

**ZONING BOARD OF APPEALS**

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

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2009-42

Petition of Jordan Chatterton & Jocelyn Pierce  
59 Russell Road

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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 JORDAN CHATTERTON & JOCELYN PIERCE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV that reconstruction of a 9.75 foot by 20.61 foot two-story addition with less than required right side yard setbacks, reconstruction of a 7.95 foot by 13.02 foot one-story addition with less than required right side yard and front yard setbacks, reconstruction of a 4.39 foot by 7.69 foot one story addition with less than required front yard setbacks, and construction of new foundations for said additions, on a 4,054 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 59 RUSSELL 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 were Jordan Chatterton and Jocelyn Pierce (the "Petitioner") and Bill Pierce.

Mr. Chatterton said that the plan is to renovate the house, as is. He said that there are three additions that are not in good condition, including the main foundation of the house. He said that they will be gutting the inside of the house.

Mr. Pierce said that there is a tree that they will have to remove to rebuild the foundation. He said that the other two minor additions on the left and the right do not have foundations. He said that those additions will be taken down, foundations put in and then rebuilt.

Mr. Pierce said that the height of the structure will change.

Mr. Pierce said that they match the existing exterior materials.

Mr. Chatterton said that the house was last occupied in 2008.

Joanne Bandte, 17 Stoneclove Road, said that 59 Russell Road backs up to their street, two houses down. She said that she has been concerned about the condition of the house at 59 Russell Road since they moved into their home four years ago. She said that she was appreciative of the fact that the house would be fixed up.

### Statement of Facts

The subject property is located at 59 Russell Road, on a 4,054 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 4.35 feet and a minimum front yard setback of 3.10 feet.

The Petitioner is requesting a Special Permit/Finding that reconstruction of a 9.75 foot by 20.61 foot two-story addition with less than required right side yard setbacks, reconstruction of a 7.95 foot by 13.02 foot one-story addition with less than required right side yard and front yard setbacks, reconstruction of a 4.39 foot by 7.69 foot one story addition with less than required front yard setbacks, and construction of new foundations for said additions, on a 4,054 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 4/20/09, stamped by Patrick McCormack, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/14/09, prepared by Joanna Reck, Architect, and photographs were submitted.

On June 9, 2009 the Wetlands Protection Committee issued a Negative Determination, with Conditions.

### 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 reconstruction of a 9.75 foot by 20.61 foot two-story addition with less than required right side yard setbacks, reconstruction of a 7.95 foot by 13.02 foot one-story addition with less than required right side yard and front yard setbacks, reconstruction of a 4.39 foot by 7.69 foot one story addition with less than required front yard setbacks, and construction of new foundations for said additions, on a 4,054 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for reconstruction of a 9.75 foot by 20.61 foot two-story addition with less than required right side yard setbacks, reconstruction of a 7.95 foot by 13.02 foot one-story addition with less than required right side yard and front yard setbacks, reconstruction of a 4.39 foot by 7.69 foot one story addition with less than required front yard setbacks, and construction of new foundations for said additions, 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.

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.

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Cynthia S. Hibbard, Acting Chairman

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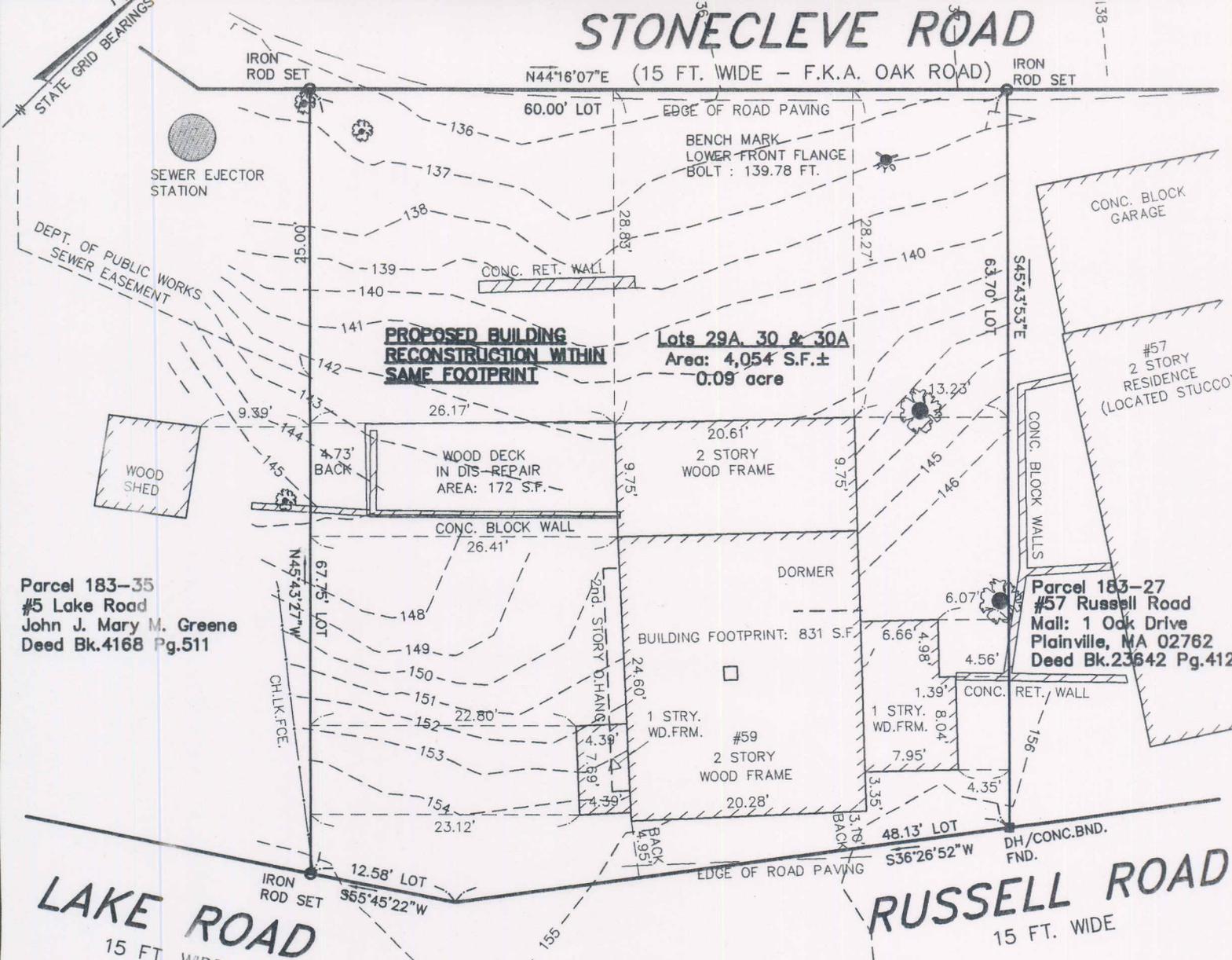
Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm

# STONECLEVE ROAD



Parcel 183-35  
#5 Lake Road  
John J. Mary M. Greene  
Deed Bk.4168 Pg.511

Parcel 183-27  
#57 Russell Road  
Mail: 1 Oak Drive  
Plainville, MA 02762  
Deed Bk.23642 Pg.412

**PROPOSED BUILDING  
RECONSTRUCTION WITHIN  
SAME FOOTPRINT**

**Lots 29A, 30 & 30A  
Area: 4,054 S.F.±  
0.09 acre**

**ASSESSORS**  
183-28

**TITLE REFERENCE**

c/o SANDRA P. LAWRENCE, EXEC. EST. OF RAYMOND PAQUETTE  
DEED BOOK 3577 PAGE 293.  
PLAN BOOK #78, PLAN NO.3771  
NORFOLK COUNTY REGISTRY OF DEEDS, DEDHAM, MA.

**TOWN ZONING**

SINGLE RESIDENCE - 10

**BUILDING ELEVATION**

ELEV. FRONT ROOF RIDGE: 174.55 FT. (HIGHEST ROOF)  
HEIGHT OF FRONT ROOF: 25.95 FT. ABOVE AVERAGE GROUND  
ELEV. OF REAR ROOF: 162.66 FT. (LOWEST ROOF)  
HEIGHT OF REAR ROOF: 14.06 FT. ABOVE AVERAGE GROUND (BEING MEAN OF 4 SPOT GRADES AT FRONT AND REAR BLDG. CORNERS)

**SITE ADDRESS**

#59 RUSSELL ROAD, WELLESLEY, MA 02482.

**NOTES**

- 1.) PROPERTY LINE LOCATION DETERMINED BY EVIDENCE OF LOT MARKERS AND STREET LINE LAYOUT.
- 2.) ELEVATIONS ON TOWN OF WELLESLEY DATUM.

**AREA NOTES**

LOT AREA: 4,054 S.F.  
BUILDING FOOTPRINT AREA: 831 S.F.  
LOT COVERAGE: 20.5 %  
(EXCLUSIVE OF DECKS, EXTERIOR STEPS, OR PARKING.)

**PLOT PLAN**  
**#59 RUSSELL ROAD**  
**WELLESLEY, MA**

SCALE 1" = 10'      APRIL 20, 2009

SURVEYED BY  
**NORDE-EAST SURVEY**  
105R DERBY STREET, SALEM, MA 01970.  
Tel.(978) 542 1920 Fax.(978) 542 1921

DRAWN BY: P.McCORMACK, PLS

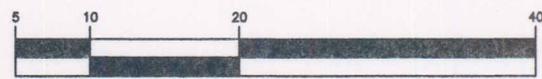
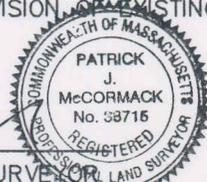
DRAWING #: 589CPP

THE BUILDING SHOWN HEREON IS A NON-CONFORMING PRE-EXISTING STRUCTURE FOR LOT DIMENSIONAL REQUIREMENTS UNDER THE TOWN OF WELLESLEY ZONING ORDINANCES IN EFFECT AT THIS TIME.

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

4/20/09  
DATE

*[Signature]*  
PROFESSIONAL LAND SURVEYOR



RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482