

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2005 JAN -5 P 2:20

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ZBA 2004-75
Petition of James and Merry Meade
428 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JAMES AND MERRY MEADE, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 16 foot by 12.4 foot rear addition, construction of a 16 foot by 24 foot deck, with less than required left side yard setback, construction of a two story 24 foot by 32 foot addition with attic, with less than required left side yard setback, at their nonconforming dwelling with less than required front yard and left side yard setbacks, at 428 WASHINGTON STREET, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 8, 2004, 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 James Meade, who said that the house was built in 1871 and land takings to accommodate street widening and sidewalk installation have made the lot more nonconforming. He said that a free standing garage that was on the original lot was torn down in 1998. His family would like to have more living space, namely, a guest room, a den for the children, a second bathroom, and garage space for two cars. Mr. Meade said that they are proposing to remove the existing rear addition and a free standing shed. The new deck will be set back 7.6 feet from the left side property line, reducing the existing nonconformity which is 3 feet.

The Board noted that the new deck is very close to Rice Street. Mr. Meade said that every effort would be made to pull the deck back from the street.

The Board noted that the Planning Board had no objection to granting the request.

Statement of Facts

The subject property is located at 428 Washington Street, in a General Residence District, and has a minimum front yard setback of 23.8 feet, and a minimum left side yard setback of 3 feet.

The petitioner is requesting a Special Permit/Finding that demolition of an existing 16 foot by 12.4 foot rear addition, with a minimum left side yard setback of 3 feet, construction of a 16 foot by 24 foot deck, with a minimum left side yard setback of 7.6 feet, construction of a two story 24 foot by 32 foot addition with attic, with a minimum left side yard setback of 20.7 feet, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 9/24/04, stamped by Stephen W. Cartwright, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/09/04, prepared by Tektoniks, and photographs were submitted.

On November 16, 2004, 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 demolition of an existing 16 foot by 12.4 foot rear addition, with a minimum left side yard setback of 3 feet, construction of a 16 foot by 24 foot deck, with a minimum left side yard setback of 7.6 feet, and construction of a 24 foot by 32 foot two story addition with attic, with a minimum left side yard setback of 20.7 feet, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformity, as the front yard setback shall remain the same and the left side yard setback shall be increased.

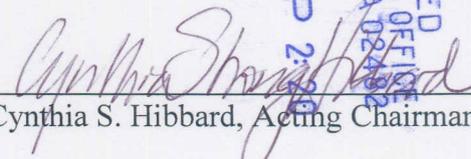
Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the demolition of the 16 foot by 12.4 foot rear addition, construction of the 16 foot by 24 foot deck, and construction of the 24 foot by 32 foot two story addition with attic, in accordance with the submitted plot plan and construction drawings.

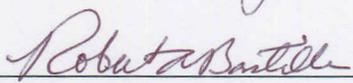
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

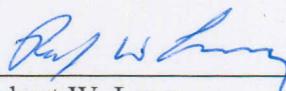
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
Irm

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Cynthia S. Hibbard, Acting Chairman

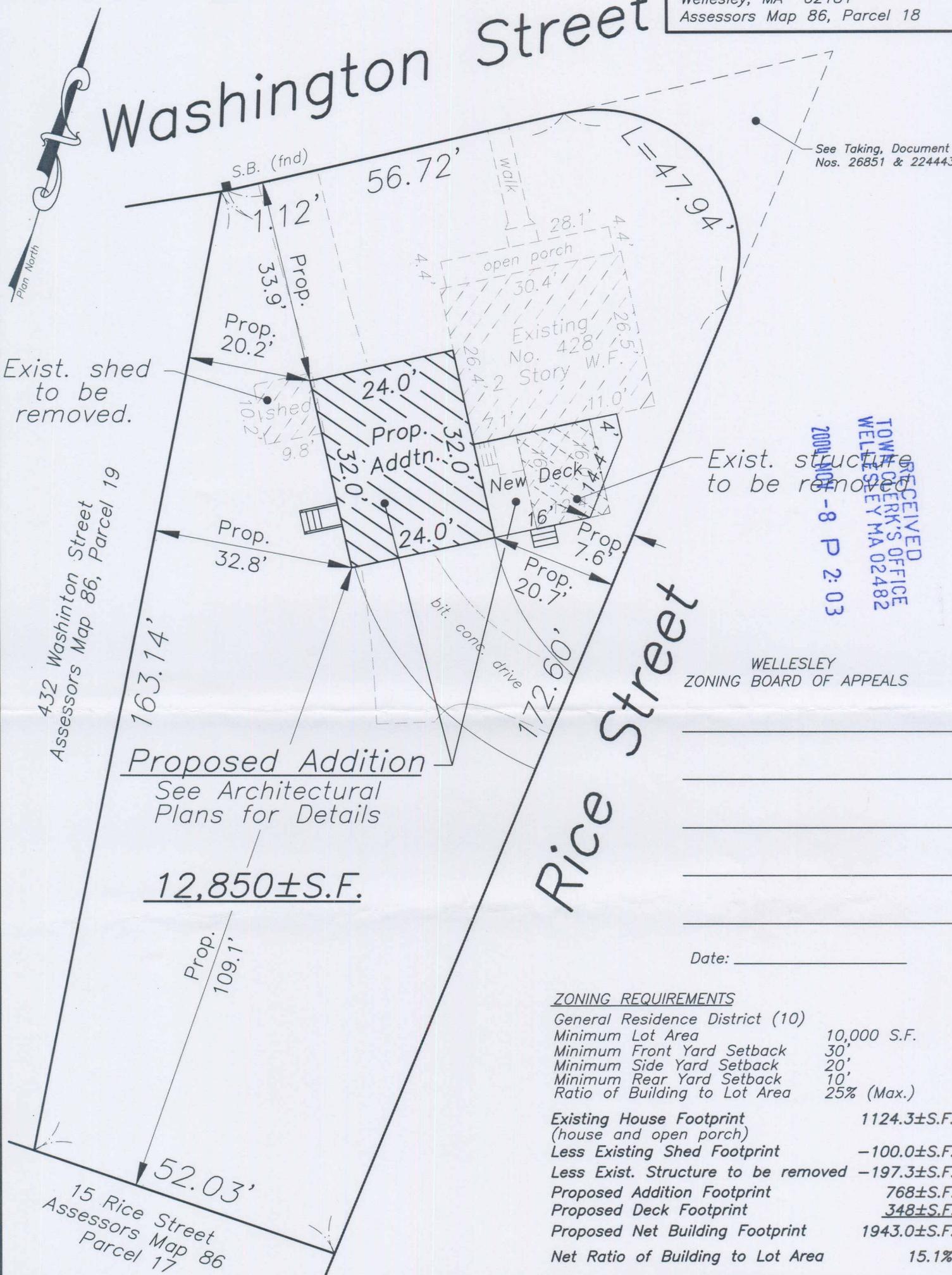

Robert A. Bastille


Robert W. Levy

NOTE: All offsets shown are to the proposed cornerboards of the structure.

APPLICANT & OWNER

James C. & Merry Murray Meade
428 Washington Street
Wellesley, MA 02181
Assessors Map 86, Parcel 18



See Taking, Document Nos. 26851 & 224443

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WELLESLEY ZONING BOARD OF APPEALS

Date: _____

ZONING REQUIREMENTS

General Residence District (10)
 Minimum Lot Area 10,000 S.F.
 Minimum Front Yard Setback 30'
 Minimum Side Yard Setback 20'
 Minimum Rear Yard Setback 10'
 Ratio of Building to Lot Area 25% (Max.)

Existing House Footprint 1124.3±S.F.
 (house and open porch)
 Less Existing Shed Footprint -100.0±S.F.
 Less Exist. Structure to be removed -197.3±S.F.
 Proposed Addition Footprint 768±S.F.
 Proposed Deck Footprint 348±S.F.
 Proposed Net Building Footprint 1943.0±S.F.
 Net Ratio of Building to Lot Area 15.1%

Proposed Site Plan of Land

Applicant: James C. Meade & Merry Murray Meade

Date: 09/24/04

Title Reference: Norfolk County Registry of Deeds
 Certificate No. 142820, See L.C. Plan No. 8216A.

Scale: 1" = 20'

Job No. 94-030C

RAS associates Civil Engineers - Land Surveyors - Land Use Consultants
 30 Carolyn Drive, Plymouth, Massachusetts 02360 (508) 224-9035

STEPHEN W. CARTWRIGHT
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 37041
 COMMONWEALTH OF MASSACHUSETTS

Stephen W. Cartwright
 Stephen W. Cartwright, PLS