

**ZONING BOARD OF APPEALS**

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ZBA 2010-65
Petition of CMD LLC
73 Bristol Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 5, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of CMD LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 11.9 foot by 13.3 foot second story addition with less than required left side yard setbacks, in a 20,000 square foot Single Residence District, at 73 BRISTOL ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 2010, 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 Laurence Shind, Esq. and William Foley, CMD LLC, (the "Petitioner"). Mr. Shind said that the proposal is for a second floor master bedroom closet over an existing first floor study. He said that the proposed construction will maintain the one foot side yard nonconformity.

Mr. Shind said that the lot contains just over 19,000 square feet. He said that the existing house was built in 1950 and has approximately 3,850 square feet of living area. He said that lot coverage is just over nine percent.

Mr. Shind said that an 11 by 13 foot closet is proposed as part of a master bedroom remodel over an existing study. He said that the study is 19 feet from the side lot line.

Mr. Shind said that the new construction will be approximately 150 square feet. He said that combined existing and proposed living area will be approximately 4,000 square feet, which is below the Large House Review (LHR) threshold for the district.

Mr. Shind said that the closest neighbor on the left is separated from the property by large mature trees. He said that they are not aware of any objections from the neighbors.

Mr. Foley said that he thought that the study was original to 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 73 Bristol Road, on a 29,577 square foot lot, with a minimum left side yard setback of 19 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 11.9 foot by 13.3 foot second story addition 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 6/28/10, stamped by stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/6/10, prepared by Babbitt Design, and photographs were submitted.

On August 3, 2010, the Planning Board reviewed the petition and recommended that the request be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although construction of an 11.9 foot by 13.3 foot second story addition 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 for construction of an 11.9 foot by 13.3 foot second story addition with less than required left side yard setbacks, 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.

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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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm