

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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2002 JUL 12 A 8:27

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ROBERT A BASTILLE
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ZBA 2002-53
Petition of Elliot G. Swan and Lisa L. Hicks
49 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ELLIOT G. SWAN AND LISA L. HICKS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 20 foot by 40 foot addition with less than the required right side yard setback at their nonconforming dwelling with less than the required right and left side yard setbacks, at 49 DAMIEN 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 June 10, 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 Lisa Hicks, who said they are requesting to build out the kitchen, add a family room on the first floor, and a new master bedroom and bath above the family room. The existing two-car garage is not functional, so they are remodeling it into a one-car garage with a mudroom. The storage shed would be used for lawn equipment and the children's toys, and not for a car. The addition is an extension of the existing nonconforming structure. The neighbors on both sides have no objections.

The Board noted that the Planning Board had no objection to the project.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 49 Damien Road, in a 15,000 square foot Single Residence District, on a 15,232 square foot lot, and has a minimum right side yard setback of 14.7 feet and a minimum left side yard setback of 18.7 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 20 foot by 40 foot addition, with a minimum right side yard setback of 14.7 feet at the rear of their nonconforming dwelling, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated April 22, 2002, revised June 5, 2002, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 6/24/02, drawn by Lou Robinson, Architecture; and photographs were submitted.

On June 18, 2002, the Planning Board reviewed the petition and offered 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.

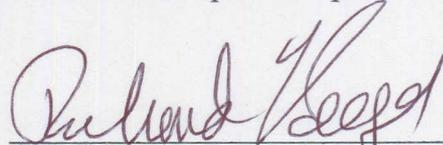
It is the finding of this Authority that the construction of the 20 foot by 40 foot two-story addition with a minimum right side yard setback of 14.7 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the addition shall not intensify the existing nonconformance, nor shall it create new nonconformity.

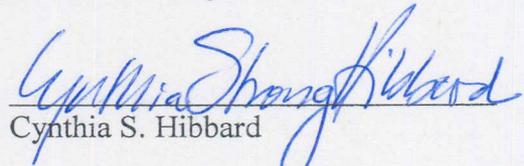
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the addition in accordance with the submitted plot plan and construction drawings.

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.

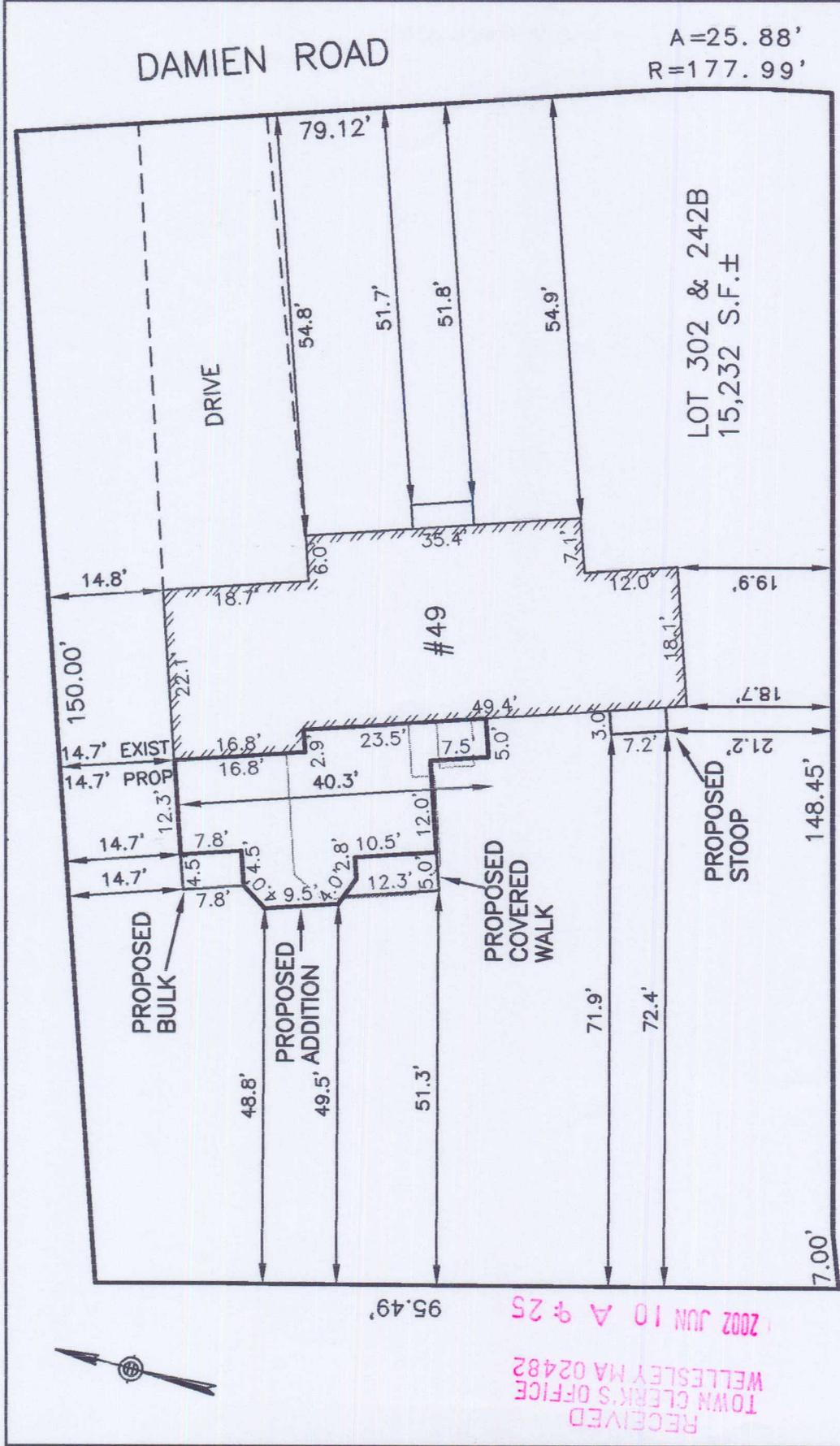
Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Chairman


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PLAN OF LAND IN
WELLESLEY, MA.
49 DAMIEN ROAD
PROPOSED ADDITION
SCALE 1 IN. = 20 FT
APRIL 22, 2002

| STRUCTURES | EXISTING | PROPOSED |
|--------------------|--------------------|--------------------|
| 1,922 S.F. | 1,922 S.F. | 2,231 S.F. |
| LOT COVERAGE 12.6% | LOT COVERAGE 12.6% | LOT COVERAGE 14.6% |

PREPARED FOR:
ELIOT SWAN

REVISED JUNE 5, 2002



PREPARED BY:
EVERETT M. BROOKS CO.
49 LEXINGTON STREET
WEST NEWTON MA 02465
(617) 527-8750
PROJECT NO. 20486bod

LOT 302 & 242B
15,232 S.F.±

#49