

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2002-43
Petition of Susan Deanne Furste Realty Trust
Susan Deanne Furste, Trustee
47 Cypress Street

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WELLESLEY MA 02482
2002 JUN -5

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 23, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of SUSAN DEANNE FURSTE REALTY TRUST, SUSAN DEANNE FURST, TRUSTEE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of her existing nonconforming dwelling and construction of a new 79 foot by 57 foot dwelling with a 19 foot by 35.5 foot one-story portion and the remainder at two stories, which would conform to all zoning requirements at 47 CYPRESS ROAD, on a 19,744 square foot lot in a district in which the minimum required lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 6, 2002, 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 were Fred Carpenter and Susan Furste. Mr. Carpenter said that their existing house is nonconforming in that it has a 7 foot setback on one side and a 10 foot setback on the other side. The new house would conform to all zoning setbacks. They are 256 square feet short of the required square footage for a 20,000 square foot district. They did not realize the shortage until the plot plan was done, which showed the Town owning the first 12 feet at the front of their lot. The new house will be set back 87 feet from the property line. The lot is heavily wooded.

The Board said that the Planning Board review noted that the proposed one-car garage does not meet the new side facing garage setback requirement of 30 feet. The side setback shown on the plot plan is 24 feet. The two-car garage faces the street, which presents no problem. The Board asked if Mr. Carpenter planned to put a full garage door on the garage facing the side yard.

Mr. Carpenter explained that although the architect had planned a garage door, they never intended to use the space as a garage. That area was planned to utilize the back of the garage to serve as a large storage area. The plans were drawn a year ago before the new bylaw was passed.

The Board suggested that the size of the door should be changed so that an automobile could not be stored in the space. Without stating specific dimensions, a condition could read that the garage door shall be revised to a size that would be incapable of accepting an automobile. A new side elevation drawing would have to be submitted showing this revision.

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Statement of Facts

The subject property is located at 47 Cypress Road, in a 20,000 square foot Single Residence District, on a 19,744 square foot lot, and has a minimum right side yard clearance of 7.44 feet and a minimum left side yard clearance of 10.1 feet from the detached garage.

The petitioner is requesting a Special Permit/Finding that the demolition of the existing nonconforming dwelling and detached garage, and construction of a new 79 foot by 57 foot two-story dwelling with a 19 foot by 35.5 foot one-story portion and the remainder of the structure at two stories, which would conform to all zoning requirements, on a 19,744 square foot lot in a district in which the required lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures.

A Plot Plan dated March 28, 2002, stamped by John Lawrence Noonan, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 5, 2000, revised August 8, 2001, revised October 12, 2001, drawn by William R. Hubner, Architect; and photographs were submitted.

Subsequent to the last revision on the submitted architectural drawings, Town Meeting passed an addition to Section XIX. Yard Regulations of the Zoning Bylaw requiring that

“Where the entrance of an attached or detached garage, built in conjunction with a one-family dwelling faces a property boundary line other than the street line, there shall be a minimum distance of 30 feet from the garage entrance to that line...”

The submitted proposed south elevation shows a garage door for access to a one-car garage with a minimum side yard setback of 24 feet.

On May 14, 2002, the Planning Board reviewed the petition and noted that the proposed single car garage does not meet the new side-facing garage setback requirement adopted at the Annual Town Meeting.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject lot does not comply with the minimum size of 20,000 square feet required by the Zoning Bylaw in the district in which the property is located.

It is the finding of this Authority that the demolition of the existing nonconforming structure and detached garage and construction of a new 79 foot by 57 foot dwelling with a 19 foot by 35 one-story portion, and the remainder at two stories, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures as the new structure will neither intensify the existing nonconformance nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing structures and construction of the proposed dwelling in accordance with the submitted plot plan, but subject to the following conditions:

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2002 JUN 5 A 8:17

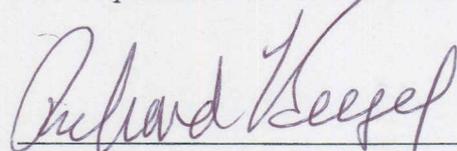
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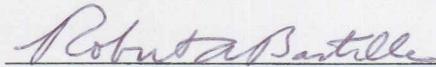
1. The dimensions of the garage door facing the left side lot, which allows access to the one-car garage, shall be revised to a size that would be incapable of accepting an automobile.
2. Prior to the issuance of any building permit, a new "south" elevation drawing showing the diminished size and dimensions of the revised door shall be submitted to the office of the Board of Appeals.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application, detailed construction drawings and compliance with Condition #2 stated above.

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


Robert A. Bastille


J. Randolph Becker

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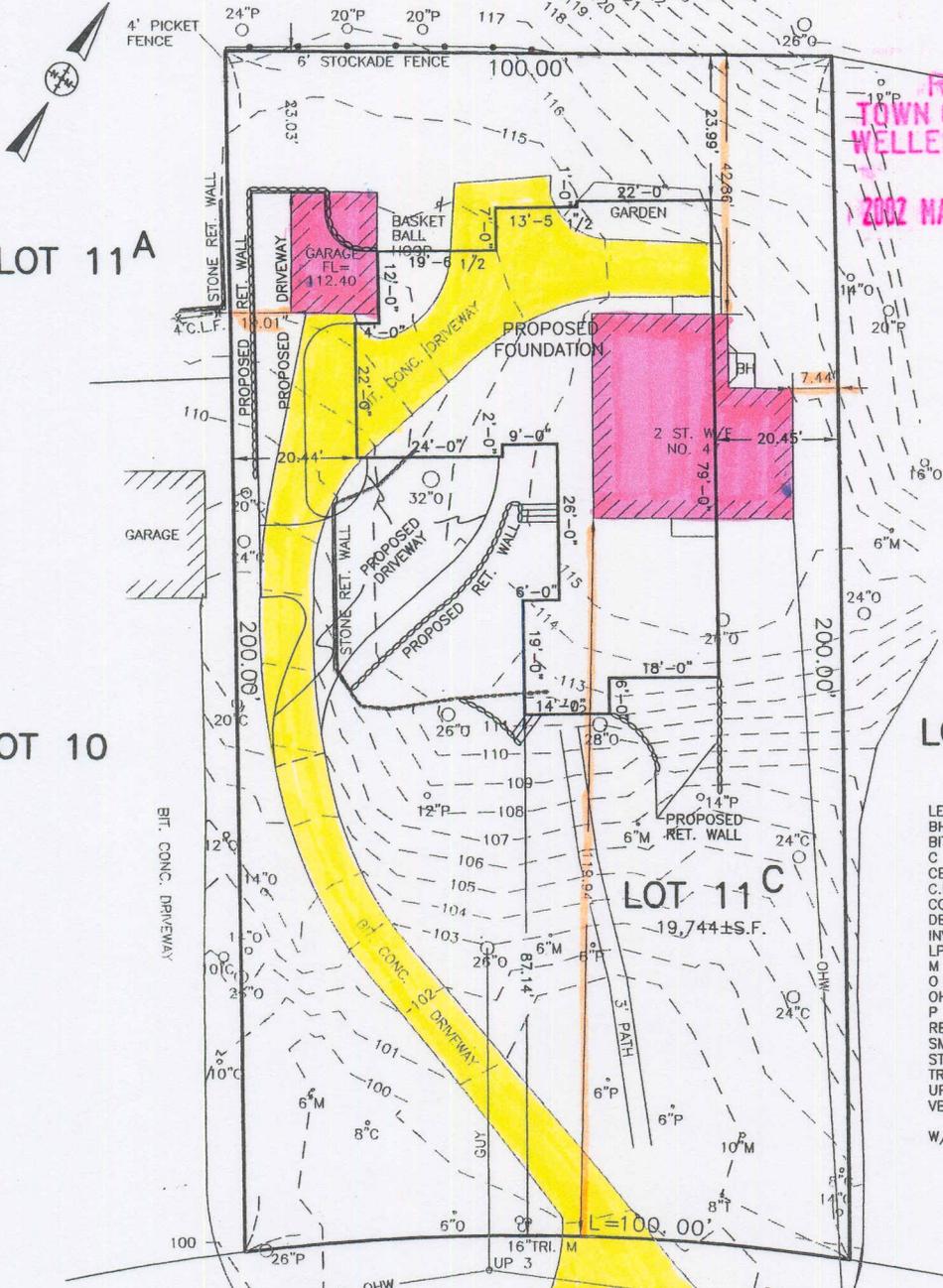
LOT 11^E

LOT 11^A

LOT 10

LOT 11^D

LOT 11^C



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2002 MAY -6 A 9:35

- LEGEND:
- BH BULKHEAD
 - BIT. BITUMINOUS
 - C CHERRY
 - CB CATCH BASIN
 - C.L.F. CHAIN LINK FENCE
 - CONC. CONCRETE
 - DBL DOUBLE
 - INV. INVERT
 - LP LIGHT POLE
 - M MAPLE
 - O OAK
 - OHW OVERHEAD WIRE
 - P PINE
 - RET. RETAINING WALL
 - SMH SEWER MANHOLE
 - ST. STORY
 - TRI. TRIPLE
 - UP UTILITY POLE
 - VBC VERTICAL BITUMINOUS CONCRETE
 - W/F WOOD FRAME



- NOTES:
- 1.) TOPOGRAPHY WAS OBTAINED BY THE EDM/PRISM POLE METHOD.
 - 2.) BENCH MARK USED: SPIKE SET 0.5' UP UTILITY POLE NO. 3 ON CYPRESS ROAD ELEV.=100.00 ASSUMED DATUM.
 - 3.) NO UNDERGROUND UTILITIES ARE SHOWN, BEFORE DESIGN AND CONSTRUCTION CALL "DIG SAFE" 1-888-344-7233.
 - 4.) THE PROPOSED FOUNDATION COVERS 16.9% OF THE LOT.
 - 5.) THE EXISTING FOUNDATIONS OCCUPY 1,271± SQ. FT. AND THE PROPOSED FOUNDATION OCCUPIES 3,334 ± SQ. FT..



PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1IN. = 20FT. MARCH 5, 2002
NOONAN & MC DOWELL, INC.
SUITE 6, 25 BRIDGE ST.
BILLERICA, MA. 01821-1023
(978) 667-9736

3/2/02 *John L. Noonan*
DATE PROFESSIONAL LAND SURVEYOR

NOTE: THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED. REVISED: 3/28/02, NOTE 5

JOB NO. 1712/002
DWG NO. 1712

LOT 11 E

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2002 MAY -6 A 9 35

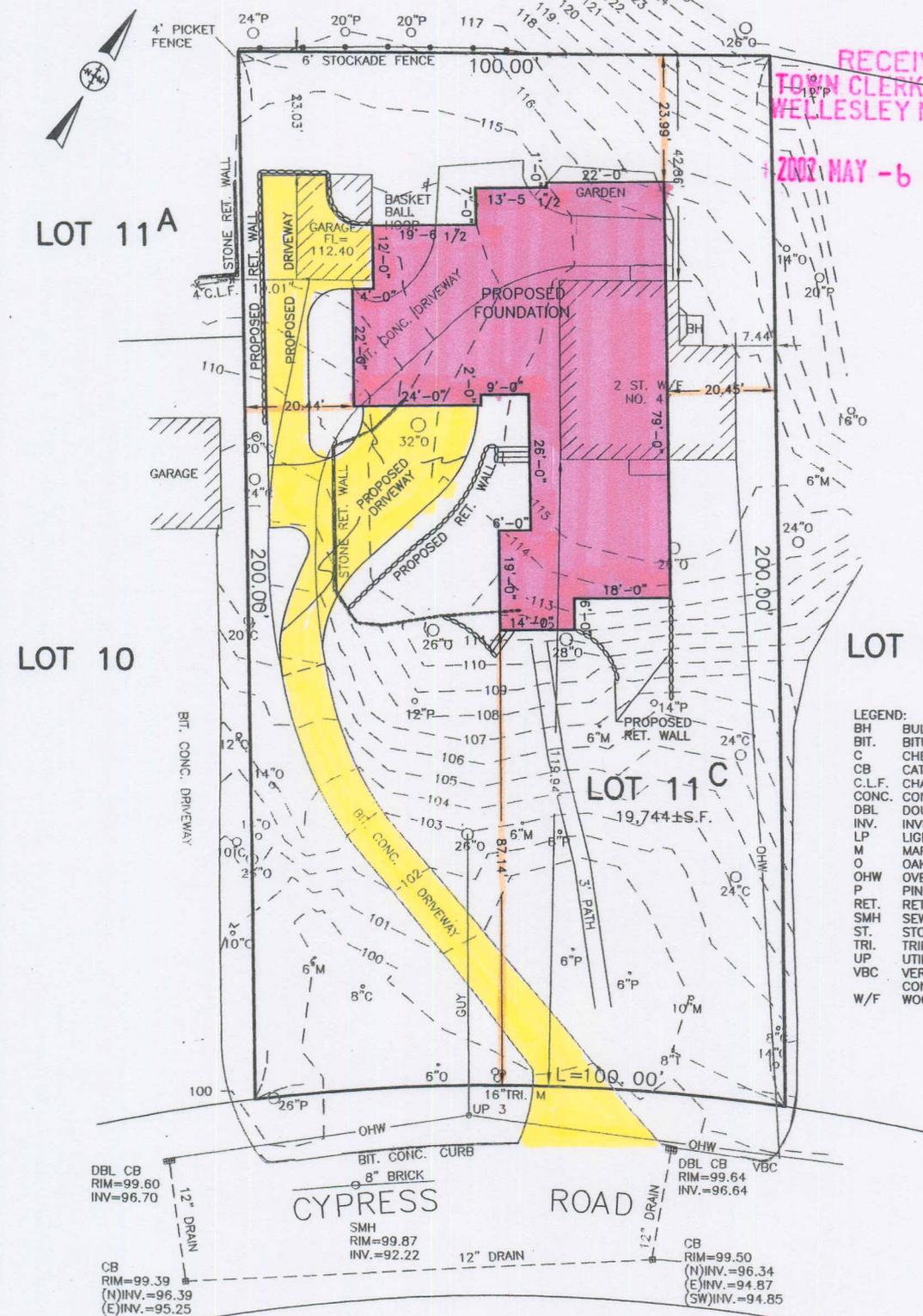
LOT 11 A

LOT 10

LOT 11 D

LOT 11 C
19,744 ± S.F.

- LEGEND:
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DATE: 3/28/02
PROFESSIONAL LAND SURVEYOR

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