

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-25
Petition of Donald Elwell
4 Great Plain Avenue

Petition of Donald Elwell requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, on a 19,433 square foot lot in a district in which the minimum lot size is 30,000 square feet, at 4 Great Plain Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 17, 2007, 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 were Kevin Nugent and Don Elwell (the "Petitioner"). Mr. Nugent said that 4 Great Plain Avenue is at the corner of Wellesley Avenue. He said that the proposed house will be one of the smaller homes and more in character with the existing homes in the neighborhood. Mr. Nugent said that the existing house was built in 1966.

The Board said that the proposal was for a house that is reasonable in scale and does not maximize allowed lot coverage.

There was no member of the public present who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Great Plain Avenue, on a 19,433 square foot corner lot in a district in which the minimum lot size is 30,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/13/07, stamped by John J. Caffrey, Registered Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/7/07, drawn by Lifestyle Home Design, and a photograph was submitted.

On May 1, 2007, 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 structure and construction of a two-story structure that will meet all Zoning requirements, on a 19,433 square foot lot in a district in which the minimum lot size is 30,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify an existing nonconformity, nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and construction of a two-story structure, 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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board