

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-01
Petition of Harriet Pinney & Kevin Groppe
15 Benton Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2009 at 7:30 p.m. at the Police Station, 485 Washington Street, Wellesley, on the petition of HARRIET PINNEY & KEVIN GROPPE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing landing and stairs and construction of a 78 square foot deck and stairs with less than required left side yard setbacks, on a 7,393 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 15 BENTON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 23, 2008 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 Lisa Bailey, who said that she was representing Harriet Pinney (the "Petitioner").

Ms. Bailey said that the proposal is to take down the existing stair and construct a larger stair and small deck.

Ms. Bailey said the property is located with the 200 foot riverfront area. She submitted a copy of the Order of Conditions from the Wetlands Protection Committee to the Board.

Ms. Bailey said that the size of the bulkhead will be slightly larger than the one shown on the plot plan that was submitted to the Board. She submitted a revised plot plan and detail showing the larger bulkhead. She said that the larger bulkhead will not require a Special Permit.

Ms. Bailey said that the area at the stair will be re-graded. She said that the gas meter will probably be raised.

Ms. Bailey said that there will be enough room on the deck for one or two chairs and a very small table.

Ms. Bailey said that the intent is to have an unpaved pathway from the walkway at the front of the building over to the stairs.

Ms. Bailey said that the zone line shown on the plot plan demarcates the 200 foot riverfront boundary.

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

Statement of Facts

The subject property is located at 15 Benton Street, on a 7,393 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 13.5 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing landing and stairs and construction of a 78 square foot deck and stairs with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/15/08, revised 11/20/08 & 1/8/09, stamped by C.A. Budnick, Professional Land Surveyor, Proposed Floor Plans, dated 11/5/08, and Elevation Drawings, dated 9/15/08 & 11/5/08, and photographs were submitted.

On December 29, 2008, the Planning Department Staff reviewed the petition and had no objections 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 demolition of an existing landing and stairs and construction of a 78 square foot deck and stairs with less than required left 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 demolition of an existing landing and stairs and construction of a 78 square foot deck and stairs with less than required left side yard setbacks.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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.

David G. Sheffield, Acting Chairman

Robert W. Levy

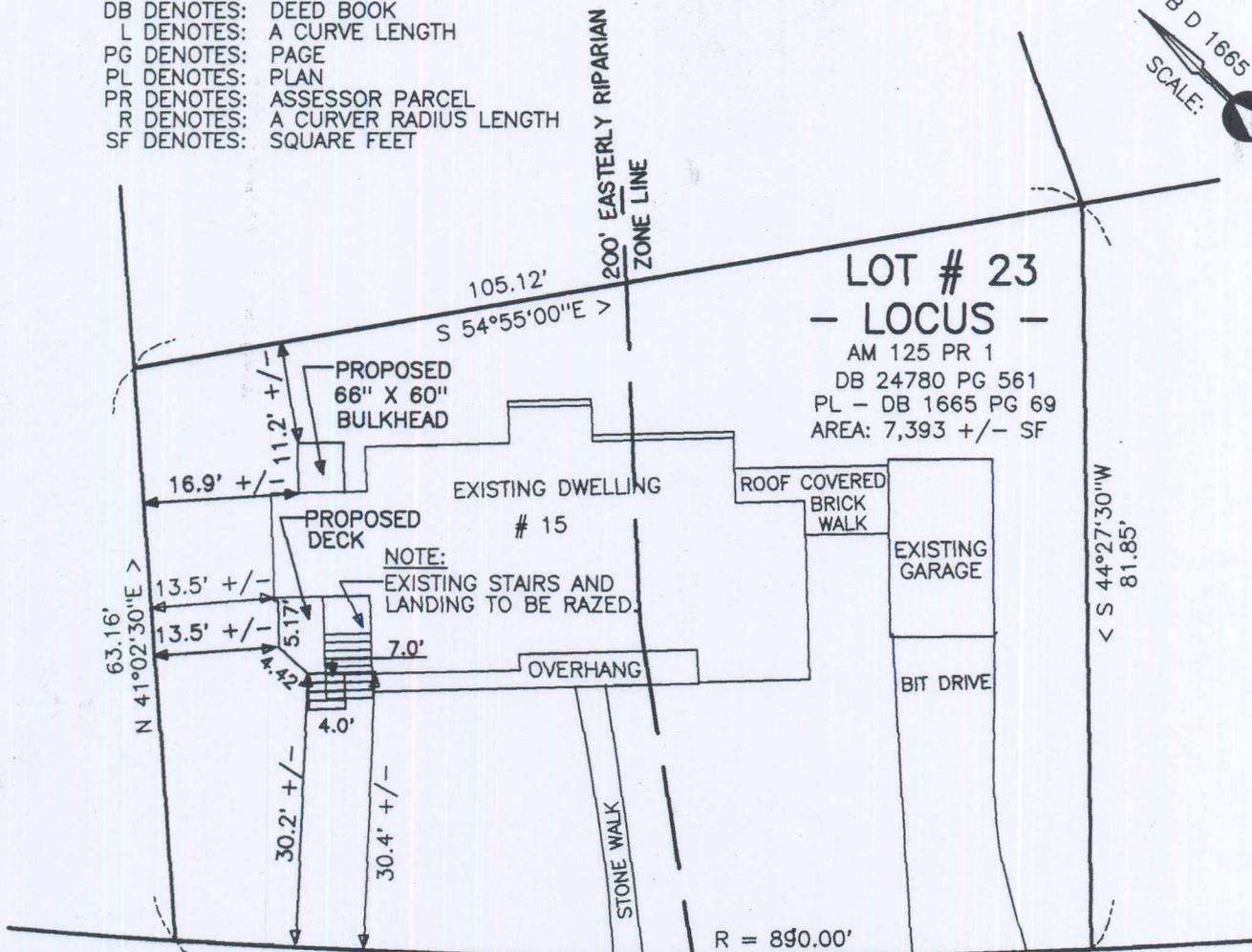
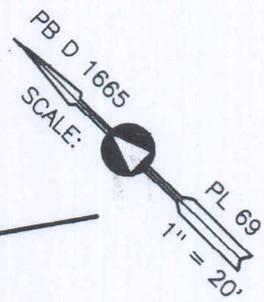
David L. Grissino

cc: Planning Board
Inspector of Buildings

lrn

- LEGEND -

AM DENOTES: ASSESSOR MAP
 BIT DENOTES: BITUMINOUS
 DB DENOTES: DEED BOOK
 L DENOTES: A CURVE LENGTH
 PG DENOTES: PAGE
 PL DENOTES: PLAN
 PR DENOTES: ASSESSOR PARCEL
 R DENOTES: A CURVER RADIUS LENGTH
 SF DENOTES: SQUARE FEET



LOT # 23
- LOCUS -
 AM 125 PR 1
 DB 24780 PG 561
 PL - DB 1665 PG 69
 AREA: 7,393 +/- SF

- NOTES -

- ZONING DISTRICT R-10
 FRONT YARD SETBACK 30' (PUBLIC 40' WIDE)
 REAR YARD SETBACK 10'
 SIDE YARD SETBACK 20'
 MAXIMUM LOT COVERAGE 25%
- FOR MORE DETAILS AND DIMENSIONS OF THE PROPOSED DECK SEE ARCHITECTURAL PLANS BY BAYLEAF STUDIO SCALE: 1/2" = 1.0'.

- LOT COVERAGE -

- EXISTING LOT COVERAGE :
 LOT COVERAGE 22% 1,620 +/- SF
 OPEN SPACE 78%
- PROPOSED LOT COVERAGE:
 LOT COVERAGE 23% 1,680 +/- SF
 OPEN SPACE 77%

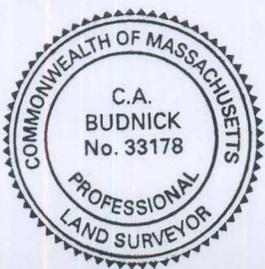
- CERTIFICATE -

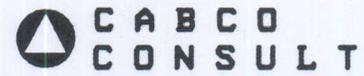
This is to certify that I am a duly licensed Land Surveyor, licensed in accordance with the laws of the Commonwealth of Massachusetts and that this report represents a survey made by me, or a survey which was conducted under my direction.

SEPTEMBER 15, 2008
 REV. NOVEMBER 20, 2008
 REV. JANUARY 8, 2009

C.A. Budnick

C. A. Budnick, PLS
 Mass. Reg. # 33178



PROPOSED BUILDING PLOT PLAN		
PROJECT: 15 BENTON STREET WELLESLEY, MA.		
PREPARED FOR: HARRIET PINNEY & KEVIN GROPE		
 CABCO CONSULT LAND AND ENVIRONMENTAL CONSULTING SERVICES P.O. BOX 14 CLINTON, MA 01510 TEL. 800-675-1591 FAX. 978-365-7419		
SCALE: 1" = 20'	DATE: 09/15/08	BY: JA
PDF#: 1070077230	FILE NO: NOR317.30	SHEET: 1 OF 1