

TOWN OF WELLESLEY



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WELLESLEY, MA 02482

ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE  
J. RANDOLPH BECKER  
ROBERT W. LEVY

ZBA 2002-30

Petition of Robert E. Kelliher and Patricia M. Dolan  
64 Whittier Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 25, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT E. KELLIHER AND PATRICIA M. DOLAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of two dormers, one at the front and one at the rear of their nonconforming garage with less than the required left side yard setback, at their nonconforming dwelling with less than the required front, left and rear yard setbacks, at 64 WHITTIER ROAD in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 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 Robert Kelliher, who said they have owned the house for ten years, during which time their family has expanded and they need more space. There is a heavy tree line on the left side of the garage to provide screening. Their neighbors have no objections to the dormers.

The Board noted that the Planning Board offered no objection to the granting of the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 64 Whittier Road, in a 15,000 square foot Single Residence District, on 14,432 square foot lot, and has a minimum front setback of 28.1 feet and a minimum left side setback of 14 feet.

The petitioners are requesting a Special Permit/Finding that the installation of two dormers, one in front and one in the rear of their nonconforming garage, with a minimum left side yard setback of 14 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the garage footprint.

A plot plan dated April 24, 2002, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated January 13, 2002; and photographs were submitted.

On April 23, 2002, the Planning Board reviewed the petition and had no objection to the granting of a Special Permit for the two dormers.

Decision

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

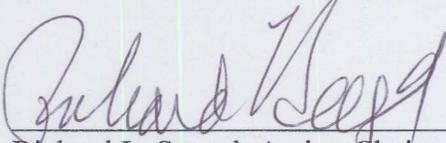
It is the finding of this Authority that the construction of the two dormers in the nonconforming garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as they shall neither intensify the existing nonconformance, nor shall they create new nonconformity, as there will be no change in the footprint.

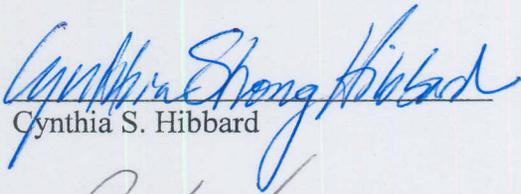
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the two dormers, one in the front and one in the rear of the nonconforming garage in accordance with the submitted plot plan and construction drawings.

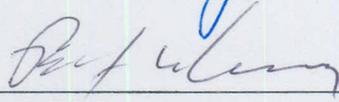
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
Richard L. Seegel, Acting Chairman

  
Cynthia S. Hibbard

  
Robert W. Levy

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ROBERT W. LEVY

Special Permit Granting Authority
Town Hall
Wellesley, MA 02181

Date: \_\_\_\_\_

ZBA Number: 2002-30

Pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw, the undersigned hereby petitions your Board for a Special Permit that the reconstruction, extension, structural change or change in use of the pre-existing nonconforming structure/use located at:

64 WHITTIER RD

shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure/use. Said change in structure/use shall consist of:

CONSTRUCTION OF DORMERS ON NON-CONFORMING GARAGE

Should the Board conclude that said alteration/addition will intensify or add to the existing nonconformance, the undersigned hereby requests a Finding that said alteration/addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure/use.

A hearing, therefore, is requested at your next Board meeting.

FEE: 200 xx/xx

ZONING DISTRICT: Single Residence

Is your project subject to the Mass. Wetlands Protection Act? \_\_\_\_\_

OWNER OF PROPERTY: Robert + TRICIA Kelliher

MAILING ADDRESS: 64 WHITTIER RD WELLESLEY

PHONE: WORK: 617 662 3421 HOME: 781

SIGNATURE OF OWNER: Robert Kelliher

PETITIONER (If different than Owner): PETER FALLON FALLON DEVELOPMENT

MAILING ADDRESS: 171 RESERVOIR ST NEEDHAM MA 02494

PHONE: WORK 781 237 0505 HOME: \_\_\_\_\_

Applicants should be aware that the Planning Board reviews all petitions. Further information may be obtained from the Planning Board office.

889 2002-30  
Robert Kellner  
64 Leathers Road

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2002 APR 24 P 1:33

# PLOT PLAN WELLESLEY, MASS.

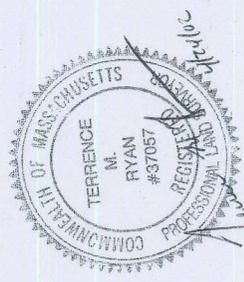
DATE: MARCH 19, 2002 SCALE: 1" = 30'

PREPARED FOR:  
FALLON DEVELOPMENT, INC.  
171 RESERVOIR STREET  
NEEDHAM, MASS. 02494

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

ZONED: SINGLE RES.  
AREA: 15,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT  
SIDEYARD: 20 FT  
REARYARD: 20 FT  
LOT COVERAGE: 19% UP TO 2700 SF  
EXISTING LOT COVERAGE = 2005 SF = 13.9%  
PROPOSED LOT COVERAGE = 2386 SF = 16.5%

LAND COURT CERT. 138369  
ASSESSORS MAP 36 LOT 52



NOTE: THE PROPOSED HEIGHT OF THE SOFFIT WILL NOT EXCEED 28 FEET FROM THE CELLAR FLOOR ELEVATION.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0010 B).

