



ZONING BOARD OF APPEALS

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

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ZBA 2013-12

Petition of Christopher & Lauren Guthrie
 40 Whittier Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CHRISTOPHER & LAUREN GUTHRIE requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet setback requirements on an existing nonconforming structure with less than required right side yard setbacks, on a 14,010 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, at 40 WHITTIER ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 19, 2013, 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 Chris Guthrie (the "Petitioner") and Ray Wiese.

Mr. Wiese said that the request is to build a conforming structure on a nonconforming undersized lot. He said that there is also an existing nonconforming garage.

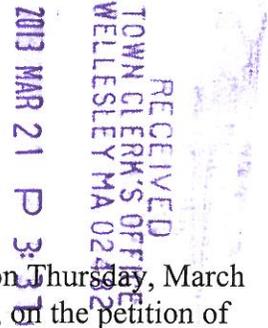
The Board said that the right side yard setback for the existing house is nonconforming and the shed on the left hand side is nonconforming. Mr. Wiese said that the shed will be removed. He said that the garage will stay as is.

The Board said that the property is located in a Water Supply Protection District. The Board asked about rainwater runoff. Mr. Wiese said that there are no catch basins. He said that the size of the addition is minimal. He said that there is an existing 600 square foot patio that is not shown on the plan. He said that will be removed and replaced with a patio that is one third the size.

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 40 Whittier Road, on a 14,010 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, with a minimum right side yard setback of 17.9 feet.



The Petitioner is requesting a Special Permit/Finding that construction of a two-story addition that will meet setback requirements on an existing nonconforming structure with less than required right side yard setbacks, on a 14,010 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/25/13, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 12/27/12, revised 1/07/13 & 1/18/13, prepared by The Wiese Company, 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 opinion of this Authority that construction of a two-story addition that will meet setback requirements on an existing nonconforming structure with less than required right side yard setbacks, on a 14,010 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 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 construction of a two-story addition that will meet setback requirements on an existing nonconforming structure with less than required right side yard setbacks, on a 14,010 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, subject to the condition:

- The existing shed shall be removed.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions 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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WELLESLEY MA 02482
2013 MAR 21 P 3:37

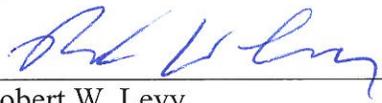
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Petition of Christopher & Lauren Guthrie
40 Whittier Road

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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

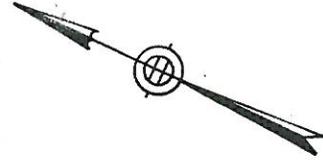


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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ZONE: SRD-15

STRUCTURES

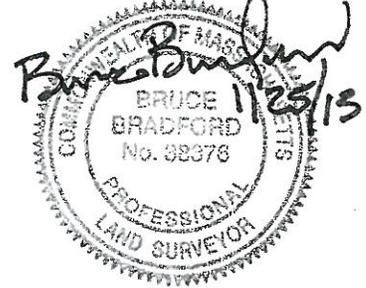
EXISTING: 1,651 S.F.
PROPOSED: 1,787 S.F.

LOT COVERAGE

EXISTING: 11.8%
PROPOSED: 12.8%

DEED REFERENCE:
BOOK 29238 PAGE 271

PLAN REFERENCE:
END OF BOOK 1711
PLAN 795 OF 1926



ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
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**PLAN OF LAND IN
WELLESLEY, MA**

40 WHITTIER ROAD
PROPOSED ADDITION

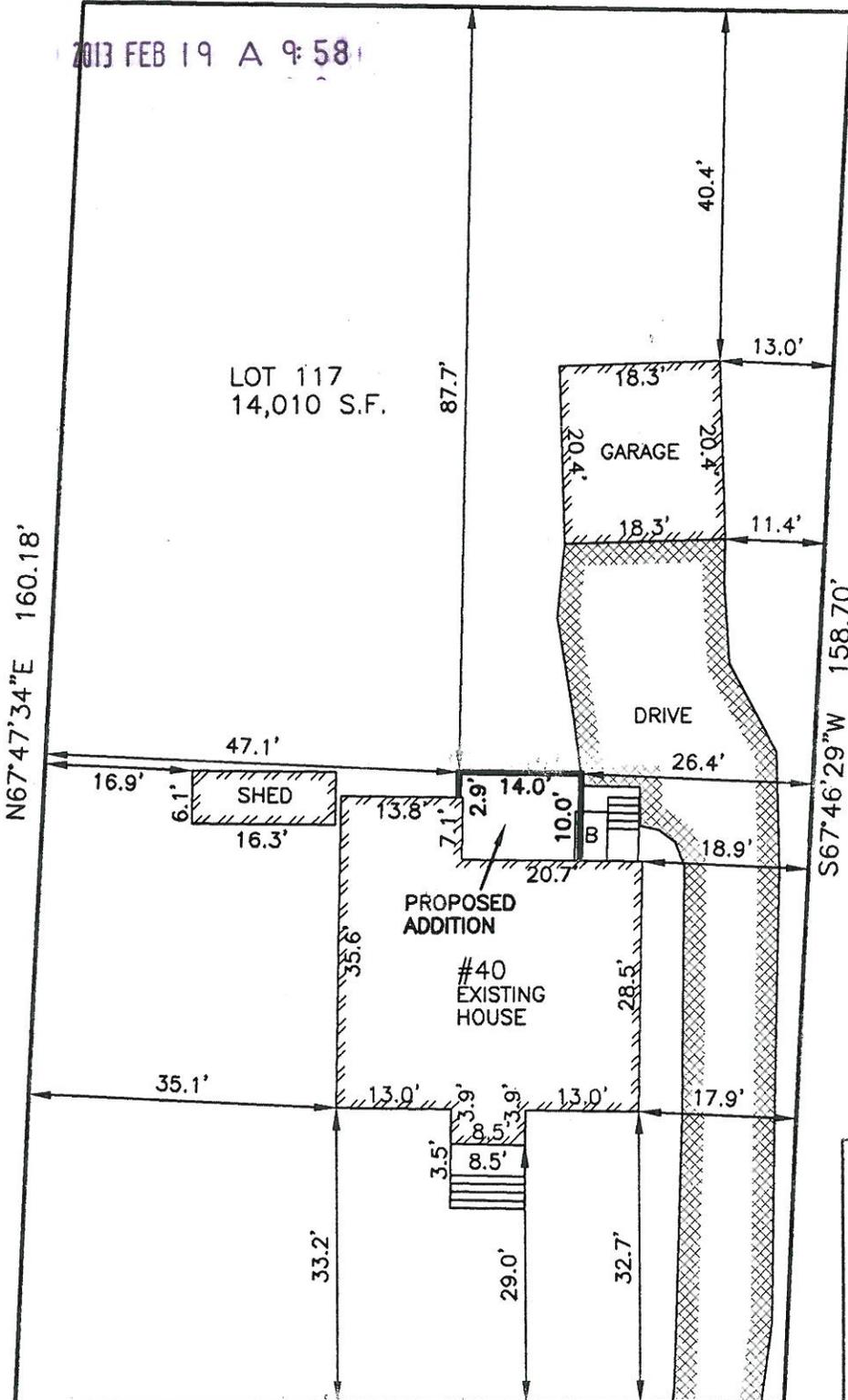
SCALE: 1 IN. = 20 FT.

DATE: JANUARY 25, 2013

DRAWN: JF

CHECK: BB

PROJECT NO. 24107



WHITTIER ROAD