 feet than is the existing structure from Geraldine Drive.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story 25.3 foot by 31.1 foot addition in accordance with the submitted plot plan and construction drawings, subject to the following condition:

1. Prior to the issuance of a building permit, a revised plot plan showing the dimensions of the raised patio, the setbacks from the pertinent lot lines, and the percentage of lot coverage including the patio, shall be submitted to the office of the Board of Appeals.

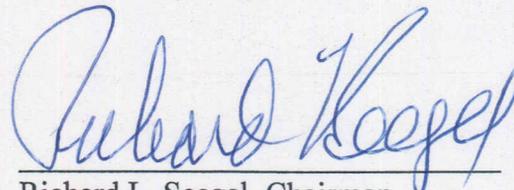
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Petition of Maryann Barry
353 Linden Street

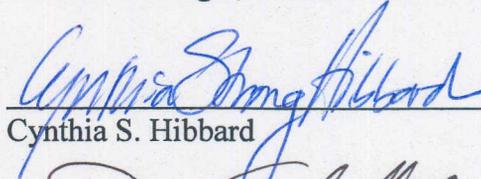
Subsequent to compliance with the above condition, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

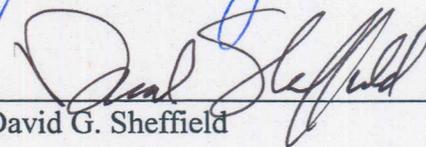
Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard



David G. Sheffield

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PLAN #673 OF 1968

N/F EDWARD J. & KATHLEEN C. LASCH
DEED BOOK 9890 PAGE 332

N/F ROBERT S. JR. & LINDA B. PETTIGREW
DEED BOOK 6410 PAGE 312

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2003 FEB 21 11 A
LOT 1
AREA = 10,498 SF
OR
0.24± AC.

LINDEN STREET
(PUBLIC VARIABLE WIDTH)

GERALDINE DRIVE
(PUBLIC - 40' WIDE)



PROPOSED PLOT PLAN
353 LINDEN STREET
WELLESLEY, MASS.

DATE: JANUARY 30, 2003 SCALE: 1" = 20'

PREPARED FOR:

MARYANN BARRY
353 LINDEN STREET
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

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

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT
SIDEYARD: 20 FT
REARYARD: 10 FT
MAX. LOT COVERAGE: 20%
DEED BOOK 10722 PAGE 509
ASSESSORS MAP 86 LOT 39

EXISTING LOT COVERAGE = 11.4% OR 1,191 SF
PROPOSED LOT COVERAGE = 18.8% OR 1,970 SF

363 SF OF THE PROPOSED ADDITION WILL BE WITHIN THE SETBACK OF GERALDINE DRIVE.



I CERTIFY THAT THE LOT SHOWN, EXISTING HOUSE, AND PROPOSED ADDITION SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).