



ZONING BOARD OF APPEALS

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ZBA 2007-02
Petition of Diane Schoenfeld
18 Crescent Street

Petition of DIANE SCHOENFELD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming 6.5 foot by 24 foot one-story structure and construction of a 456 square foot one-story addition with less than required left side yard setback, at 18 CRESCENT STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 18, 2006, 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 John Chapman, Architect, who said that he was representing Ms. Schoenfeld (the "Petitioner"). Mr. Chapman said that the Petitioner is proposing to remove an existing 6.5 foot by 24 foot annex at the rear of the house and replace it with a new 18 foot by 30 foot one-story addition. He said that the new addition will come closer to the left side lot line than the existing annex but will not come as close to the left side lot line as the existing nonconforming house. He said that the addition was stepped in one foot at the foundation line.

The Board said that the ground at the rear of the garage is within one foot of a slope. Mr. Chapman said that the grade at the left rear corner of the proposed addition is two to two and one-half feet higher than the grade at the base of the main house. He said that the plan is to step the foundation higher at that corner. He said that the Petitioner does not plan to install a retaining wall.

Mr. Chapman said that there will be a crawl space under the addition.

The Board asked if there have been any water problems at the property. Ms. Schoenfeld said that they have not experienced problems with water runoff from the hill. She said that there is runoff from downspouts towards the front of the house on the side where the garage is.

The Board said that rip-rap is not be used.

The Board said that the size of the footings shown on Plan A1 should appear on the Structural Drawings when the applicant applies for a Building Permit.

Mr. Chapman said that said that the bay window shown on Plan X6 is being replaced with a standard window, as shown on Plan A6, because the function of the room will be changing. The proposed window will match the existing windows.

The Board said that the step up for the foundation is not shown on Plan A1.

Ms. Schoenfeld said that she spoke with the neighbors who live on either side of her property and they supported the plan.

There was no other person present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 18 Crescent Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 7.5 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming 6.5 foot by 24 foot one-story structure and construction of a 456 square foot one-story addition with less than required left side yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/10/06, stamped by Robert F. Drake, Registered Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 8/24/06, and Proposed Floor Plans and Elevation Drawings, dated 11/2/06, drawn by John Chapman, Architect, and photographs were submitted.

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 although demolition of an existing 6.5 foot by 24 foot one-story structure and construction of a 456 square foot one-story addition is increasing a nonconformity, such increase 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, for demolition of an existing nonconforming 6.5 foot by 24 foot one-story structure and construction of a 456 square foot one-story addition with less than required left side yard setback, subject to the conditions:

- A revised Foundation Plan be submitted showing the step up at the left rear corner of the addition
- No rip-rap shall be used.

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.

Richard L. Seegel, Chairman

J. Randolph Becker

Robert C. Sechrest

cc: Planning Board
Inspector of Buildings
lrm