

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-40

Petition of Joanna & Oliver Bandte
17 Stonecleve Road

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 JOANNA & OLIVER BANDTE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 10 foot by 25 foot two-story addition, on an 8,220 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 17 STONECLEVE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 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 was Aaron Socrat, Architect. Also present were Joanna and Oliver Bandte (the "Petitioner").

Mr. Socrat displayed photographs of the existing kitchen. He said that the kitchen is only seven feet wide. He said that the proposed addition will project 10 ten feet out from the existing house. He said that the addition will consist of a kitchen extension on the first floor and a bedroom on the second floor.

Mr. Socrat said that they tried to mimic elements of the existing house, such as the archway on the left, the building materials and the windows. He said that they tried to minimize the massing of the house.

Mr. Bandte said that they have to put a foundation under the addition.

The Board said that this is one of the larger houses in the neighborhood and it is located at the top of the hill. The Board said that the design is sensitive to the mass of the house and should fit comfortably in the neighborhood.

The Board said that this request is for the third Special Permit for this house. The Board said that a Special Permit was granted in 1957 and another one was granted in 1992. Ms. Bandte said that the later one was granted after the house was hit by lightning.

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 17 Stovecleve Road, on a 8,220 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a left side yard setback of 18.6 feet, and a minimum front yard setback of 7.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 10 foot by 25 foot two-story addition, on an 8,220 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 5/19/09, stamped by Todd Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/27/09, prepared by Architectural Services, and photographs were submitted.

On June 11, 2009 the Wetlands Protection Committee issued an Order of Conditions, DEP#324-620.

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 10 foot by 25 foot two-story addition, on an 8,220 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 10 foot by 25 foot two-story addition, on an 8,220 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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.

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

ZBA 2009-40
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17 Stonecleve Road

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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

LOT COVERAGE:

EXISTING = 20.8%
 PROPOSED = 23.8%

ZONING DISTRICT*:

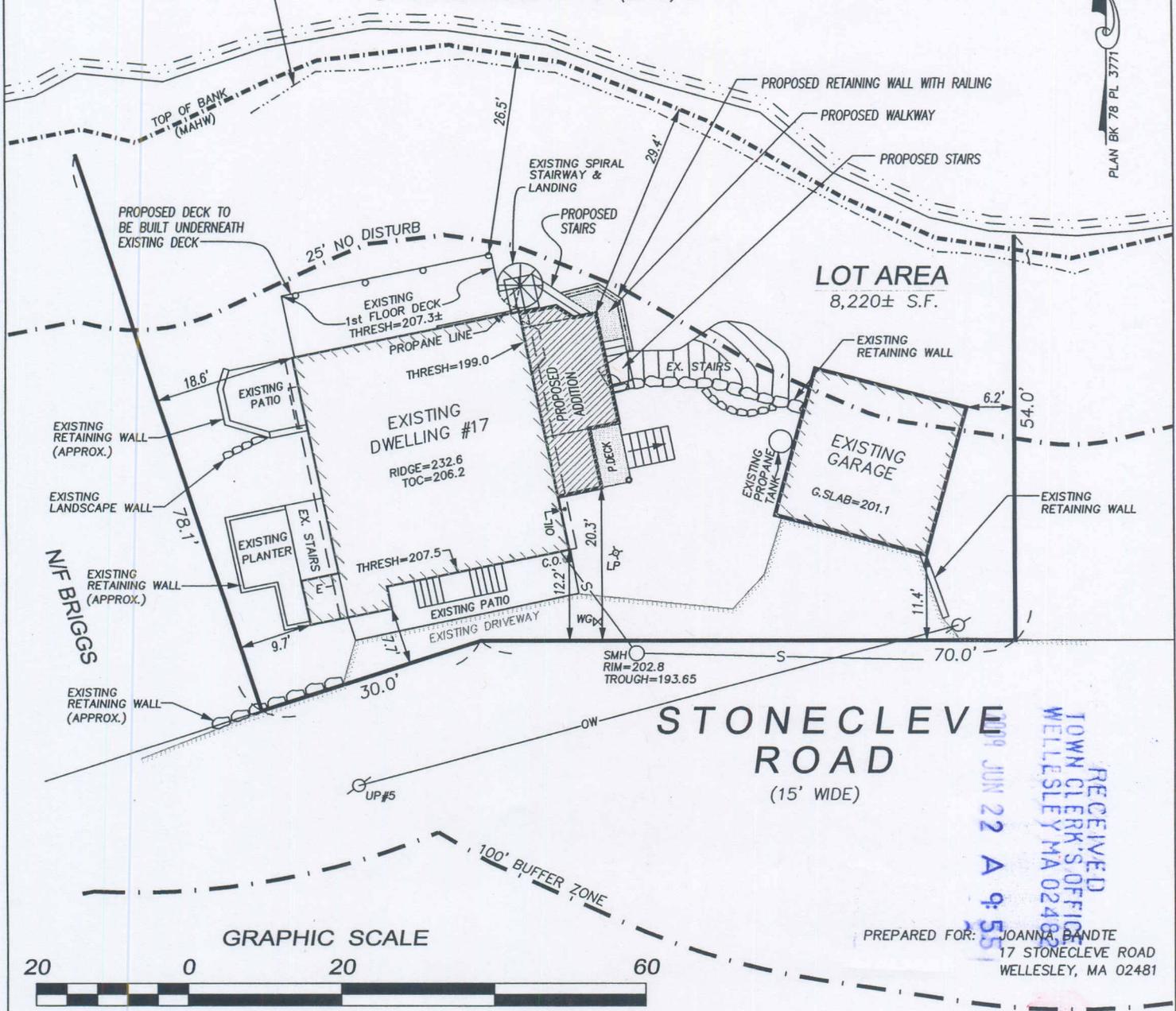
SINGLE RESIDENCE 10
 MIN. 10,000 SF, MIN. 60' FRONTAGE
 FRONT LOT LINE SETBACK = 30 FEET*
 STREET CENTER LINE SETBACK = 20 FEET
 LOT LINE SETBACK = 10 FEET
 MAX. LOT COVERAGE = 25%

*CURRENT SETBACK REQUIREMENTS.
 SEE ZONING BY-LAWS FOR ADDITIONAL INFORMATION
 AND RESTRICTIONS (ie. "500 FOOT RULE").

FIRM ELEV. = 125.0 N.G.V.D. (100 YR FLOOD PLAIN)
 = 130.5 WELLESLEY TOWN DATUM
 = 177.9 ASSUMED DATUM

MORSE'S POND

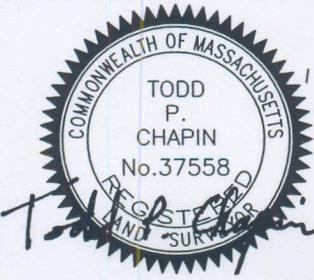
REAR LOT LINE
 "BY MORSE'S POND" 140.7' (DEED)



PLAN BK 78 PL 3771

STONECLEVE ROAD
 (15' WIDE)

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02481
 2009 JUN 22 A 9:55
 PREPARED FOR: JOANNA BANDTE
 17 STONECLEVE ROAD
 WELLESLEY, MA 02481



"BASED ON AN INSTRUMENT SURVEY,
 I CERTIFY THAT THE EXISTING BUILDINGS
 ARE LOCATED AS SHOWN HEREON."

Todd P. Chapin
 PROFESSIONAL LAND SURVEYOR
 5/19/09
 DATE

"SPECIAL PERMIT PLAN"
 LAND IN
WELLESLEY, MASS.

SCALE: 1" = 20' DATE: 19 MAY 2009
 PREPARED BY: THE JILLSON COMPANY, INC.
 P.O. BOX 2135
 FRAMINGHAM, MA 01703-2135
 (508) 485-0500
 www.JILLSONCOMPANY.com JOB #2061