

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2003 JUL 23 A 8:25

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ZBA 2003-56

Petition of Sheilah McCarthy and Lisa Keen
8 Hunting Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 10, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of SHEILAH McCARTHY AND LISA KEEN 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 left, front and right side yard setbacks, at 8 HUNTING STREET, 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 existing porch and construction of a two-story 22.8 foot by 27.3 foot addition with less than the required left and right side yard setbacks.
2. Removal of an existing shed dormer and replacement with two individual dormers at the front of the dwelling, with less than the required front setback.
3. Demolition of the existing nonconforming landing and stair and construction of a 5 foot by 27.3 foot porch with less than the required front setback.

On June 23, 2003, 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 Sheilah McCarthy and Lisa Keen. Ms. Keen said that their home is a "fixer-upper" both inside and outside, and they would like to do just that.

Mr. Seegel stated that the only issue the Board had was with the front porch. The Planning Board, in its letter of review, stated that the proposed addition nearly doubles the size of the house. Mass and bulk are a concern in that they may reduce the amount of light received by the abutting property. The left and right side yard setbacks have not been reduced. The front porch, although not further decreasing the front setback, is a greater encroachment on the street with 136.5 square feet.

The Board said the bylaw allows an encroachment on the front setback of 5 feet with a porch that does not exceed 50 square feet. The proposed porch exceeds 50 square feet, and may require a variance

Ms. Keen said that the porch is not coming any closer to the front setback than the existing landing. Their neighbors at 6 Hunting Street have a porch, which is closer to the front setback than what they are proposing. Aesthetically, the landing would look like something that had been pasted on the house. The house is so small that the living room is currently cut in half by the front door. By moving the door to the left, they are hoping to make the living room larger.

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Ms. McCarthy said that a front porch is in keeping with the neighborhood. Currently, their house is the only one without a front porch.

Mrs. Hibbard said she believes the porch is aesthetically pleasing, but is also concerned that a variance is required. Even though the porch is not moving closer to the street, the existing landing doesn't count in the setback because it's under 50 square feet. The porch, which is greater than 50 square feet, and within 25 feet of the front property line, may require a variance.

Mrs. Hibbard expressed concern that the percentage of lot coverage is 24.8%, which is very close to the maximum allowed. Although the terrace cannot be included in the lot coverage, they are putting a great deal of mass on a very small parcel. However, they do have the smallest lot in the neighborhood.

Mr. Seegel said that it is difficult for the Board to grant a variance, which can be done for only three reasons: shape of the lot, soil conditions or topography of the lot. The porch could be treated as an expansion of an existing nonconformance.

Ms. Keen said they plan to remove the shrubbery, which comes way out in the front. The porch will seem less intrusive after that is done. Mr. Seegel said he thought that the house was closer to the street than 6 Hunting Street, which is not true, but is the illusion created by the shrubbery.

Ms. Keen said they have bought a 35,000 square foot lot behind their house, so they actually have more than 6,000 square feet. They have no intention of building anything on the lot.

Mr. Seegel asked if they could reduce the porch by one foot on each side. Mr. Sheffield said that would not be as pleasing as the proposed design.

Robert Libon, 9 Hunting Street, expressed full support for the petition, stating it would be a vast improvement, and that the proposed porch does not come as close to the street as the porch at 6 Hunting Street. All the other homes on the street have porches.

Daniel Boucher, 18 Hunting Street, a direct abutter, also expressed full support for the petition. He liked the front porch. The terrace would help to balance his own back yard.

Guy Daniello, 11 Hunting Street, expressed support for the petition.

Mr. Sheffield complimented Ms. McCarthy and Ms. Keen on their plans, and was of the opinion that the porch would make the house appear less intrusive on the street line.

Mrs. Hibbard said that she would be more comfortable granting a Special Permit, if it contained a condition that the porch shall never be enclosed, nor shall a second story ever be added above it.

Statement of Facts

The subject property is located at 8 Hunting Street, in a 10,000 square foot Single Residence District, on a 6,000 square foot lot, and has a minimum left side yard clearance of 16.2 feet, a minimum front yard clearance of 19.8 feet and a minimum right side yard clearance of 16.4 feet.

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

1. Demolition of an existing 10.9 foot by 7 foot conforming porch and construction of a 22.8 foot by 27.3 foot two story addition, with a minimum left side yard clearance of 16.1 feet and a minimum right side yard clearance of 16.6 feet.
2. Removal of an existing dormer and construction of two individual dormers with a minimum front yard clearance of 19.8 feet.
3. Demolition of an existing landing and stair and construction of a 5 foot by 27.3 foot porch with a minimum front yard clearance of 14.8 feet.

A Plot Plan dated May 14, 2003, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations, dated June 16, 2003, drawn by Beth A. Worell, Registered Architect; and photographs were submitted.

A letter in support of the petition was received from Amy and Angelo Gianakis, 4 Hunting Street.

The Planning Board letter of review was read into the record at the Public Hearing.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

This Authority makes the following findings:

- The demolition of the rear porch and construction of the two-story 22.8 foot by 27.3 foot addition with less than the required left and right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
- The removal of the existing nonconforming shed dormer and replacement with two individual dormers with less than the required front setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as they shall neither intensify the existing nonconformance, nor shall they create new nonconformity.
- The demolition of the nonconforming landing and stair, and construction of the 5 foot by 27.3 foot porch results in a substantial intensification of the nonconformance created by the increased intrusion of the porch on the front yard setback. However, this intensification is not deemed by the neighborhood nor by this Authority to be substantially more detrimental than the existing nonconforming structure.

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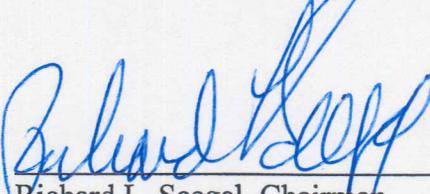
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for all three of the aforesaid projects in accordance with the submitted plot plan and construction drawings.

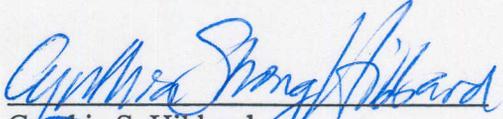
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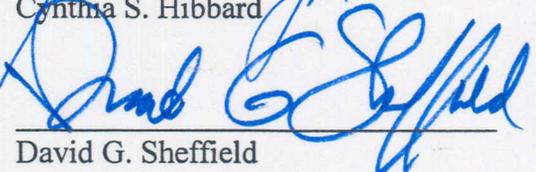
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

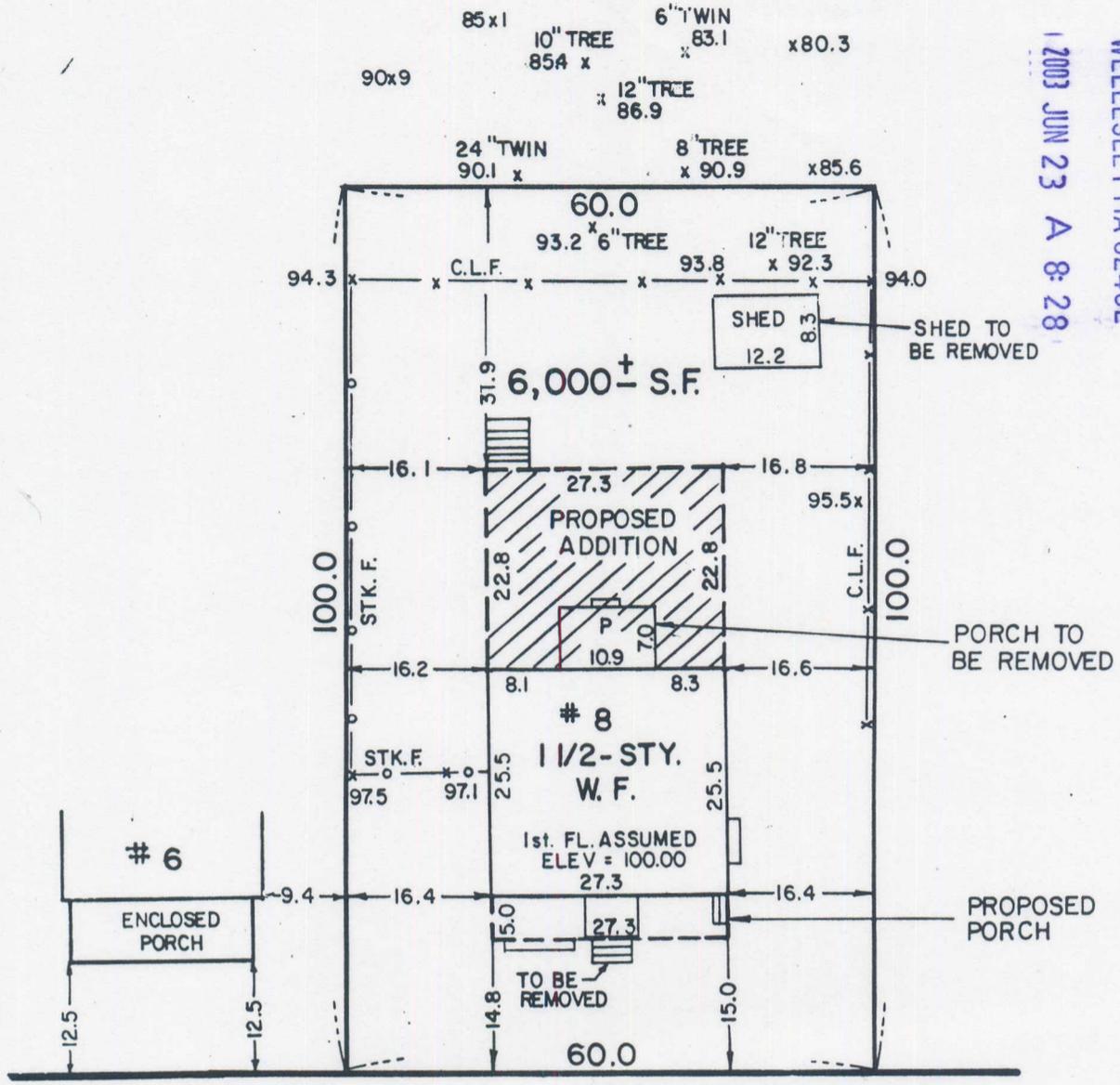

Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

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HUNTING STREET

LOT AREA = 6,000[±] S.F.
 EXIST. LOT COVERAGE = 14.5 %
 (870[±] S.F.)
 PROP. LOT COVERAGE = 24.8 %
 (1,493.3[±] S.F.)



PLAN OF LAND
 IN
WELLESLEY, MASS.