

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2003 DEC 17 A 9:05

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ROBERT A. BASTILLE
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ZBA 2003-95
Petition of Leonard A. Legrand
56 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 11, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of LEONARD A. LEGRAND requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of a 14 foot by 7 foot portion of an existing nonconforming 22.7 foot by 7 foot front porch with less than the required left side yard setback, at his nonconforming dwelling with less than the required left side yard setback, at 56 OAK STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

On November 17, 2003, the petitioner 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 Leonard Legrand, who said that although the plans previously submitted for a Special Permit, which the Board had granted, had shown the porch enclosure, the decision did not include the enclosure of the proposed portion of the porch, which is nonconforming. The Inspector of Building would not issue a permit for the enclosure until the Board had granted a Special Permit allowing the nonconforming portion of the porch to be enclosed.

The Board noted that the Planning Board had no objection to granting the Special Permit

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 56 Oak Street, in a 10,000 square foot Single Residence District, on a 15,044 square foot lot and has a minimum left side yard setback of 12.4 feet. The property contains two dwellings: 56 Oak Street, which shall be converted from a two-family to a single family dwelling, and 58 Oak Street, which was to be demolished and rebuilt.

The petitioner is requesting a Special Permit/Finding that the enclosure of a 14 foot by 7 foot portion of the nonconforming 7 foot by 22.7 foot front porch, with a minimum left side yard setback of 12.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

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On June 19, 2003, the Board reviewed a request by Ruth W. Whitehouse for a Special Permit/Finding (ZBA 2003-44) to convert the two-family dwelling at 56 Oak Street to a single family house, and construct a conforming one-story addition to the nonconforming structure. The application further requested the demolition and reconstruction of the dwelling at 58 Oak Street.

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The Board requested a continuance to July 10, 2003 in order to seek guidance from Town Counsel as to the issue of allowing the nonconforming use of the land for two dwelling units in a Single Residence District to be perpetuated. At the hearing in July, the Board granted the Special Permit, but the decision contained no reference to the enclosure of the nonconforming portion of the porch at 56 Oak Street.

Since the second hearing on the petition, Ruth W. Whitehouse transferred the property at 56/58 Oak Street to the current petitioner, Leonard Legrand.

A plot plan dated 6/17/03, rev. 11/11/03, rev.11/13/03, stamped by Robert A Gemma, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 12, 2003, prepared by Design West; and photographs were submitted.

The Planning Board has reviewed the petition and had no objections 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 proposed enclosure of the 14 foot by 7 foot portion of the 22.7 foot by 7 foot nonconforming front porch, with a minimum left side yard setback of 12.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the porch enclosure shall neither intensify the existing nonconformance nor create new nonconformity, as there shall be no change in the footprint.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of the 14 foot by 7 foot portion of the front porch in accordance with the submitted plot plan and construction drawings.

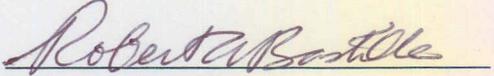
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

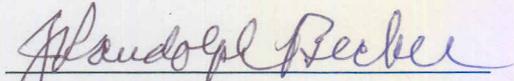
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings

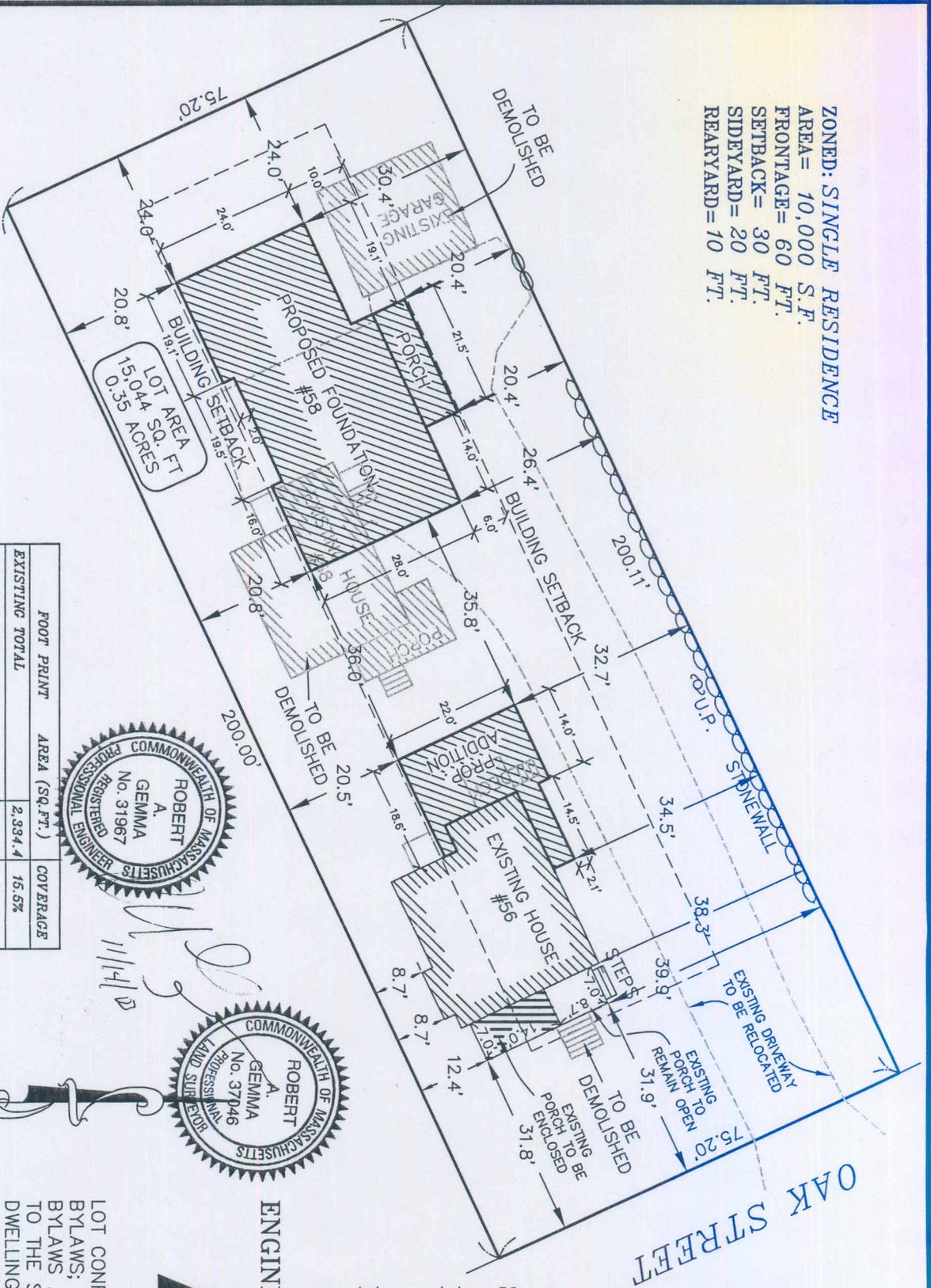

Richard L. Seegel, Chairman


Robert A. Bastille

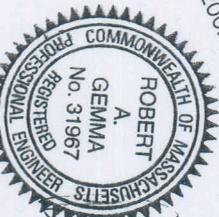

J. Randolph Becker

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ZONED: SINGLE RESIDENCE
 AREA= 10,000 S.F.
 FRONTAGE= 60 FT.
 SETBACK= 30 FT.
 SIDEYARD= 20 FT.
 REARYARD= 10 FT.



FOOT PRINT	AREA (SQ. FT.)	COVERAGE
EXISTING TOTAL	2,334.4	15.5%
LOT AREA	15,044	
PROPOSED ADDITION = 1,918.0		
LESS OVERLAP AND PORTIONS TO BE DEMOLISHED= 1,359.1		
PROPOSED CHANGE IN COVERAGE	558.9	3.7%
PROPOSED COVERAGE GROSS	2,893.3	19.2%



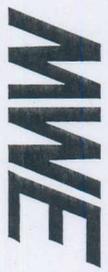
PROPOSED ZBA PLOT PLAN

IN WELLESLEY, MASS.

SCALE: 1" = 20' DATE: MAY 22, 2003
 LOCATION: #56 & #58 OAK STREET

PREPARED FOR: DESIGN WEST

ENGINEERS & SURVEYORS:



METROWEST ENGINEERING, INC.
 75 FRANKLIN STREET
 FRANKINGHAM, MA 01702
 ROBERT A. GEMMA, PLS 37046

LOT CONFORMS TO CURRENT TOWN OF WELLESLEY ZONING BYLAWS; EXISTING HOUSE #56 PREDATES THE ZONING BYLAWS AND THE PROPOSED ADDITION ON #56 CONFORMS TO THE SETBACK REQUIREMENTS; AND THE PROPOSED NEW DWELLING CONFORMS TO THE DIMENSIONAL SETBACK REQUIREMENTS.

I CERTIFY THAT THE LOT SHOWN AND FOUNDATION THEREON ARE NOT WITHIN THE FEDERAL FLOOD HAZARD AREA.

NOTES

THIS PLAN IS PREPARED FROM LINES OF OCCUPATION. THE TIES TO THE LOT LINES ARE NOT TO BE USED IN THE SETTING OF FENCES, HEDGES, ETC.

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