



ZONING BOARD OF APPEALS

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 ZONING BOARD OF APPEALS
 2003 JAN 16 3 05 A

ZBA 2003-6

Petition of Maurice and Debra Law
3 Cedar Brook Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 16, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MAURICE AND DEBRA LAW requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required rear yard setback at 3 CEDAR BROOK ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of their existing shed and construction of a two-story 30 foot 3 inch by 27 foot 2 inch addition with less than the required rear yard setback.
2. Demolition of their existing detached garage and construction of a two-story 24 foot by 30 foot addition with garage under and living space above, with less than the required rear yard setback.

On December 23, 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 Maurice and Debra Law. Prior to the presentation, the Executive Secretary stated that Special Condition #18 of the Order of Conditions (DEP 324-398) issued by the Wetlands Protection Committee on June 17, 2002, regarding submission of revised plans, had not been met.

Mr. Law said he thought that the revised plan had been filed. The Board stated that any action taken would be conditioned on the submission of the revised plans to the Wetlands Committee.

Mr. Law said they have a house and a detached garage on their property. They would like to connect the two to add more living space.

The Board noted that the Planning Board had no objection to the additions, but questioned the accuracy of the lot size, which would impact the percentage of lot coverage. The Board stated that the original plot plan showed 13,068 square feet, while the December 31, 2002 plot plan showed 12,887.85 square feet. Mr. Law said that the proposed lot coverage is still below the allowed 20% of lot coverage.

The Board commented that the proposed garage would be .1 foot closer to the rear lot line than the existing structure.

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The Board asked what was the status of Cedar Brook Road. Mr. Law said it was a private road.

No other person present had any comment on the petition.

The subject property is located at 3 Cedar Brook Road on a 12,877.45 square foot lot, in a 10,000 square foot Single Residence District, and contains a nonconforming dwelling with a minimum rear yard setback of 19.8 feet and a nonconforming detached garage with a minimum rear yard setback of 12.2 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing shed and construction of a two-story 30 foot 3 inch by 27 foot 2 inch addition with a minimum rear yard setback of 12.4 feet; and demolition of the nonconforming detached garage and construction of a two-story 24 foot by 30 foot addition with a minimum rear yard setback of 12.1 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 21, 2002, rev. December 9, 2002, rev. December 20, 2002, rev. December 31, 2002, rev. January 3, 2002, stamped by Joyce E. Hastings, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 11/16/2002, drawn by Choo & Company, Inc.; and photographs were submitted.

On June 13, 2002, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-398). To date, Condition 8 requiring a revised plan has not been met.

On January 7, 2003, the Planning Board reviewed the petition and had no opposition to the project, although the discrepancy concerning the actual lot size was noted. This is important because the proposed project is close to or would exceed the maximum allowed lot coverage depending on the lot size. In addition, the Planning Board is aware of the unsatisfied requirements of the Wetlands Protection Committee.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling and detached garage do not comply with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the demolition of the existing shed and nonconforming garage, and construction of both the two-story 30 foot 3 inch by 27 foot 2 inch addition and the two-story 24 foot by 30 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling and detached garage as the new structures shall not intensify the existing nonconformance. Although the proposed attached garage would be .1 foot closer to the rear lot line, the Board finds this encroachment to be de minimus and can be allowed.

1. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the shed and detached garage, and construction of the 2 two-story additions in accordance with the last revision of the plot plan and the submitted construction drawings, subject to the following condition:

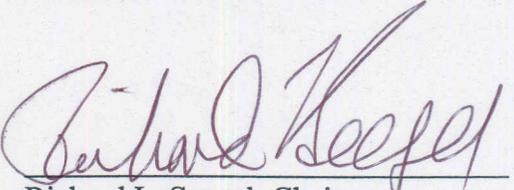
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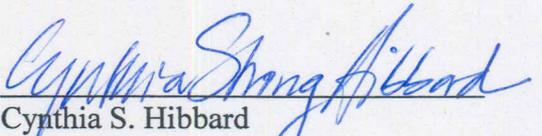
Prior to the issuance of any building permit, Condition 18 in the Order of Conditions (DEP 324-398), regarding submission to and approval by the Wetlands Protection Committee of a revised plan, shall be satisfied. A copy of said approval shall be submitted to the Board of Appeals.

Subsequent to compliance with the above condition, 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.

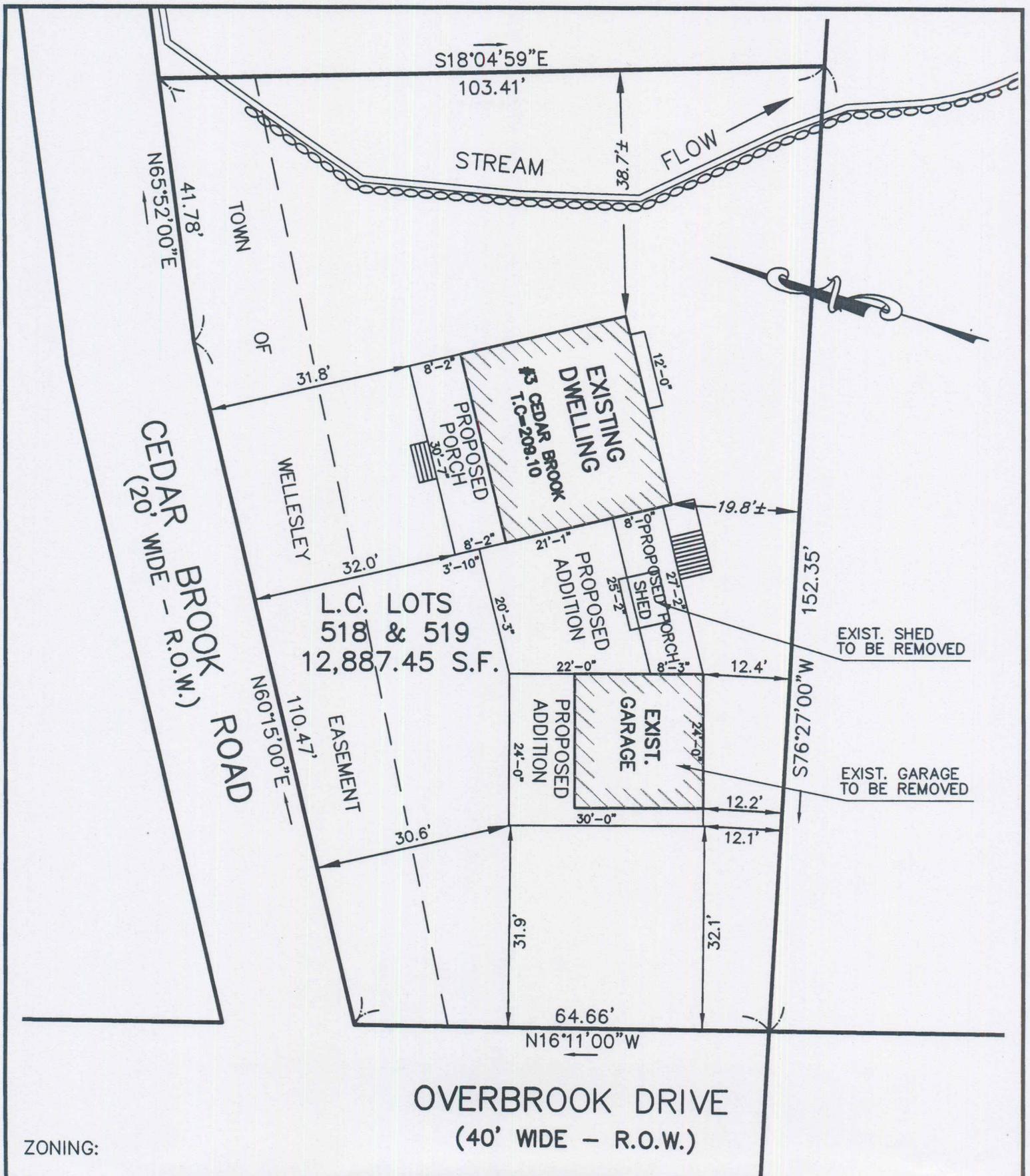
Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg


Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

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TOWN CLERK'S OFFICE
WELLESLEY MA 02482
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ZONING:

10,000 S.F. SINGLE RESIDENCE (TABLE 1)

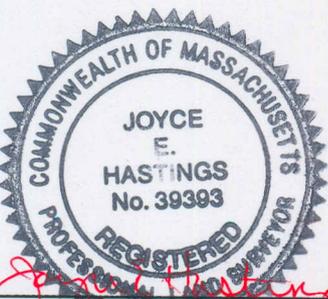
FRONTAGE:	60'
MIN. FRONT YARD WIDTH:	60'
MIN. FRONT YARD DEPTH:	30'
MIN. SIDE YARD WIDTH:	20'
MIN REAR YARD DEPTH:	10'

TOTAL LOT AREA = 12,887.45 S.F.
 EXISTING BUILDING COVERAGE = 1,285 S.F. (9.98%)
 PROPOSED BUILDING COVERAGE = 2,577 S.F. (19.99%)

PROPOSED ADDITION PLAN
 #3 CEDAR BROOK ROAD
 WELLESLEY, MASSACHUSETTS
 SCALE : 1" = 20' JANUARY 3, 2003

PREPARED FOR:
 MAURICE LAW
 3 CEDAR BROOK ROAD
 WELLESLEY, MASS.

PREPARED BY:
 GLM ENGINEERING CONSULTANTS INC.
 1750 WASHINGTON STREET
 HOLLISTON, MASS. 429-1100



PROFESSIONAL LAND SURVEYOR

DATE

JOB # 11572

1/3/03