TOWN OF WELLESLEY MASSACHUSETTS

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2002 JUL 12 A 8:32

ZONING BOARD OF APPEALS

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

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J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2002-63
Petition of Justin G. and Ann J. Bullion
249 Walnut Street

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 JUSTIN G. AND ANN J. BULLION requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV that the following construction at their nonconforming dwelling with less than the required front, right and rear yard setbacks at 249 WALNUT STREET, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing nonconforming garage and construction of new two-car 19.95 foot by 22 foot garage with less than the required rear and front yard setbacks.
2. Construction of a two-story 18.5 foot by 21.5 foot addition with less than the required front and rear yard setbacks.
3. Demolition of existing nonconforming deck and construction of a 12 foot by 5.16 foot deck with less than the required rear yard setback.
4. Construction of a 3.88 foot by 12.33 foot addition above the existing nonconforming portion of the first floor with less than the required right side yard setback. There will be no change in the footprint.
5. Demolition of existing nonconforming front porch and construction of new 4 foot by 6.5 foot front porch with less than the required front and right side yard setbacks.

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 were Justin and Ann Bullion. Mr. Bullion said they have a corner lot, which abuts the Aqueduct at the rear of the property. They would like more space for their expanding family and space for a second car. Their current footprint is nonconforming, and the previous owners actually expanded beyond the rear lot line. The current percentage of lot coverage is 27%. This project improves two of the setback violations, and does not alter the third. The project also brings the percentage of lot covered down to a conforming 25%.

The Board complimented the Bullions on the quality and completeness of their submission. The Board asked if the lot coverage reduction had been accomplished by the reduction in the side of the deck and the porch. Mr. Bullion said that was correct.

The Board asked if the lot and the house predated the construction of the Aqueduct. Mr. Bullion said he did not know when the Aqueduct had been built, but their house was built around 1930.

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The Board noted there is a huge grade separation between the Bullion property and the Aqueduct. Mr. Bullion said that the fence is on Aqueduct property.

The Board commented that the Planning Board had no objection to the requested, but asked that if the request was approved, care be taken by the contractor to respect the boundary of the Town land and the Aqueduct.

Mrs. Bullion said the fence existed when they bought the house, and is there for safety purposes. The Board strongly recommended that the Bullions consult with the Town Engineer prior to construction, as there might be heavy vehicles involved close to the Aqueduct. Mr. Bullion said they plan to do that.

No other person had any comment on the petition.

Statement of Facts

The subject property is located at 249 Walnut Street, in a 15,000 square foot Single Residence District, on a 6,509 square foot lot, and has a minimum front setback from Walnut Street of approximately 19 feet, a minimum right side yard setback of 8.2 feet, a minimum rear yard setback of 1.70 feet and a minimum front setback from Fairbanks Avenue of 53.6 feet. A 2 foot by 5.27 foot portion of the existing deck encroaches onto the Aqueduct at the rear of the property. The existing nonconforming lot coverage is 27%.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing nonconforming garage and construction of new two-car 19.95 foot by 22 foot garage with a minimum front yard clearance of 22.9 feet and a minimum rear yard clearance of 1.7 feet.
2. Construction of a two-story 18.5 foot by 21.5 foot addition with a minimum front clearance of 27.34 and a minimum rear yard clearance of 1.7 feet.
3. Demolition of existing nonconforming deck and construction of a 12 foot by 5.16 foot deck with a minimum rear yard clearance of 1.7 feet.
4. Construction of a 3.88 foot by 12.33 foot addition above the existing nonconforming portion of the first floor with a minimum right side yard clearance of 8.2 feet. There will be no change in the footprint.
5. Demolition of existing nonconforming front porch and construction of new 4 foot by 6.5 foot front porch with a minimum front clearance of 22 feet and a minimum right side yard clearance of 14.4 feet.

The proposed percentage of lot coverage is 25%.

An Existing Plot Plan dated May 30, 2002 and a Proposed Plot Plan dated June 3, 2002, both stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 4/30/02, drawn by Mark Garber; and photographs were submitted.

On June 18, 2002, the Planning Board reviewed the project and offered no objection to granting the request, with the recommendation that care be taken by the contractor to respect the boundary of the Town land and the integrity of the Cochituate Aqueduct conduit itself.

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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 with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although the project involves a slight additional encroachment on the front property line, the total project rectifies the zoning violations regarding percentage of lot coverage and encroachment of a structure on the Aqueduct.

It is the finding of this Authority that the proposed construction of the total 5 part project shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for the aforesaid reasons, as well as the fact that the proposed construction reduces the intensity of the existing nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for all demolition and construction listed in the foregoing Statement of Facts in accordance with the submitted Proposed 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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert A. Bastille

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.

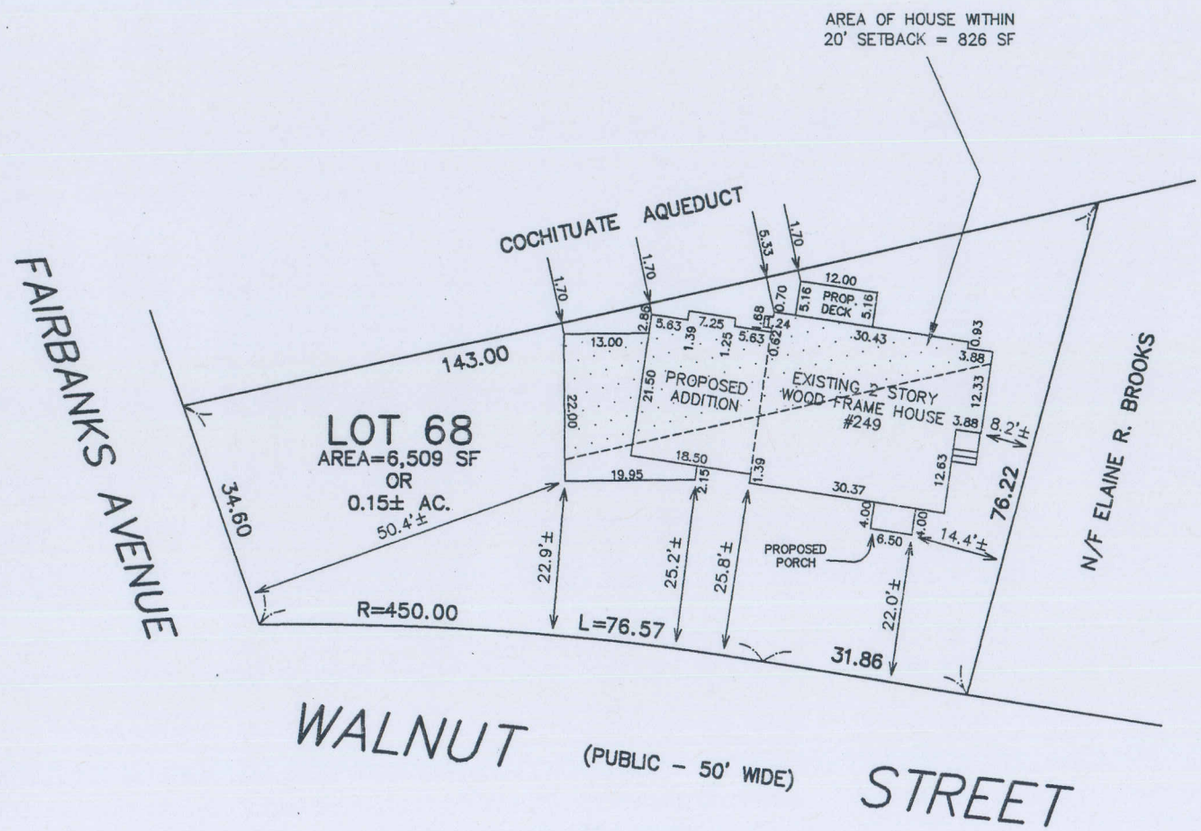
Cc: Planning Board
Inspector of Buildings
edg

PROPOSED PLOT PLAN
WELLESLEY, MASS.

DATE: JUNE 3, 2002 SCALE: 1" = 20'

PREPARED FOR:
ANN J. & JUSTIN G. BULLION
249 WALNUT STREET
WELLESLEY, MASS. 02481

PREPARED BY:
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: 25%

DEED BOOK 12560 PAGE 334
ASSESSORS MAP 35 LOT 80

EXISTING LOT COVERAGE= 1,756 SF OR 27.0%
PROPOSED LOT COVERAGE= 1,628 SF OR 25.0%

PLAN #790 OF 1999

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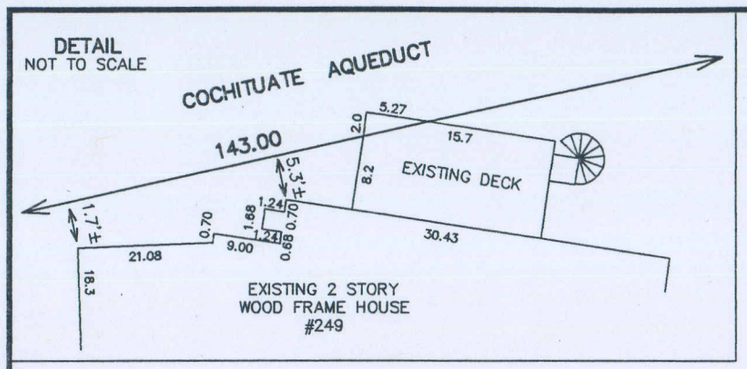
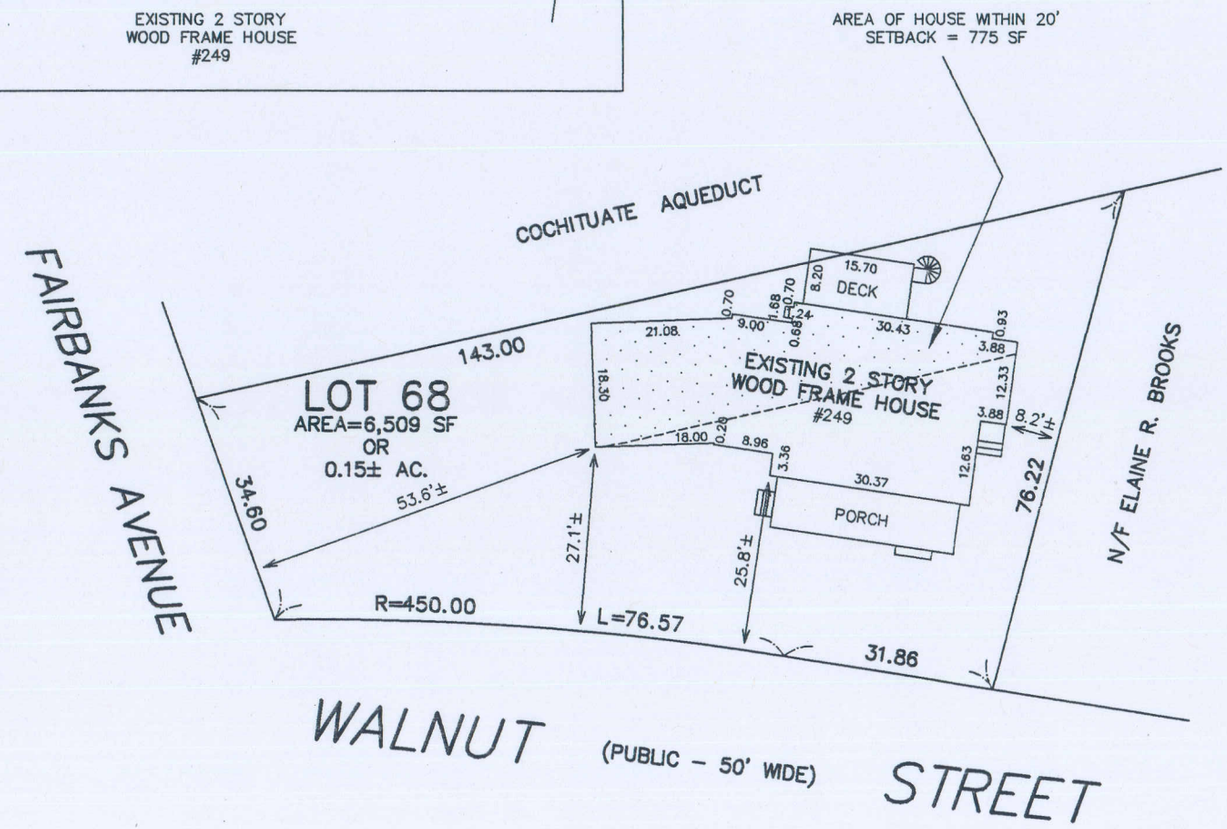
COMMONWEALTH OF MASSACHUSETTS
TERRENCE M. RYAN #37057
REGISTERED PROFESSIONAL LAND SURVEYOR
6/6/02

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).

MDH/TMR





PLOT PLAN
WELLESLEY, MASS.

DATE: MAY 30, 2002 SCALE: 1" = 20'

PREPARED FOR:
ANN J. & JUSTIN G. BULLION
249 WALNUT 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.
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PLAN #790 OF 1999

COMMONWEALTH OF MASSACHUSETTS
TERRENCE M. RYAN
#37057
REGISTERED PROFESSIONAL LAND SURVEYOR
6/4/02

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON PREDATE THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

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).

MDH