



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5998

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ROBERTA BASTILLE
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ZBA 2003-89
 Petition of David and Nancy Westenberg
 50 Windsor Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID AND NANCY WESTENBERG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming one-story 10.5 foot by 14.8 foot screened porch, and construction of a two-story 10.5 foot by 17 foot addition with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 50 WINDSOR ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 20, 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 was Nancy Westenberg, who said the addition is only a small part of a large project to make the house handicap accessible for one of their children. The porch has severe termite damage and must be replaced. The first floor room would give her son covered space, and the second floor would be a master bath and closet space. The addition cannot be narrowed to be conforming, as the width is necessary to provide turning radius for a wheelchair and swing space for a 3 foot entrance door from an outside ramped landing and stair.

Mrs. Westenberg explained that the house is built on the side of an esker, so they have limited level space. Three quarters of the lot is in a wetland buffer zone. The porch is the only part of the house outside the buffer zone and on level grade. They have tried to design a modest addition.

The Board commented that it had received copies of the Order of Conditions issued by the Wetlands Protection Committee, just before the hearing. The Order appears to focus on the other additions, and not on the project before the Board. The Order would be incorporated into the Board's decision.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 50 Windsor Road, in a 20,000 square foot Single Residence District, on a 16,381 square foot lot, and has a minimum left side yard setback of 19.2 feet.

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The petitioners are requesting a Special Permit/Finding that the demolition of their existing nonconforming 10.5 foot by 14.8 foot one-story screened porch, with a minimum left side yard setback of 19.2 feet, and construction of a two-story 10.5 foot by 17 foot addition with a minimum left side yard setback of 19.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 10, 2003, stamped by Arthur L. Bouley, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated October 3, 2003, prepared by Thomson Architects; and photographs were submitted.

On October 30, 2003, the Wetland Protection Committee issued an Order of Conditions (DEP 324-442) for the house additions and landscape changes at 50 Windsor Road.

On November 4, 2003, the Planning Board reviewed the petition and had 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 demolition of the existing one-story screened porch and construction of the two-story 10.5 foot by 17 foot addition, with a minimum left side yard setback of 19.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither intensify the existing nonconformance, nor shall it create new nonconformity.

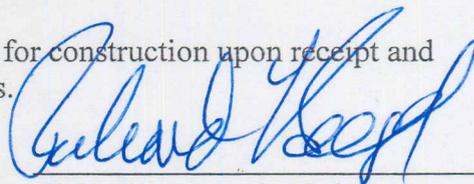
Therefore, a Special Permit is granted, as voted unanimously by this Authority for the demolition of the existing porch and construction of the two-story 10.5 foot by 17 foot addition in accordance with the submitted plot plan and construction drawings, and with the condition that the Order of Conditions (DEP 324-442) issued by the Wetlands Protection Committee on October 30, 2003, is hereby incorporated into this decision.

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.

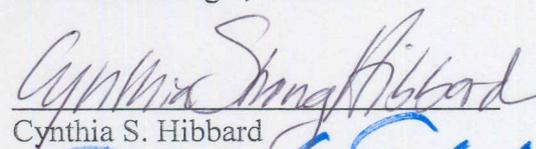
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings

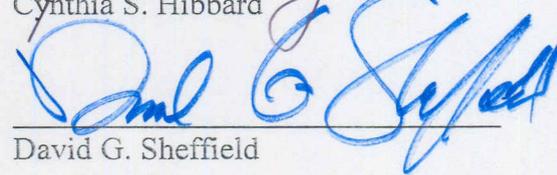
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard

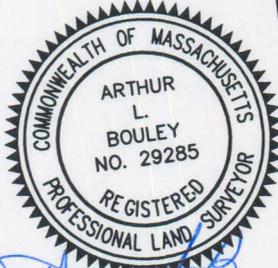


David G. Sheffield

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INSTRUMENT SURVEY

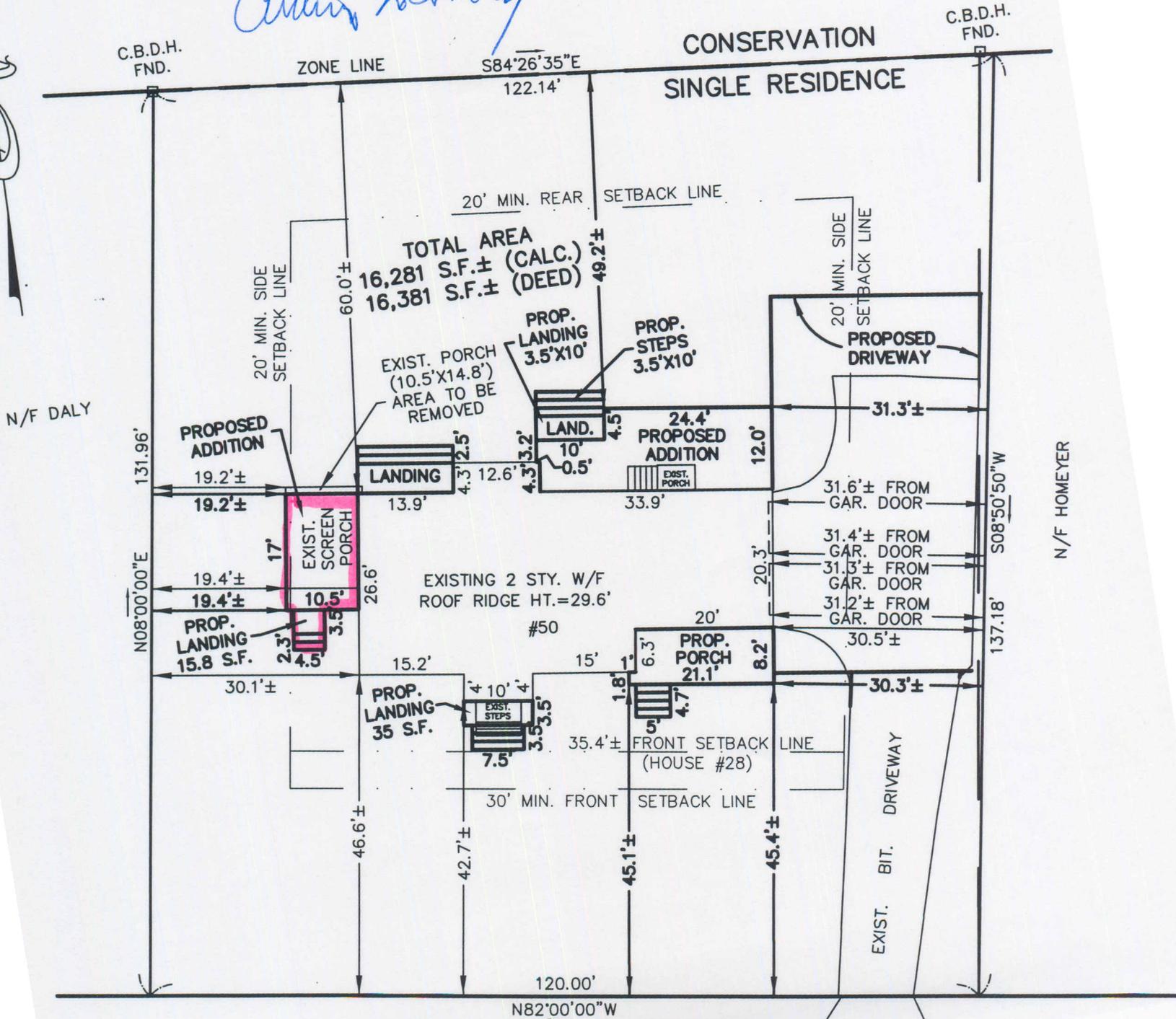
BOULEY BROTHERS ENGINEERING, INC.
 P.O. BOX 2215 75 HAMMOND STREET
 WORCESTER, MA 01613
 508-753-8400
 FAX 753-8777
 JOB #2016
 NB. 570/157,
 N.B. 588/126



Arthur L. Bouley

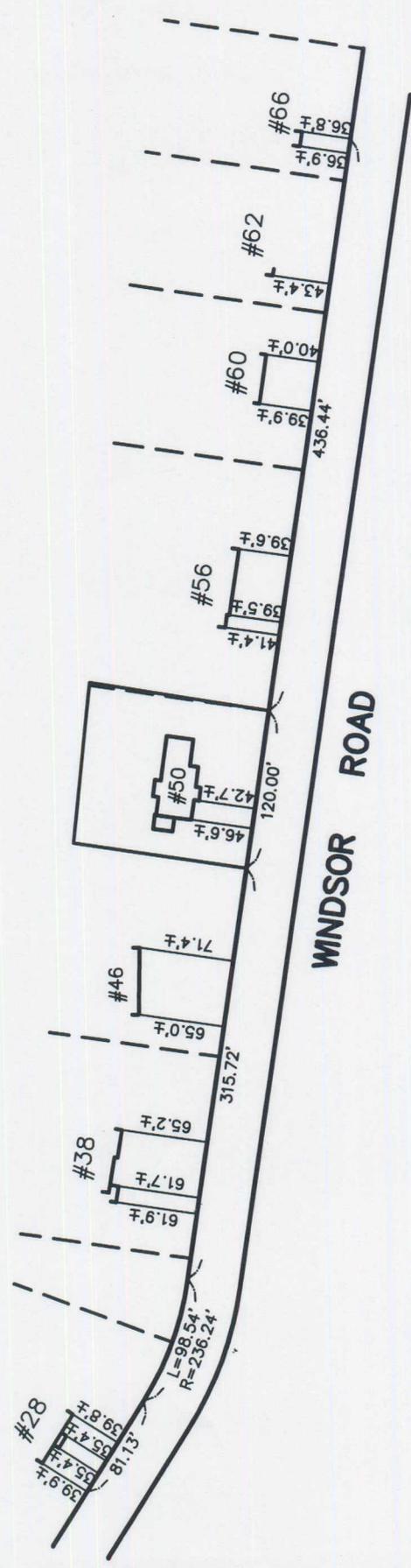
NAME: DAVID A. & NANCY L. WESTENBERG
 LOCATION: 50 WINDSOR ROAD
 WELLESLEY, MASSACHUSETTS
 SCALE: 1" = 20' DATE: OCTOBER 10, 2003
 REGISTRY: N.C.R.D. D:BO 19677 PG. 226
 PLAN 221 OF 1961 (BK. 3881 PG. 265)
 ZONE: SINGLE RESIDENCE

N/F TOWN OF WELLESLEY
 CENTENNIAL PARK



EXISTING BUILDING AREA: 1,730.5 S.F.
 PROPOSED BUILDING AREA: 2,295.4 S.F.
 EXIST. BLDG. LOT COVERAGE: 10.63%
 PROP. BLDG. LOT COVERAGE: 14.10%

WINDSOR RD.

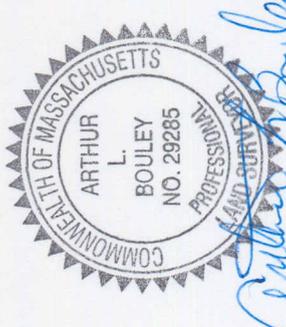


FRONT OFFSETS WITHIN 500'
50 WINDSOR ROAD
WELLESLEY, MASSACHUSETTS

PREPARED FOR
DAVID A. & HANCI L. WESTENBERG

BBE
BOULEY BROTHERS ENGINEERING, INC.
75 HANMOR STREET, P.O. BOX 2011
WELLESLEY, MA 02482
TEL: 781-237-1138
FAX: 781-237-1138
DATE: OCTOBER 1, 2003

SHEET 2 OF 2
DATE: 10/1/03
SCALE: AS SHOWN
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]



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