

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
ROBERT C. SECHREST

ZBA 2007-29
Petition of Nick & Heather MacShane
86 Abbott Road

Petition of Heather And Nick MacShane requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 6.7 foot by 33.5 foot two-story addition with less than required rear yard and side yard setbacks, in a 20,000 square foot Single Residence District, at 86 Abbott Road, 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 Bill Warren and Heather and Nick MacShane (the "Petitioner"). Mr. Warren said that the Petitioner is requesting approval to expand a portion of the second floor for a bedroom and bathroom and to create a mudroom downstairs.

Mr. Warren said that there is an existing gable and brick chimney. He said that the proposal is to bring the wall out to the existing chimney and to raise the chimney up.

The Board asked about drainage from the property to Abbott Road. Ms. MacShane said that they are aware of drainage problems and have spoken with the Wellesley Water and Sewer Department.

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

Statement of Facts

The subject property is located at 86 Abbott Road, in a 20,000 square foot Single Residence District, with a minimum side yard setback of 8 feet and a minimum rear yard setback of 16.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 6.7 foot by 33.5 foot two-story addition with less than required rear yard and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/10/07, stamped by David E. Grant, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/10/07, drawn by Warren Design Associates, and photographs were 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 although construction of a 6.7 foot by 33.5 foot two-story addition with less than required rear yard and side yard setbacks 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 construction of a 6.7 foot by 33.5 foot two-story addition, 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