



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-91
Petition of Renee Bennett O'Sullivan, M.D.
14 Denton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 20, 1990 at 8:15 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of RENEE BENNETT O'SULLIVAN, M.D. requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the expansion of and structural change to her attached garage at 14 DENTON ROAD, in a Single Residence District, to accommodate the expansion of the pre-existing nonconforming use of said garage as a medical office, shall not be more detrimental to the neighborhood than the existing structure and use. The use of the garage as medical office space predates the change enacted in 1978 in Section II of the Zoning Bylaw regarding home occupations.

On December 4, 1990, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Dr. O'Sullivan, who said she would like to add a full second story above the garage to use as a consulting room to regain use of her dining room, which has been used for this purpose, and for additional storage space for medical records. Due to the present pitch of the garage roof, only the center portion can be used at this time.

Dr. O'Sullivan said that her practice will not expand; the present space will be relocated to the garage. No plumbing will be installed in the garage so that it could never be used as a separate apartment. Only a small portion of the garage has been used for automobile storage; the rest has always been used as office space.

Caroline Marsh, 16 Denton Road, expressed opposition to the request. She was concerned about the increase in the mass of the house, and traffic and on-street parking problems due to the medical practice.

Edward Proctor, 18 Summer Road, general counsel for the Wellesley Green Condominiums, spoke in opposition to the request on behalf of 15 Wellesley Green residents. Mr. Proctor said that the garage addition would create a substantial increase to the existing intensive use of the premises.

Dr. O'Sullivan presented a copy of an agreement between herself and Spaulding & Slye, Wellesley Green contractors, regarding landscaping, and stated that had the provisions regarding landscaping been carried out, her property would not be visible from Wellesley Green.

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Dr. O'Sullivan said that her office hours are from 3 p.m. to 8 p.m. with patients scheduled on an hourly basis. As a plastic surgeon, she has admitting privileges at three local hospitals. She currently employs two full-time secretaries who park in her driveway. Patients park on Denton Road.

Kimberly O'Sullivan, 14 Denton Road, said that the height of the addition would be in keeping with the neighborhood, which has many three story homes, and would be less than the height of the house, which is approximately that of the Marsh home.

John Marsh, 16 Denton Road, expressed concern with the substantial raise in the garage looming over his abutting back yard.

Nathaniel Kettendorf, 605 Washington Street, expressed support for the petition.

Rebecca O'Sullivan, 14 Denton Road, explained that the increase in space would be to reallocate existing space, and not to expand the use of the space.

Statement of Facts

The subject dwelling is located at 14 Denton Road, in a Single Residence District, on a 14,760 square foot lot. The garage in question is a two-story structure approximately 22.4 feet by 22.4 feet, most of which has been used for the conduct of a medical office practice and record storage since before 1978. The use of said garage is a pre-existing nonconforming use pre-dating Section II 8 (h) of the Zoning Bylaw regarding home occupations which was enacted in 1978.

The petitioner is requesting a Finding that the expansion of said garage to accommodate an expansion of said pre-existing nonconforming use would not be more detrimental to the neighborhood than the existing use and structure. The expansion would consist of raising the garage roof approximately 8 feet to accommodate a second story addition approximately 22.4 feet by 22.4 feet for medical office and record storage space.

A Plot Plan dated April 1, 1968, drawn by Gleason Engineering Company, Registered Surveyors; a Plot Plan dated November 22, 1985, drawn by Louis F. Bruno, Registered Land Surveyor; Construction drawings and elevations, drawn by F.A. Dalpe, general contractor; and photographs were submitted.

The Planning Board, on December 17, 1990, voted to recommend that the petition be denied.

Decision

This Authority has made a careful study of the evidence presented. A Finding is required pursuant to the provisions of Section XVII of the Zoning Bylaw, as the proposed expansion of the subject garage would result in an expansion of a pre-existing nonconforming use.

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It is the opinion of this Authority that the expansion of said garage by raising the the garage roof to accommodate a second story for use as medical office and record storage space would be more detrimental to the neighborhood than the existing use and structure, as the addition would intensify the mass of the existing structure and could intensify the pre-existing nonconforming use.

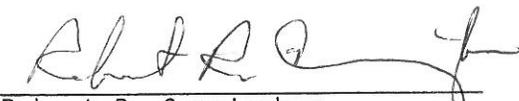
Therefore, it is the unanimous decision of this Authority that this petition be denied and this case is dismissed.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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