



ZONING BOARD OF APPEALS

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

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ZBA 2002-54

Petition of James F. and Lois C. Dwinell
 54 Colburn 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 JAMES F. AND LOIS C. DWINELL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a second story 7.1 foot by 20.3 foot dormer above their existing nonconforming garage with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 54 COLBURN ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On June 10, 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 James Blake, of Blake Builders, who had been authorized by the Dwinells, in a letter dated June 17, 2002, to act as their representative. Mr. Blake said the project involved taking two very small bedrooms and making them into one larger bedroom by adding a dormer. Presently, the ceilings are very steep, making most of the bedroom space unusable.

The Board asked about the 15 foot right of way shown on the plot plan, and if the 17 foot setback included the right of way. Mr. Blake said that the right of way was a driveway access for the house behind the Dwinells' home and had been included in the setback calculations.

The Board noted that the dimensions on the plot plan and construction drawings did not match. The front of the house on the plot plan scales out to be 57 feet, while the drawings scale out to 61 feet. The Board requested that correctly scaled drawings be submitted prior to the issuance of a building permit.

The Board stated that the roof of the dormer appears to be very low pitched. Mr. Blake said the plans had been drawn to obtain an inside height of 8 feet.

The Board commented that the Planning Board had no objections to the request.

No other person present had any comment on the petition.

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ZBA 2002-54

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54 Colburn Road

Statement of Facts

The subject property is located at 54 Colburn Road, in a 20,000 square foot Single Residence District, on a 15,734 square foot lot, and has a minimum right side yard setback of 17.1 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a second story 7.1 foot by 20.3 foot dormer above a portion of their existing nonconforming garage with a minimum right side yard setback of 17.1 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated May 16, 2002, stamped by George N. Giunta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 4/5/01, drawn by Russell E. Sergeant, Architect; and photographs were submitted.

On June 18, 2002, the Planning Board reviewed the petition and offered no objection to granting 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.

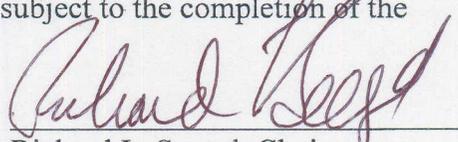
It is the finding of this Authority that the construction of the 7.1 foot by 20.3 foot dormer above the nonconforming garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the dormer addition shall not intensify the existing nonconformance, nor shall it create new nonconformity because there will be no change in the footprint.

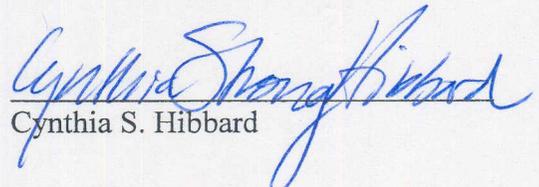
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of said dormer in accordance with the submitted plot plan and revised construction drawings, subject to the condition that scaled drawings conforming to the dimensions shown on the submitted plot plan be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

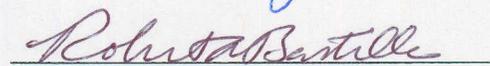
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans, subject to the completion of the foregoing condition.

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

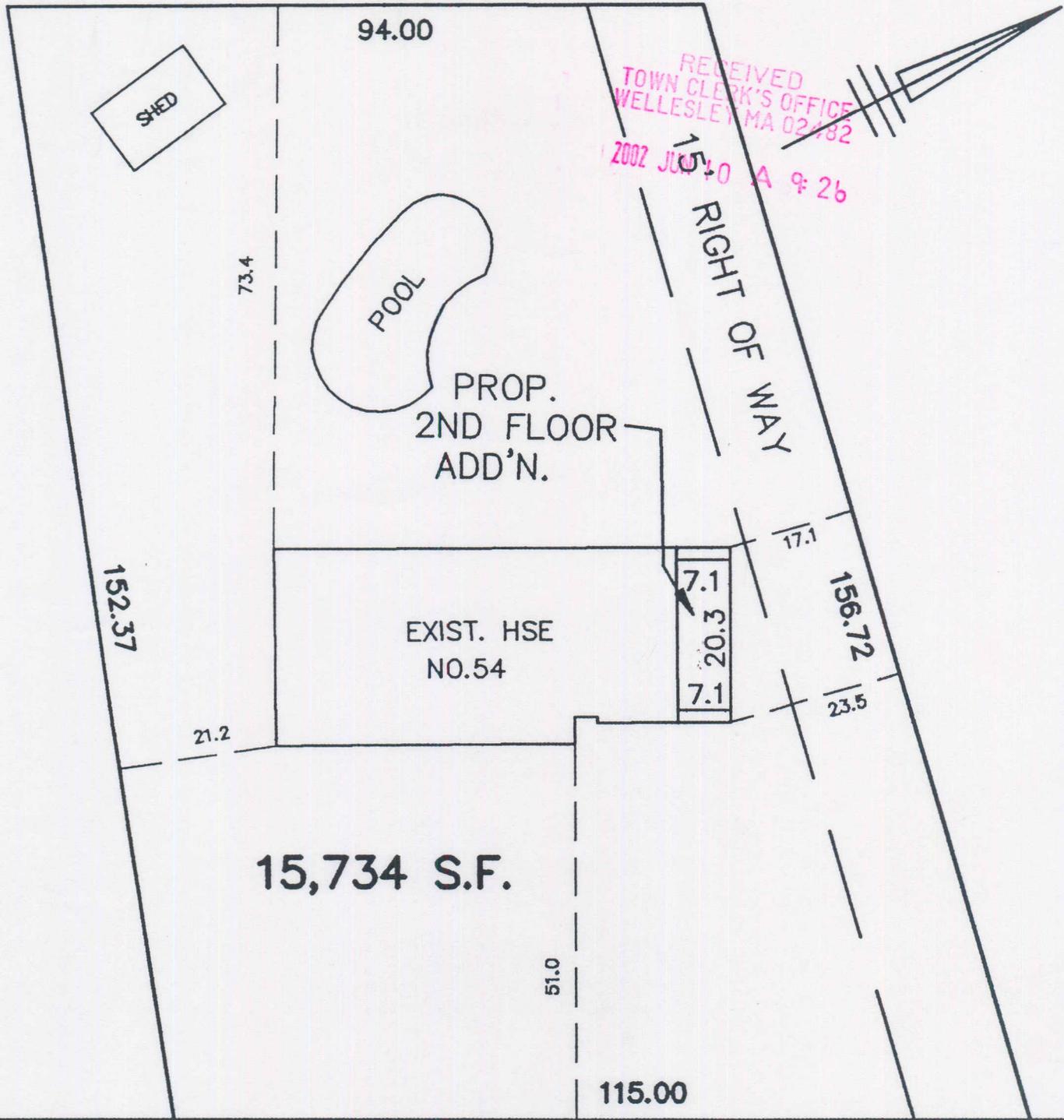

Richard L. Seegel, Chairman


Cynthia S. Hibbard


Robert A. Bastille

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LOT COV.=9.8%



COLBURN ROAD

PLOT PLAN OF LAND WELLESLEY, MASS.

MAY 16, 2002 SCALE 1"=20'
 NEEDHAM SURVEY ASSOCIATES, INC.
 281 CHESTNUT ST.
 NEEDHAM, MA. 02492

