

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-28
Petition of Marc & Jennifer Charney
4 Twitchell Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARC & JENNIFER CHARNEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 11.5 foot by 14 foot second story addition with less than required left side yard setbacks, and construction of a 12 foot by 17 foot second story addition, on a 9,750 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 4 TWITCHELL STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 2009 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 Marc Charney (the "Petitioner") and Tom Timko, Architect.

Mr. Timko said that the property is located in a 10,000 square foot district and the lot size is 9,750 square feet. He said that the structure is also nonconforming on the left side. He said that the addition will be within the footprint of the existing house. He said that the new portion of the work will be done well within the rear yard setbacks.

The Board confirmed that the proposal is also for an addition that complies with the rear and right side yard setbacks.

The Board said that the wall on the right side of the proposed structure will be extended straight out from the existing wall. The Board said that by not breaking the line at all, the sides of the structure will be massive. The Board said that although the addition at the right rear is within the setbacks, a six to ten inch recess off of the corners would help to break up the mass and allow for better rooflines.

Mr. Timko said that recessing the addition at the right rear would be feasible. He said that there are changes in shapes and massing at the back of the house.

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 4 Twitchell Street, on a 9,750 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 8.2 feet and a minimum front yard setback of 21.6 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 11.5 foot by 14 foot second story addition with less than required left side yard setbacks, and construction of a 12 foot by 17 foot second story addition, on a 9,750 square foot lot in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/6/09, stamped by Antoni Szerszunowicz, Professional Land Surveyor, and Existing Floor Plans and Elevation Drawings, dated 12/29/08 and Proposed Floor Plans and Elevation Drawings, dated 1/26/09, prepared by Copper Beech Design, 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 construction of a 11.5 foot by 14 foot second story addition with less than required left side yard setbacks, and construction of a 12 foot by 17 foot second story addition, on a 9,750 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 11.5 foot by 14 foot second story addition with less than required left side yard setbacks, and construction of a 12 foot by 17 foot second story addition, subject to the following condition:

1. The wall at the northeast corner of the proposed addition shall be recessed six inches from the location shown on the survey.

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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

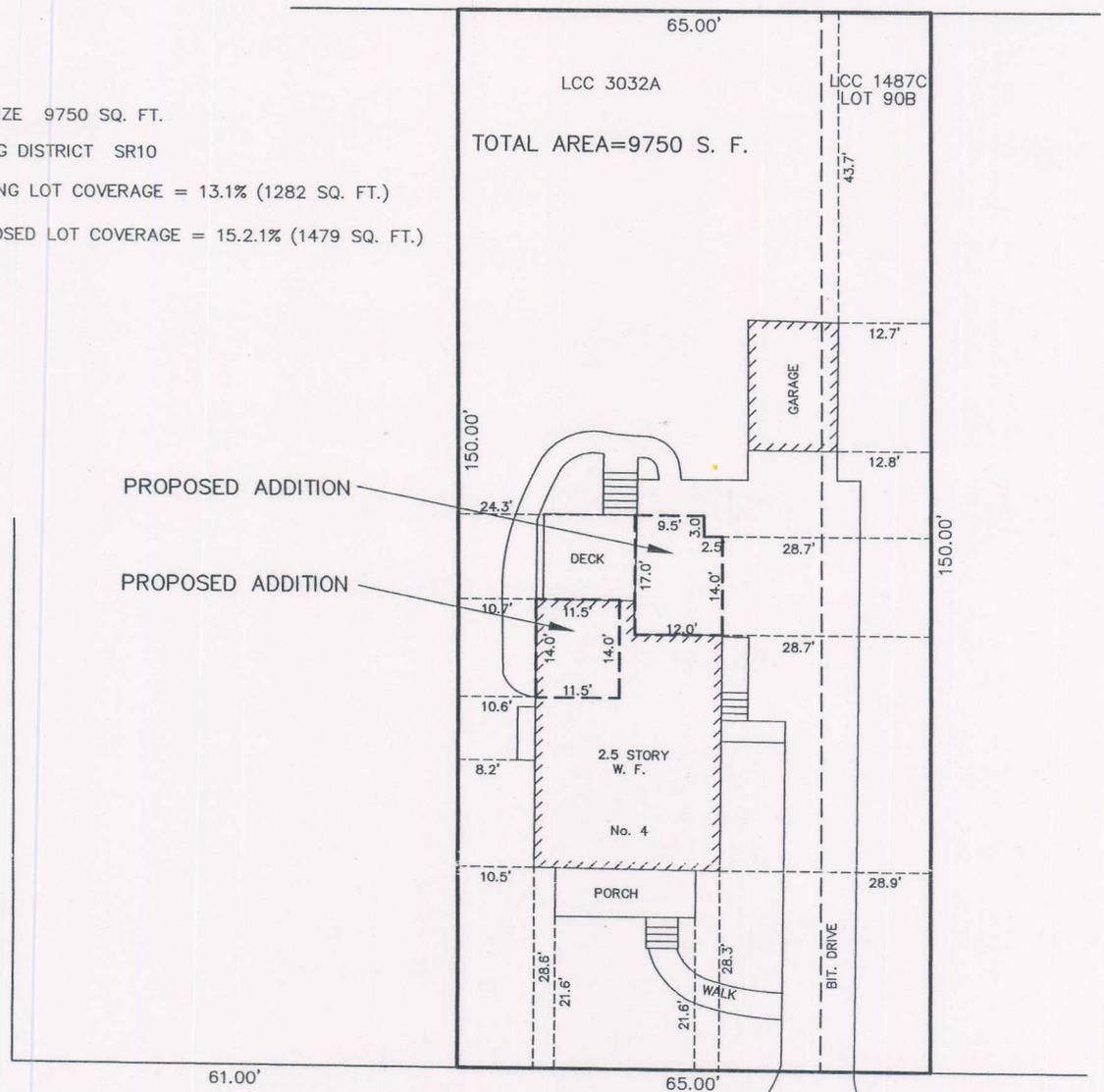
David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm



LOT SIZE 9750 SQ. FT.
 ZONING DISTRICT SR10
 EXISTING LOT COVERAGE = 13.1% (1282 SQ. FT.)
 PROPOSED LOT COVERAGE = 15.2.1% (1479 SQ. FT.)

WILSON STREET



PROPOSED ADDITION

PROPOSED ADDITION

TWITCHELL STREET

Antoni Szerszunowicz



PLOT PLAN
 4 TWITCHELL STREET
 WELLESLEY, MASS.

SCALE : 1" = 20' APRIL 6, 2009
 AGH ENGINEERING
 166 WATER STREET STOUGHTON, MA 02072
 PHONE: (781)344-2386

