



Nov 3 8 26 AM '95

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

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ZBA 95-72

Petition of David S. McCahon
17 Squirrel Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 26, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID S. MCCAHERON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story entry infill addition approximately 11 feet by 8 feet and an attached two-car garage approximately 23 feet by 22 feet with part storage space under, at his nonconforming dwelling with less than the required front setback at 15 SQUIRREL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said entry and garage will also have less than the required front setback.

On October 10, 1995, 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 George Roman, project architect. Mr. McCahon, the property owner and petitioner, was also present. Using reductions of the submitted plans, Mr. Roman outlined the project. He stated that the house is 17 feet 8 inches from the front property line. The proposed 8 foot by 11 foot entry attached to a 22 foot by 23 foot garage will be set back 18 feet from the front property line. The back of the property drops off severely.

Mr. Roman said that the house is peculiar in that it does not have a front entrance. The entrance is on the side via a porch. He illustrated the severity of the rear drop, which is at least 10 to 12 feet, by means of sections of the proposed construction, which also showed the storage space to be constructed beneath the garage.

The Board asked if the two huge trees in the back yard would have to be removed. Mr. Roman said that they are planning to save the trees, but the root systems might be at risk.

Paul Laviolette, 73 Woodlawn Avenue, stated that he was in favor of the petition, but wished to raise a point for the Board to consider. The subject house has an existing nonconformity, being very close to the road. The garage addition would not encroach further, but would add to the structure. He is concerned that the resultant large structure, only 18 feet from the road, would create an encroachment if a large structure was also built across the road.

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Mr. Laviolette said that he has no objection to the request as a stand-alone addition, but he is concerned that the reason for building a new attached garage is to eliminate the garage at 14 Squirrel Road in order to build a new structure, which would require variances. If that occurs, he would be in opposition. If a new home were to be built across the street, the Board might consider the present petition in a different light.

The Board stated that the petition must be decided on its own merits, and not in the light of any future construction across the street. If and when such a petition is submitted, Mr. Laviolette could then present his objections in regard to the new structure in apposition to the garage addition.

The Board expressed concern that the 18 foot setback in front of the garage will not be sufficient to park a car without encroaching onto Squirrel Road. Mr. Roman responded that there is not a lot of flexibility in siting the addition due to the degree of slope and the attachment of the entry and garage to the existing house.

Stan Smith, 8 Squirrel Road, said that although he is in favor of the petition, he is also concerned about the construction of a new nonconforming structure across the street, using 15 Squirrel Road as a precedent to allow encroachment on the 30 foot front setback.

Statement of Facts

The subject property is located at 15 Squirrel Road, in a Single Residence District, on a 9,308 square foot lot, and has a minimum front setback of 17.67 feet.

In May, 1991, the petitioner appeared before the Board requesting a variance to construct a 12 foot by 17 foot infill mudroom and an attached garage approximately 24.5 feet by 24.5 feet. The Board granted the variance on the condition that the mudroom be no larger than 12 feet square, and the garage no larger than 24.5 feet square coming no closer than 18 feet from the front property line. A new plot plan showing the revised dimensions of the mudroom was required. The petitioner did not exercise the rights granted by the variance, which lapsed on June 11, 1992.

The petitioner is now requesting a Special Permit/Finding to construct an 8 foot by 11 foot infill entry, which will have a minimum front setback of 18.72 feet, and an attached two-car garage approximately 23 feet by 22 feet, which will have a minimum front setback of 18.3 feet.

A Plot Plan dated October 3, 1995, drawn by Ernest H. Fagerstrom, Registered Land Surveyor; Existing Conditions/Site Plan/First Floor Plan/West Elevation (1), Existing Conditions/South & East Elevations (2), Proposed Addition/Ground & First Floor Plans ZBA

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(A1), Proposed Addition/Site Plan & Front Elevation (A2), and Proposed Addition/Sections/South & East Elevations (A3), all dated October 2, 1995 and drawn by George Roman; and photographs were submitted.

On October 24, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

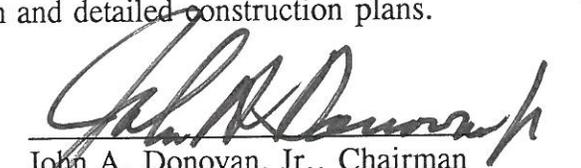
It is the unanimous finding of this Authority that the proposed entry and attached two-car garage will not create additional nonconformity, as the front setback of both the entry and garage are less than that of the existing dwelling, but will intensify the existing nonconformity as an additional 30 feet of frontage will be rendered nonconforming.

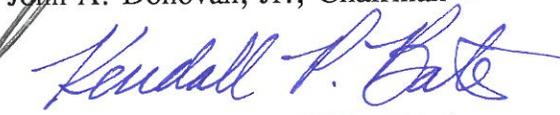
It is the opinion of this Authority that the site presents a severe topographical problem in that the land behind the house drops off steeply. It is the further opinion of this Authority that the present dimensions of the requested entry and garage have been reduced from those that were allowed in 1991, thereby reducing the bulk of the structure.

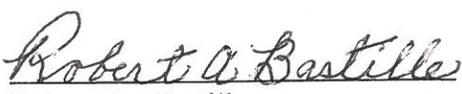
It is the unanimous finding of this Authority that the proposed entry and garage will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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.


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert A. Bastille

cc: Planning Board
edg Inspector of Buildings

SQUIRREL

ROAD

SB/dh

SB/(NO dh)

SB/dh

46.35

SB/dh

R = 278.49

SB/dh

73.30

25.48

23.17

17.67

18.5

18.4

81.06

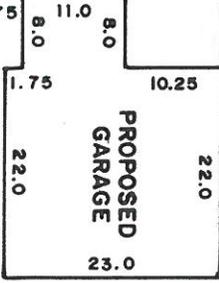
40.2

69.88

MH

MH

9,308 ± S.F.



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WELLESLEY, MA 02181

Oct 10 9 11 AM '95



PROPOSED ADDITION

WELLESLEY, MA.

SCALE: 1" = 20' . OCT. 3, 1995

ERNEST H. FAGERSTROM
REGISTERED LAND SURVEYOR
138 NORWELL AVENUE
NORWELL, MA. 02061