

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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APR 28 10 08 AM '04

ZBA 2004-21
Petition of Robert A. Ellis and Jennifer S. Cornelssen
44 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 15, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT A. ELLIS AND JENNIFER S. CORNELSSEN 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 dwelling and construction of a 2.5 story 49.6 foot by 43.8 foot dwelling with an 18.92 foot by 12 foot screened porch and an 8.5 foot by 15 foot deck, all of which conform to all zoning requirements on their 10,204 square foot lot at 44 ABBOTT ROAD, in a Single Residence District in which the minimum lot size required is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 29, 2004, 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 Robert Ellis and Jennifer Cornelssen. Ms. Cornelssen said they have a nonconforming lot abutting the Maugus Club. The new structure would be more conforming than the existing one. The proposed lot coverage is 2,495 square feet, which meets the lot coverage requirement.

The Board read into the record the Planning Board recommendation, which stated that the proposed construction meets all of the setback requirements and is within the allowed lot coverage. The Planning Board made no recommendation as to whether the petition should be granted or denied.

Mr. Ellis said the right side yard setback is currently nonconforming. The proposed structure would be conforming on the right side. Ms. Cornelssen said their neighborhood has many large Victorian homes, but are on much larger lots. They have spoken to all their neighbors who felt the new home would improve the neighborhood.

The Board asked about the design detail at the left front corner of the proposed house. Ms. Cornelssen said that in order to have the 30 foot setback from the garage doors, there is an overhang. To make it fit with the flow of the land, they plan to put stone around the post on the side of the house, with an area to walk through.

The Board expressed concern about the height of the house. On the left side, the ridgeline is 40 feet from the ground. The height of the ridgeline from average mean grade cannot be more than 36 feet. It is a very

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tall house. Mr. Ellis said they had a detailed topographical plan done to determine the average mean grade. The ridgeline meets the 36 foot height requirement.

The Board stated that it would add a condition to the decision that the Building Inspector specifically check that the height of the house from the average mean grade meets the 36 foot limitation in the Zoning Bylaw.

Statement of Facts

The subject property is located at 44 Abbott Road, in a 20,000 square foot Single Residence District on a 10,204 square foot lot and has a minimum right side yard setback of 19.5 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming house, and construction of a 2.5 story 49.6 foot by 43.8 foot dwelling with an 18.92 foot by 12 foot screened porch and an 8.5 foot by 15 foot deck, all of which conform to all zoning requirements on their undersized 10,204 square foot lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Plot Plan dated February 16, 2004, a Proposed Plot Plan dated March 23, 2004, both stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing Condition drawings dated 3/10/04, prepared by Osvold Construction; Proposed Building drawings dated 3/10/04 prepared by Woodworth Architects, and photographs were submitted.

On April 13, 2004, the Planning Board reviewed the petition and stated:

“The proposed new construction meets all of the setback requirements and is within the maximum lot coverage of the greater of 20% or 2,500 square feet with 2,495 square feet. The Planning Board has no recommendation on whether this application should be granted or denied. It was felt by some members to be an intensification of the nonconforming nature in that the proposed house on the undersized lot has a much greater bulk than the existing house. The subsequent question, assuming it is an intensification, is whether it is more detrimental to the neighborhood.”

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. Neither the size of the lot, nor the setback of the house from the right side lot line conforms to the current Zoning Bylaw.

It is the finding of this Authority that the proposed demolition of the existing nonconforming structure and construction of a new 2.5 story 49.6 foot by 43.8 foot dwelling with an 18.92 foot by 12 foot screened porch and an 8.5 foot by 15 foot deck, all of which conform to all zoning requirements on their undersized 10,204 square foot lot, shall be an intensification of the use of the lot, as the lot coverage shall expand from 1,678 square feet (16.4%) to 2,495 square feet (24.4%), and the height of the house shall expand from 1.5 stories to 2.5 stories.

It is the finding of this Authority that although the new structure may be larger and higher than the existing structure, it shall meet all the zoning requirements, shall eliminate the existing nonconforming right side yard encroachment, and shall not create any new nonconformity.

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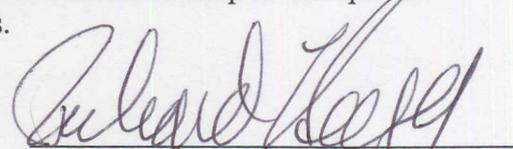
It is the finding of this Authority that the proposed house, which would be similar in design to other homes in the neighborhood, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

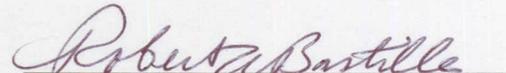
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing dwelling and construct the new dwelling in accordance with the submitted plot plan and construction drawings, subject to the condition that the Inspector of Buildings shall verify or have verified by the Professional Land Surveyor, that the height of the ridgeline of the proposed structure from average mean grade, does not exceed the 36 foot limitation in the Zoning Bylaw.

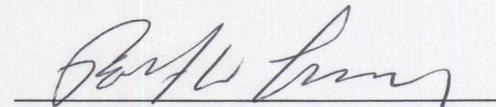
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

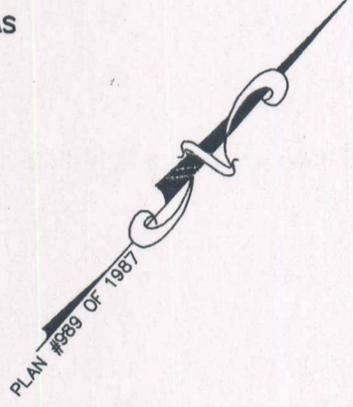
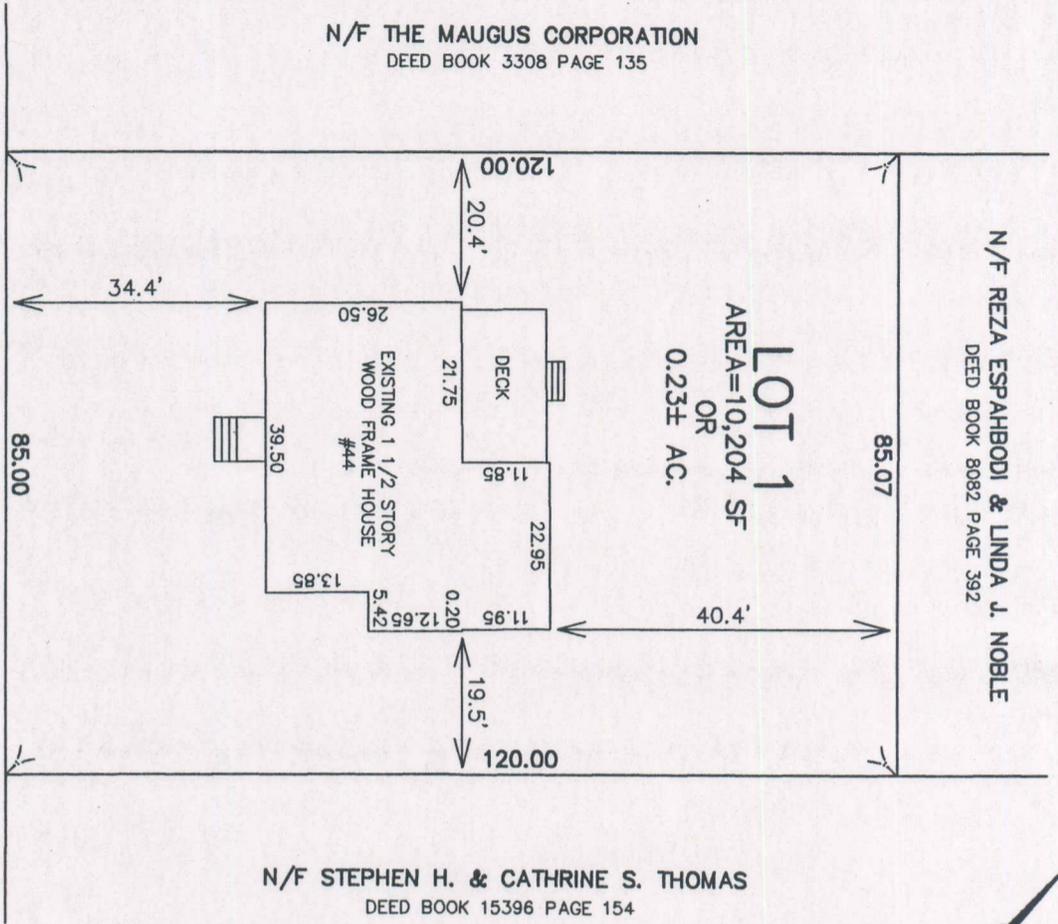

Richard L. Seegel, Chairman


Robert A. Bastille


Robert W. Levy

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2004 APR 28 A 8:13

ABBOTT ROAD
(PUBLIC - 40' WIDE)



PLOT PLAN
WELLESLEY, MASS.

DATE: FEBRUARY 16, 2004 SCALE: 1" = 20'

PREPARED FOR:
ROBERT ELLIS & JENNIFER CORNELLSSEN
44 ABBOTT ROAD
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:
APPLEWOOD SURVEY CO.
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 20,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT
SIDEYARD: 20 FT
REARYARD: 20 FT
MAX. LOT COVERAGE: 20%
OR 2,500 SF

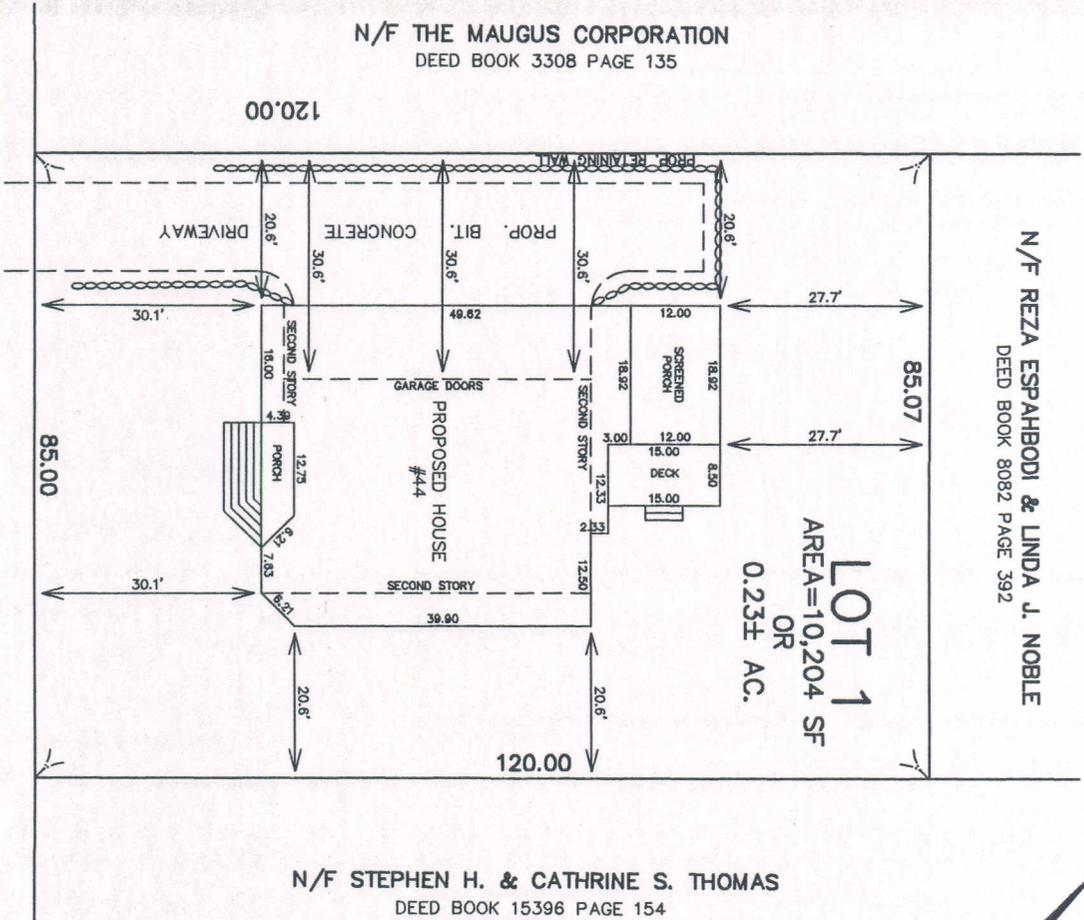
DEED BOOK 10016 PAGE 712
ASSESSORS MAP 65 LOT 17
COVERAGE = 1678 SF OR 16.4%



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I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSESHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).

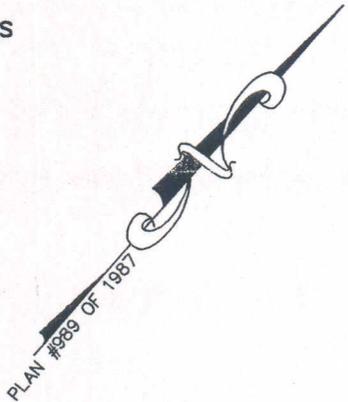
ABBOTT ROAD
(PUBLIC - 40' WIDE)



N/F REZA ESPAHBODI & LINDA J. NOBLE
DEED BOOK 8082 PAGE 392

LOT 1
AREA=10,204 SF
OR
0.23± AC.

N/F STEPHEN H. & CATHRINE S. THOMAS
DEED BOOK 15396 PAGE 154



PROPOSED PLOT PLAN WELLESLEY, MASS.

DATE: MARCH 23, 2004 SCALE: 1" = 20'

PREPARED FOR:

ROBERT ELLIS & JENNIFER CORNELSSEN
44 ABBOTT ROAD
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

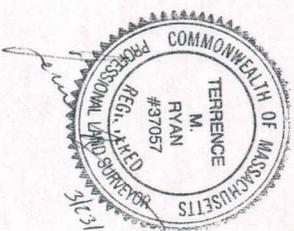
APPLEWOOD SURVEY CO.
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 20,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT
SIDEYARD: 20 FT
REARYARD: 20 FT
MAX. LOT COVERAGE: 20%
OR 2,500 SF

DEED BOOK 10016 PAGE 712
ASSESSORS MAP 65 LOT 17

PROP. COVERAGE = 2495 SF SF OR 24.4%

AVERAGE GRADE AROUND PROPOSED HOUSE (USING EXISTING GRADES AND A FINISH GRADE OF 198.8 AT THE PROPOSED GARAGE ENTRANCE) = 203.95
PROPOSED RIDGE OF ROOF (PER ARCHITECT) = 239.5
PROPOSED BUILDING HEIGHT = 35.55' (36' ALLOWED)



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSESHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).

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