

**ZONING BOARD OF APPEALS**

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

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ZBA 2010-91
Petition of Patrick Ahearn
20 Alden Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, December 2, 2010 on the petition of PATRICK AHEARN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 786 square foot one-story addition and deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, on a 13,666 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 20 ALDEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Property Owner: Mark R. & Susan C Hill

On November 15, 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 was Patrick Ahearn (the "Petitioner"), who said that he was the Architect representing the homeowner, Susan Hill. He said that also present was Michael Tartamella, Senior Associate.

Mr. Ahearn said that Alden Road was built out in the 1930's. He said that all of the lot sizes on the street range from 12, 000 to 17, 000 square feet. He said that the lot at 20 Alden Road is nonconforming. He said that it is a 13,666 square foot lot in a 20,000 square foot zone. He said that the front yard setback is nonconforming by .3 inch. He said that the house was built in the 1940's.

Mr. Ahearn said that the existing lot coverage is 12 percent and the proposed lot coverage will be 18 percent. He said that the Total Living Area plus Garage (TLAG) will be 3,767 square feet, which is below the 5,900 square foot threshold for Large House Review (LHR).

Mr. Ahearn said that they are proposing to construct a small portico at the front of the house that will meet Zoning requirements. He said that it will be 26 square feet with a 26.5 foot setback from the street.

Mr. Ahearn said that the proposed additions at the rear of the house will meet Zoning requirements. He said that work will entail construction of a small deck, enlargement of the kitchen, and construction of a 16 foot by 24 foot one-story family room.

Mr. Ahearn said that Susan Hill met with one of the neighbors who will be directly affected by the project, David Walsh. He said that Mr. Walsh had a concern about the trees that are between the two

properties. Mr. Tartamella submitted an aerial photograph that showed the Hill house and the large trees. He said that Ms. Hill and Mr. Walsh agreed that the Proponent will protect the existing trees during construction.

Mr. Ahearn said that an agreement letter between the Hills and the Walshs was submitted to the Board. He said that the Hills have agreed to install an underground pipe from their drywell and tie it directly to the storm drain system located in the backyard of Mr. Walsh's property. He said that the Hills have further agreed to be responsible for the maintenance of the connection. The Board asked if there will be a formal easement agreement. Mr. Ahearn said that there can be one that would run with the deed.

David Walsh, 9 Ordway Road acknowledged the agreement letter between himself and Susan Hill. He said that he supports the project as it is to protect the trees during construction and further out, and to have the easement coming from the drywell to the storm drain system in his backyard. He asked if the Board could stipulate that a formal easement agreement must be recorded in the Norfolk County Registry of Deeds (Registry). The Board questioned whether it was within its authority to require that the proviso be recorded. The Board said that it would strongly suggest that it be recorded.

Susan Hill, 20 Alden Road said that she would agree to record the proviso.

Statement of Facts

The subject property is located at 20 Alden Road, on a 13,666 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 29.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 26 square foot front portico and construction of a one-story addition and deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, on a 13,666 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/1/10, stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/10/10, prepared by Patrick Ahearn, Architect, and photographs were submitted.

On December 1, 2010, the Planning Board reviewed the petition and recommended that the Special Permit 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 construction of a 26 square foot front portico and construction of a one-story addition and deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, on a 13,666 square foot lot in a district in which the minimum lot size is 20,000 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 for construction of 26 square foot front portico and construction of a one-story addition that includes a 16 foot by 24 foot family room, a kitchen enlargement and a deck, subject to the proviso between Susan Hill, 20 Alden Road and David Walsh, 9 Ordway Road, that a mutually acceptable easement shall be provided to allow for stormwater drainage improvements and shall run with the land, and to the condition that:

- All efforts shall be made by the Proponent to protect the trees during construction.

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 G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

CERTIFIED PLOT PLAN



hs&t group, inc.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 75 HAMMOND STREET - 2ND FLOOR
 WORCESTER, MASSACHUSETTS 01610-1723
 PHONE: 508-757-4944 EMAIL: INFO@HSTGROUP.NET
 FAX: 508-752-8895 WWW.HSTGROUP.NET

PROJECT: 20 ALDEN RD
 WELLESLEY MA

OWNER: MARK & SUSAN HILL

DATE: 11-01-10

ZONE: R20

SCALE: 1"=30'

COMP'D: DJT

CAD: DJT

DEED: 19347-243

PLAN: 2131-354

MBL: 67-18

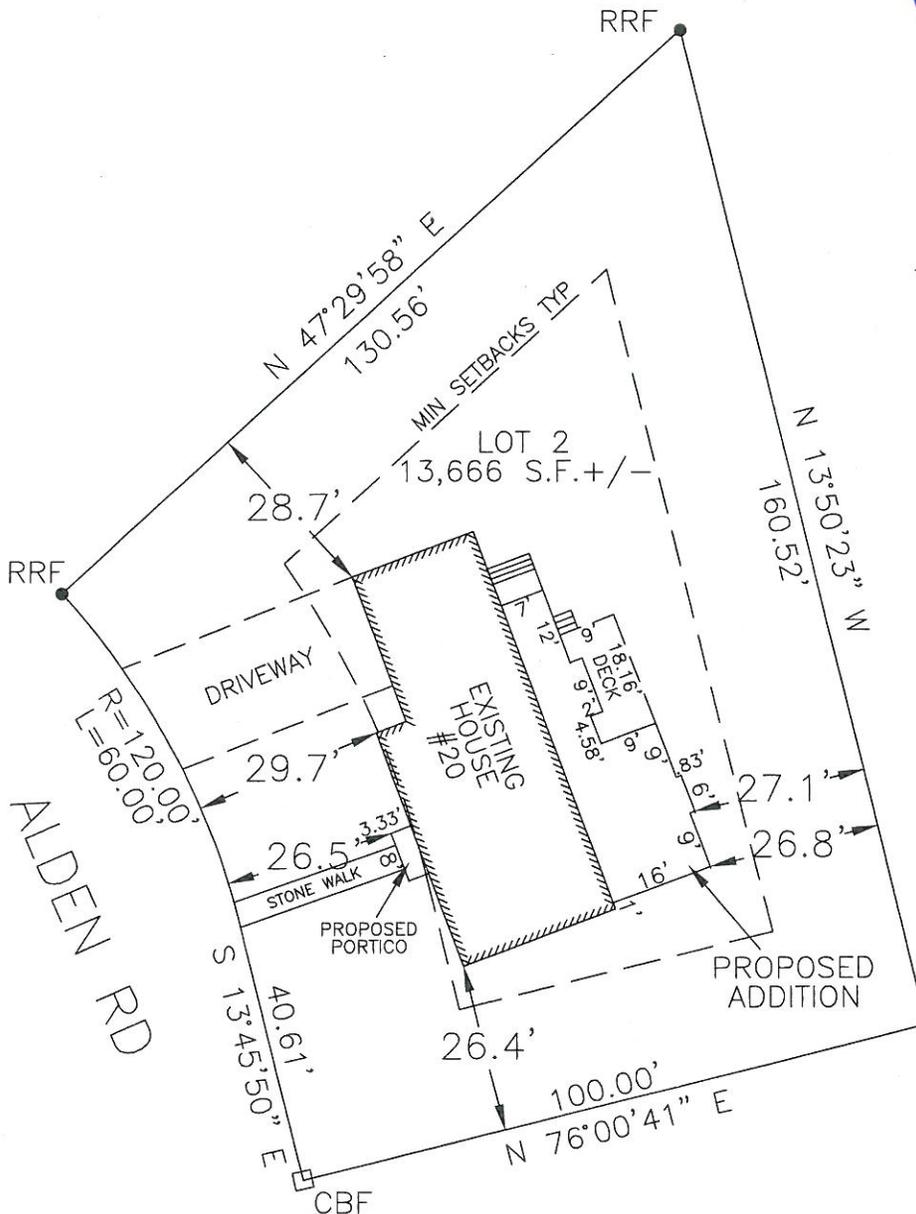
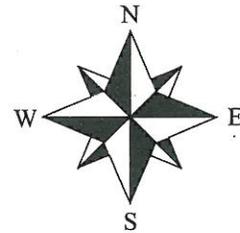
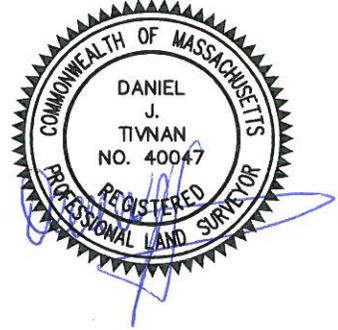
FLD. BK: 626-26

JOB #: 4698

FILE: ALDEN20PROP

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.

EXISTING LOT COVERAGE	1769 S.F.
	12%
PROPOSED LOT COVERAGE	2555 S.F.
	18%



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 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
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